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STATUTORY INSTRUMENTS

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**2001 No. 3555**

**LOCAL GOVERNMENT, ENGLAND**

**The Borough of Swale (Electoral Changes) Order 2001**

*Made - - - - 1st November 2001*

*Coming into force in accordance with article 1(2) to (4)*

Whereas the Local Government Commission for England, acting pursuant to section 15(4) of the Local Government Act 1992<sup>(1)</sup>, has submitted to the Secretary of State a report dated May 2001 on its review of the borough<sup>(2)</sup> of Swale together with its recommendations:

And whereas the Secretary of State has decided to give effect to those recommendations:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 17<sup>(3)</sup> and 26 of the Local Government Act 1992, and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

- 1.—(1) This Order may be cited as the Borough of Swale (Electoral Changes) Order 2001.
- (2) This article and articles 2, 3, 7 and 8 shall come into force—
  - (a) for the purpose of proceedings preliminary or relating to any election to be held on 2nd May 2002, on the day after the day on which it is made;
  - (b) for all other purposes, on 2nd May 2002.
- (3) Article 4 of this Order shall come into force—
  - (a) for the purpose of proceedings preliminary or relating to the election of parish councillors for the parish of Faversham to be held on 6th May 2004, on 15th October 2003;
  - (b) for all other purposes, on 6th May 2004.
- (4) Articles 5 and 6 of this Order shall come into force—
  - (a) for the purpose of proceedings preliminary or relating to the election of parish councillors for the parishes of Minster-on-Sea and Borden to be held on 1st May 2003, on 15th October 2002;
  - (b) for all other purposes, on 1st May 2003.
- (5) In this Order—

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(1) 1992 c. 19.

(2) The non-metropolitan district of Swale has the status of a borough.

(3) Section 17 is amended by section 39(4) and (5) of the Police and Magistrates' Courts Act 1994 (c. 29).

“borough” means the borough of Swale;

“existing”, in relation to a ward, means the ward as it exists on the date this Order is made; and any reference to the map is a reference to the map prepared by the Department for Transport, Local Government and the Regions marked “Map of the Borough of Swale (Electoral Changes) Order 2001”, and deposited in accordance with regulation 27 of the Local Government Changes for England Regulations 1994<sup>(4)</sup>.

### **Wards of the borough of Swale**

2.—(1) The existing wards of the borough<sup>(5)</sup> shall be abolished.

(2) The borough shall be divided into twenty-five wards which shall bear the names set out in column (1) of Schedule 1.

(3) The wards shall comprise the areas described in column (2) of that Schedule by reference to parishes or, where an area is not so described, the area designated on the map by reference to the name of the ward and demarcated by red lines; and the number of councillors to be elected for each ward shall be the number specified in respect of the ward in column (3) of that Schedule.

(4) Where a boundary is shown on the map as running along a road, railway line, footway, watercourse or similar geographical feature, it shall be treated as running along the centre line of the feature.

### **Elections of the council of Swale**

3.—(1) Subject to the following provisions of this article, the election of councillors for wards of the borough shall be by thirds.

(2) Elections of all councillors for all wards of the borough shall be held simultaneously on the ordinary day of election of councillors in 2002<sup>(6)</sup>.

(3) The councillors holding office for any ward of the borough immediately before 6th May 2002 shall retire on that date and the newly-elected councillors for those wards shall come into office on that date.

(4) The order of retirement of councillors shall be as set out in Schedule 2.

(5) Of the councillors elected in 2002 for any ward of the borough—

(a) the first to retire shall, subject to paragraphs (6) and (7), be the councillor elected by the smallest number of votes; and

(b) the second to retire shall, subject to those paragraphs, be the councillor elected by the next smallest number of votes.

(6) In the case of an equality of votes between any persons elected which makes it uncertain which of them is to retire in any year, the person to retire in that year shall be determined by lot.

(7) If an election of councillors for any ward is not contested, the person to retire in each year shall be determined by lot.

(8) Where under this article any question is to be determined by lot, the lot shall be drawn at the next practicable meeting of the council after the question has arisen and the drawing shall be conducted under the direction of the person presiding at the meeting.

