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**STATUTORY INSTRUMENTS**

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**1984 No. 360****NORTHERN IRELAND****The District Electoral Areas Commissioner  
(Northern Ireland) Order 1984***Laid before Parliament in draft**Made* - - - 14th March 1984*Coming into Operation* 28th March 1984

At the Court at Buckingham Palace, the 14th day of March 1984

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty in exercise of the powers conferred by section 38(1)(a) of the Northern Ireland Constitution Act 1973(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the District Electoral Areas Commissioner (Northern Ireland) Order 1984 and shall come into operation on the fourteenth day after the day on which it is made.

(2) This Order extends to Northern Ireland only.

(3) In this Order "Commissioner" means a District Electoral Areas Commissioner appointed under Article 2 or 3 below.

2.—(1) As soon as practicable after an order has been made under subsection (6) of section 50 of the Local Government Act (Northern Ireland) 1972(b) giving effect (whether with or without modifications) to recommendations made following a review conducted under subsection (1) of that section, the Secretary of State shall appoint a Commissioner who shall carry out the function conferred on him by this Article.

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(a) 1973 c.36; section 38 was amended by paragraph 6 of Schedule 2 to the Northern Ireland Act 1982 (c.38).

(b) 1972 c.9 (N.I.); section 50(6) was amended by section 40(1) of, and paragraph 3(1) of Schedule 5 to, the Northern Ireland Constitution Act 1973.

(2) The Commissioner shall, as soon as practicable, submit to the Secretary of State a report setting out, in respect of each local government district in Northern Ireland, his recommendations for the grouping together of the wards, as constituted by the order referred to in paragraph (1) above, into electoral areas for the purpose of local government elections in each of those districts.

3.—(1) As soon as practicable after an order has been made under subsection (6) of section 50 of the Local Government Act (Northern Ireland) 1972 giving effect (whether with or without modifications) to recommendations altering the wards of any district which are made following the consideration of proposals under subsection (2) of that section, the Secretary of State shall appoint a Commissioner who shall carry out the function conferred on him by this Article.

(2) The Commissioner shall, as soon as practicable, submit to the Secretary of State a report setting out, in respect of each local government district whose wards are affected by the order referred to in paragraph (1) above, his recommendations for the grouping together of the wards, as constituted by that order, into electoral areas for the purpose of local government elections in each such district.

4.—(1) Schedule 1 to this Order shall have effect with respect to a Commissioner, his Assistant Commissioners, his staff and connected matters.

(2) In carrying out the function conferred on him by this Order, a Commissioner shall proceed in accordance with Schedule 2 to this Order.

(3) The recommendations of a Commissioner under Article 2(2) or 3(2) above shall comply with the rules in Schedule 3 to this Order.

5. As soon as may be after a Commissioner has submitted a report to the Secretary of State under this Order, the Secretary of State shall lay the report before Parliament.

*N. E. Leigh,*  
Clerk of the Privy Council.

## SCHEDULE 1

*Article 4(1).*

## APPOINTMENT ETC. OF A COMMISSIONER AND STAFF TO ASSIST HIM

1. A Commissioner shall be appointed on such terms and conditions as the Secretary of State with the approval of the Treasury shall determine before his appointment.
2. The Registrar General of Births, Deaths and Marriages for Northern Ireland and the Chief Electoral Officer for Northern Ireland shall be assessors to a Commissioner.
- 3.—(1) The Secretary of State may, at the request of a Commissioner, appoint one or more Assistant Commissioners to inquire into, and report to the Commissioner on, such matters as the Commissioner thinks fit.  
(2) Any such Assistant Commissioner shall be appointed for the purpose of a particular inquiry or inquiries and on such terms and conditions as may be determined before his appointment by the Secretary of State with the approval of the Treasury.
4. The Secretary of State shall appoint a secretary and such other officers to assist a Commissioner as he may determine with the approval of the Treasury and the terms and conditions of any such appointment shall be such as may be so determined.
5. The terms and conditions on which a Commissioner, any Assistant Commissioner, a Commissioner's secretary and any other staff shall hold office shall include provision as to their remuneration and the termination of their appointments.

