
EXPLANATORY NOTE

(This note is not part of the Order)

As a result of legislation enacted by the Northern Ireland Assembly, Northern Ireland will be divided into 11 local government districts rather than the existing 26 local government districts. To ensure a smooth transition to the local government districts, Northern Ireland legislation provides for the creation of statutory transition committees and for the new councils to operate in parallel with the existing councils for a transitional period. To facilitate this, elections to the new councils need to be brought forward by one year.

This Order makes amendments to electoral law in Northern Ireland which are consequential on the following Northern Ireland legislation on local government reform: the Local Government (Boundaries) Act (Northern Ireland) 2008 (c. 7); the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 (c. 7); the Local Government (Boundaries) Order (Northern Ireland) 2012 (S.R. 2012/421); the Local Government (Statutory Transition Committees) Regulations (Northern Ireland) 2013 (S.R. 2013/179) and the Local Government (Boundaries) (2008 Act) (Commencement, Transitional Provision and Savings) Order (Northern Ireland) 2013 (S.R. 2013/238). The latter legislation provides for the commencement of the new local government districts on 3rd October 2013 for the purpose of elections to the new councils, which means that any reference to a district council for the purpose of an election in 2014 will be a reference to a new council. It also provides for the division of powers and functions between the existing district councils and the new district councils during the transitional period.

Article 3(2) and 3(3) of this Order provides for the date of the first elections to the new district councils and amends the definition of “election day”.

Article 3(4) allows persons who are in the polling station or in a queue outside the polling station at the close of the poll to apply for a ballot paper.

Article 4 provides that the existing councillors will retire on 1st April 2015, that vacancies in those councils will be filled until 1st January 2015 and that the register in force on the day that a councillor was elected will, for the purpose of establishing whether that councillor is qualified to continue, remain in force until the existing councillors retire.

Article 5 makes modifications which apply only in respect of the first election to new district councils in 2014. For the purpose of those elections: any advance on election expenses will be paid by the statutory transition committee for the relevant new council, and the final election expenses will be paid by the elected new council; the deputy returning officer will be a person appointed for that purpose by the statutory transition committee for that new council.

Article 6 modifies the Electoral Law (Polling Station Scheme) (Northern Ireland) Regulations 2010 to require the Chief Electoral Officer for Northern Ireland to publish a draft polling station scheme as soon as practicable after 1st February 2014. It also shortens the consultation period for that draft scheme in light of the short time before the first election to the new councils on 22nd May 2014.

Article 7 makes amendments to the process for the appointment of the Drainage Council under the Drainage (Northern Ireland) Order 1973. Usually, appointment is made as soon as practicable after a local election takes place in the relevant appointment year. As no local election will take place in 2015 the appointment should instead take place as soon as practicable after the new councillors take up their full powers, and the existing councillors retire, on 1st April 2015. During the transitional period, eligibility to serve as a member of the Drainage Council as a representative of a district council will continue to relate to membership of an existing council (see article 5, S.R. 2013/238).

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, *The Local Elections (Northern Ireland) Order 2013* ISBN 978-0-11-110548-1

Article 8 provides for the provisions of the 1962 Act to apply to the filling of casual vacancies within both existing councils and new councils during the transitional period.

Article 9 makes consequential amendments in relation to polling districts and polling places in parliamentary elections. Until now, the polling districts and places for parliamentary elections tracked those for local elections. This can no longer continue because local government boundaries will be different to parliamentary boundaries. The amendments provide that the parliamentary polling districts will be designated by the Secretary of State and kept under review. The parliamentary polling places in those districts will be designated by the Chief Electoral Officer for Northern Ireland and that officer will be required to review those polling places in 2014 and every five years thereafter. Where certain persons or bodies make representations to the Electoral Commission about a review of polling places, it will have a power to direct that the polling places be altered or to make the alteration itself.

Article 10 and the Schedule make amendments to allow local elections to be held together with European Parliamentary elections in 2014.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.