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(4) S.I.1994/867, to which there are amendments not relevant to this Order.

(5) See the Borough of Swale (Electoral Arrangements) Order 1976 (S.I. 1976/1974).

(6) For the ordinary day of election of councillors of local government areas, see section 37 of the Representation of the People Act 1983 (c. 2), amended by section 18(2) of the Representation of the People Act 1985 (c. 50) and section 17 of, and paragraphs 1 and 5 of Schedule 3 to, the Greater London Authority Act 1999 (c. 29).

(9) Except as otherwise provided in the preceding paragraphs of this article, the term of office of councillors shall be four years; and all councillors shall retire on the fourth day after the ordinary day of election of councillors in the year of retirement and the newly-elected councillors shall come into office on the day on which their predecessors retire.

#### **Wards of the parish of Faversham**

4.—(1) The existing wards of the parish of Faversham shall be abolished.

(2) The parish shall be divided into four parish wards which shall bear the names Abbey, Davington Priory, St Ann's and Watling; and each parish ward shall comprise the area of the borough ward bearing the same name, and the number of councillors to be elected for each of the Abbey, St Ann's and Watling parish wards shall be four, and for the Davington Priory parish ward shall be two.

#### **Wards of the parish of Minster-on-Sea**

5. The parish of Minster-on-Sea<sup>(7)</sup> shall be divided into two parish wards which shall bear the names set out in column (1) of Schedule 3; each parish ward shall comprise the area of the borough ward specified in respect of the parish ward in column (2) of that Schedule, and the number of councillors to be elected for each parish ward shall be the number specified in respect of the parish ward in column (3) of that Schedule.

#### **Numbers of parish councillors**

6. The number of parish councillors to be elected for the parish of Borden shall be thirteen.

#### **Parish Elections**

7.—(1) The ordinary elections of parish councillors for the parish of Ospringe in 2003 shall not take place; and any such parish councillor holding office immediately before 1st May 2003 who would, but for this paragraph, have retired on that date shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office until the fourth day after the ordinary day of election of councillors in 2004.

(2) Elections of all parish councillors for the parishes of Badlesmere, Doddington, Eastling, Faversham, Iwade, Leaveland, Lower Halstow, Newnham, Ospringe, Selling, Sheldwich and Stalisfield shall be held simultaneously on the ordinary day of election of councillors in 2004, and every fourth year after 2004.

(3) The term of office of parish councillors elected in accordance with paragraph (2) shall be four years; and they shall retire on the fourth day after the ordinary day of election of councillors in the year of retirement and the newly-elected councillors shall come into office on the day on which their predecessors retire.

(4) Rule 8 of the Local Elections (Parishes and Communities) Rules 1986<sup>(8)</sup> (filling of casual vacancies) shall have effect, in the case of a casual vacancy occurring before 8th May 2004 in the office of a parish councillor for the parish of Ospringe as if the references in paragraphs (1) and (4) of that rule to the day on which that councillor would regularly have retired were a reference to 8th May 2004.

#### **Revocation**

8. The District of Swale (Electoral Arrangements) Order 1976 is hereby revoked.

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(7) See article 3(2) of S.I. 2000/1245.

(8) S.I. 1986/2215, to which there are amendments not relevant to this Order.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed by authority of the Secretary of State for Transport, Local Government and the Regions

*Alan Whitehead*  
Parliamentary Under Secretary of State,  
Department for Transport, Local Government  
and the Regions