## SCHEDULE 2

*Article 4(2).*

## PROCEDURE

1. Where the Commissioner has provisionally determined to make recommendations as to the grouping of wards in any district (including, where appropriate, a provisional determination to recommend that no change should be made to the existing groupings of wards in a district), he shall publish in at least two newspapers circulating in the district a notice —
  - (a) setting out the provisional recommendations and (except where the provisional recommendations do not involve changes to the existing grouping of wards) specifying places and times at which copies of the provisional recommendations may be inspected; and
  - (b) stating that representations in writing with respect to the provisional recommendations may be made to the Commissioner within one month after the publication of the notice.
- 2.—(1) Where, on publication of a notice under paragraph 1 above, the Commissioner receives any representations duly made in accordance with that notice objecting to the recommendations he has provisionally determined to make, the Commissioner may cause to be held in the district a public inquiry as to the grouping of the wards of the district into electoral areas and shall do so if those representations are made by —
  - (a) the council of the district, or
  - (b) not less than one hundred local government electors registered in respect of a qualifying address in the district.
- (2) The Commissioner shall give such public notice of the time and place of any inquiry he causes to be held under sub-paragraph (1) as he considers appropriate.
3. The Commissioner may direct any inquiry under paragraph 2 above to be held before an Assistant Commissioner.
4. The Commissioner shall consider any representations duly made in accordance with the notice published under paragraph 1 above or at any inquiry held under paragraph 2 above before submitting the report setting out his recommendations to the Secretary of State.
5. Subject to the foregoing provisions of this Schedule, the Commissioner shall have power to regulate his own procedure.
6. Every document purporting to be an instrument made or issued by the Commissioner and to be signed by the secretary or any person authorised by the Commissioner to act in that behalf shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Commissioner.

7. In this Schedule, references to a district are to be construed as references to the district as constituted by such order under section 50(6) of the Local Government Act (Northern Ireland) 1972 as is referred to in Article 2(1) or, as the case may be, Article 3(1) of this Order.

*Article 4(3).*

### SCHEDULE 3

RULES IN ACCORDANCE WITH WHICH RECOMMENDATIONS OF THE COMMISSIONER ARE  
TO BE MADE

1. No ward shall be included partly in one electoral area and partly in another.
  2. Each electoral area shall consist of not less than five, and not more than seven, wards.
  3. Each ward in an electoral area shall have at least one boundary in common with another ward in that area, except where the ward consists of an island.
  4. A name shall be given to each electoral area.
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### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order provides for the appointment and functions of a District Electoral Areas Commissioner (“the Commissioner”) in Northern Ireland.

The areas of local government districts and their wards can be altered by an order made under subsection (6) of section 50 of the Local Government Act (Northern Ireland) 1972 (“the 1972 Act”). Such an order is made either in consequence of a periodic review of all districts (and their wards) under subsection (1) of that section or as a result of proposals relating to particular districts (and their wards) submitted under subsection (2) of that section. Article 2(1) of this Order requires the Secretary of State to appoint a Commissioner as soon as practicable after an order has been made under section 50(6) of the 1972 Act giving effect to a periodic review; and Article 3(1) similarly requires such an appointment to be made after an order under section 50(6) has been made giving effect to proposals relating to particular districts (and their wards).

Under Article 2(2) or, as the case may be, Article 3(2) the Commissioner’s function under this Order is to submit a report setting out, in respect of each local government district affected by an order under section 50(6) of the 1972 Act, his recommendations for the grouping together of the wards as constituted by such an order into electoral areas. Such electoral areas shall consist of five, six or seven wards (see paragraph 2 of Schedule 3 to the Order); they shall have effect for the purposes of local government elections (which, by virtue of the Northern Ireland (Local Elections) Order 1977 (S.I. 1977/428), are conducted in accordance with the single transferable vote system of election). The Secretary of State is required to lay the Commissioner’s report before Parliament (Article 5).

Schedule 1 to the Order provides for the appointment and remuneration of a Commissioner, any Assistant Commissioner and the Commissioner’s staff. Schedule 2 sets out the procedure in accordance with which a Commissioner is to act. Schedule 3 sets out the rules governing the recommendations that a Commissioner may make under Articles 2(2) and 3(2).



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