
DRAFT STATUTORY INSTRUMENTS

2013 No.

The Local Elections (Northern Ireland) Order 2013

Temporary modifications to facilitate transition from the existing councils to the new councils

Temporary modifications relating to the continuation of existing councils

- 4.—(1) Existing councillors shall retire together on 1st April 2015.
- (2) In relation to an existing council and existing councillors, the 1962 Act applies with the following modifications.
- (3) In section 11 (election and term of office of members of district councils)—
- (a) subsection (2)(c) does not apply;
 - (b) subsection (3) applies as if—
 - (i) for the words “in any district council area” there were substituted “to a district council for a local government district established in pursuance of section 1 of the Local Government (Boundaries) Act (Northern Ireland) 2008”, and
 - (ii) for the words “the provisions of subsection (2) relating to the retirement of members” there were substituted “article 4(1) of the Local Elections (Northern Ireland) Order 2013”; and
 - (c) subsection (4) applies as if for the words “in any local election year” to the end there were substituted—

“on or after 1st January 2015, be deemed to have been caused by the expiry of the normal term of office, and in any other case shall be filled in accordance with subsection (4A).”.
- (4) Section 11K applies as if—
- (a) in subsection (1)(b), for “the first day” to the end there were substituted “1st January 2015”;
 - (b) in subsection (2), for “the day on which” to the end there were substituted “1st January 2015”; and
 - (c) in subsection (3), the words “and accordingly” to the end were omitted.
- (5) Section 28(7) (preparation and publication of registers)(1) applies as if for the words “the election day” to the end there were substituted “1st April 2015”.

Temporary modifications relating to the first election of new councils

- 5.—(1) The following modifications apply for the purposes of elections to a new council under section 11(2)(a) of the 1962 Act in the local election year 2014.
- (2) Section 23 of the 1962 Act (remuneration and expenses of Chief Electoral Officer and other persons at local election)(2) applies as if in subsection (4), for the words “local authority by which such expenses are to be paid” there were substituted “the statutory transition committee, established

(1) Subsections (1) to (6) of section 28 were repealed by the Elected Authorities (Northern Ireland) Act 1989 (c. 3) and subsection (7) was amended by the Electoral Law Act (Northern Ireland) 1971 (c. 4) and by Schedule 2 of S.I. 1972/1264 (N.I. 13).

(2) Section 23 was amended by S.I. 1972/1264 (N.I. 13); S.I. 1972/1998 (N.I. 21); and S.I. 1985/454.

under the Local Government (Statutory Transition Committees) Regulations (Northern Ireland) 2013(3), in relation to the local authority concerned”.

(3) Article 9 of the Electoral Law (Northern Ireland) Order 1972(4) applies as if for paragraph (2) there were substituted—

“(2) The deputy returning officer for an election to a district council—

- (a) is to be a person appointed for that purpose by the statutory transition committee for that council established under the Local Government (Statutory Transition Committees) Regulations (Northern Ireland) 2013; and
- (b) must perform, on behalf of the Chief Electoral Officer, such functions in relation to those elections as shall be delegated to him by the Chief Electoral Officer.

(2A) The appointment mentioned in paragraph (2)(a) must be made in consultation with the Electoral Commission.”.

Temporary modifications relating to the designation of polling stations

6.—(1) The Electoral Law (Polling Station Scheme) (Northern Ireland) Regulations 2010(5) apply to the publication of a draft scheme under section 65(1A) of the 1962 Act in 2014 with the following modifications.

(2) In regulation 5 (publication of draft scheme), paragraph (1) applies as if for the words “on or before 1st December in a draft scheme year” there were substituted “as soon as practicable after 1st February 2014”.

(3) In regulation 7 (objections or proposals), paragraph (2) applies as if for the words “at least twelve weeks” there were substituted “a reasonable period in all the circumstances”.

Temporary modifications relating to the appointment of the Drainage Council

7. Paragraph 3(1) of Schedule 1 to the Drainage (Northern Ireland) Order 1973(6) applies to the appointment of members of the Drainage Council in 2015 as if for the words “the date on which a local general election is held in that year under section 11(2) of the Electoral Law Act (Northern Ireland) 1962” there were substituted “1st April 2015”.

Temporary modifications relating to casual vacancies in new councils and existing councils

8.—(1) The following provisions apply during the period beginning on the fourth day after the election day (within the meaning of section 11(1A) of the 1962 Act) in 2014 and ending on 31st March 2015.

(2) Where a casual vacancy (within the meaning of section 11(4) of the 1962 Act) arises in an existing council, any reference in the 1962 Act to a district council or a local authority must be taken for the purpose of filling that vacancy as referring to the existing council.

(3) Where a casual vacancy (within the meaning of section 11(4) of the 1962 Act) arises in a new council, any reference in the 1962 Act to a district council or a local authority must be taken for the purpose of filling that vacancy as referring to the new council.

(3) S.R. 2013/179.

(4) S.I. 1972/1264 (N.I. 13); article 9 was amended by S.I. 1972/1998 (N.I. 21) and S.I. 1973/2163. Article 9(3) no longer has any application.

(5) S.I. 2010/1532.

(6) S.I. 1973/69 (N.I. 1); Schedule 1 was amended by S.I. 2009/225 and functions were transferred to the Department of the Environment by S.I. 1982/338 (N.I. 6).