1st November 2001

## SCHEDULE 1

article 2

**NAMES AND AREAS OF WARDS AND NUMBERS OF COUNCILLORS**

<i>(1)</i> <i>Name of Ward</i>	<i>(2)</i> <i>Area of Ward</i>	<i>(3)</i> <i>Number of Councillors</i>
Abbey		2
Borden	The parish of Borden	1
Boughton and Courtenay	The parishes of Boughton under Blean, Dunkirk, Graveney with Goodnestone, Hernhill, Selling and Sheldwich	2
Chalkwell		2
Davington Priory		1
East Downs	The parishes of Badlesmere, Doddington, Eastling, Leaveland, Newnham, Ospringe, Stalisfield and Throwley	1
Grove		2
Hartlip, Newington and Upchurch	The parishes of Hartlip, Newington and Upchurch	2
Iwade and Lower Halstow	The parishes of Iwade and Lower Halstow	1
Kemsley		2
Leysdown and Warden	The parishes of Leysdown and Warden	1
Milton Regis		2
Minster Cliffs		3
Murston		2
Queenborough and Halfway		3
Roman		2
St Ann's		2
St Michaels		2
Sheerness East		2
Sheerness West		2
Sheppey Central		3
Teynham and Lynsted	The parishes of Luddenham, Lynsted, Norton, Buckland and Stone, Oare, Teynham and Tonge	2

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<i>(1)</i> <i>Name of Ward</i>	<i>(2)</i> <i>Area of Ward</i>	<i>(3)</i> <i>Number of Councillors</i>
Watling		2
West Downs	The parishes of Bapchild, Bredgar, Milstead and Rodmersham	1
Woodstock		2

## SCHEDULE 2

article 3(4)

**ORDER OF RETIREMENT OF COUNCILLORS**

<i>(1)</i> <i>Name of Ward</i>	<i>(2)</i> <i>Number of councillors to retire in 2003</i>	<i>(3)</i> <i>Number of councillors to retire in 2004</i>	<i>(4)</i> <i>Number of councillors to retire in 2006</i>
Abbey	0	1	1
Borden	1	0	0
Boughton and Courtenay	1	1	0
Chalkwell	0	1	1
Davington Priory	0	1	0
East Downs	0	1	0
Grove	1	0	1
Hartlip, Newington and Upchurch	1	0	1
Iwade and Lower Halstow	0	1	0
Kemsley	0	1	1
Leysdown and Warden	1	0	0
Milton Regis	1	1	0
Minster Cliffs	1	1	1
Murston	0	1	1
Queenborough and Halfway	1	1	1
Roman	0	1	1
St Ann's	0	1	1
St Michaels	1	1	0
Sheerness East	1	0	1

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<i>(1)</i> <i>Name of Ward</i>	<i>(2)</i> <i>Number of councillors to retire in 2003</i>	<i>(3)</i> <i>Number of councillors to retire in 2004</i>	<i>(4)</i> <i>Number of councillors to retire in 2006</i>
Sheerness West	1	0	1
Sheppey Central	1	1	1
Teynham and Lynsted	1	0	1
Watling	0	1	1
West Downs	1	0	0
Woodstock	1	0	1

SCHEDULE 3

article 5

**WARDS OF THE PARISH OF MINSTER-ON-SEA**

***NAMES AND AREAS OF WARDS AND NUMBERS OF COUNCILLORS***

<i>(1)</i> <i>Name of Ward</i>	<i>(2)</i> <i>Area of Ward</i>	<i>(3)</i> <i>Number of Councillors</i>
North	The borough ward of Minster Cliffs	6
South	So much of the borough ward of Sheppey Central as comprises part of the parish of Minster-on-Sea	5

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order gives effect to recommendations by the Local Government Commission for England for electoral changes in the borough of Swale. The changes have effect in relation to local government elections to be held on and after 2nd May 2002.

Article 2 abolishes the existing wards of the borough and provides for the creation of 25 new wards. That article and Schedule 1 also make provision for the names and areas of, and numbers of councillors for, the new wards.

Article 3 makes provision for a whole council election in 2002 and for reversion to elections by thirds in subsequent years. Schedule 2 regulates the order of retirement of councillors.

Articles 4 to 6 make electoral changes in the parishes of Faversham, Minster-on-Sea and Borden.

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Article 7 provides for election of parish councils in the borough.

Article 8 revokes the District of Swale (Electoral Arrangements) Order 1976.

The areas of the new borough wards are demarcated on the map described in article 1(3). Prints of the map may be inspected at all reasonable times at the offices of Swale Borough Council and at the offices of the Secretary of State for Transport, Local Government and the Regions, 2nd Floor, Ashdown House, 123 Victoria Street, London SW1E 6DE.