

2002 No. 2368

LOCAL GOVERNMENT, ENGLAND

**The Borough of Weymouth and Portland (Electoral
Changes) Order 2002**

Made - - - - - 11th September 2002

Coming into force in accordance with article 1(2)

Whereas the Boundary Committee for England(a), acting pursuant to section 15(4) of the Local Government Act 1992(b), has submitted to the Electoral Commission(c) a report dated April 2002 on its review of the borough(d) of Weymouth and Portland together with its recommendations:

And whereas the Electoral Commission have decided to give effect to those recommendations:

And whereas a period of not less than six weeks has expired since the receipt of those recommendations:

Now, therefore, the Electoral Commission, in exercise of the powers conferred on them by sections 17(e) and 26(f) of the Local Government Act 1992, and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Borough of Weymouth and Portland (Electoral Changes) Order 2002.

(2) This Order except articles 6(3) and 6(4) shall come into force—

(a) for the purpose of proceedings preliminary or relating to any election to be held on 6th May 2004, on 15th October 2003;

(b) for all other purposes, on 6th May 2004.

(3) Articles 6(3) and 6(4) shall come into force on the day after that on which this Order is made.

(a) The Boundary Committee for England is a committee of the Electoral Commission, established by the Electoral Commission in accordance with section 14 of the Political Parties, Elections and Referendums Act 2000 (c. 41). The Local Government Commission for England (Transfer of Functions) Order 2001 (S.I. 2001/3962) transferred to the Electoral Commission the functions of the Local Government Commission for England.

(b) 1992 c. 19. This section has been amended by S.I. 2001/3962.

(c) The Electoral Commission was established by the Political Parties, Elections and Referendums Act 2000 (c. 41). The functions of the Secretary of State, under sections 13 to 15 and 17 of the Local Government Act 1992, to the extent that they relate to electoral changes within the meaning of that Act, were transferred with modifications to the Electoral Commission on 1st April 2002 (S.I. 2001/3962).

(d) The non-metropolitan district of Weymouth and Portland has the status of a borough.

(e) This section has been amended by S.I. 2001/3962. There are amendments to this section made otherwise than by S.I. 2001/3962 that are not relevant to this Order.

(f) This section has been amended by S.I. 2001/3962.

Interpretation

2. In this Order—

“borough” means the borough of Weymouth and Portland;

“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 marked “Map referred to in the Borough of Weymouth and Portland (Electoral Changes) Order 2002”, of which prints are available for inspection at—

(a) the principal office of the Electoral Commission; and

(b) the offices of Weymouth and Portland Borough Council.

Wards of the borough of Weymouth and Portland

3.—(1) The existing wards of the borough(a) shall be abolished.

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

(3) The wards shall comprise 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 (2) of Schedule 1.

(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 Weymouth and Portland

4.—(1) Elections of all councillors for all wards of the borough shall be held simultaneously on the ordinary day of election of councillors in 2004(b)(c).

(2) The councillors holding office for any ward of the borough immediately before 10th May 2004 shall retire on that date and the newly elected councillors for those wards shall come into office on that date.

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

(4) Where the number of councillors elected in 2004 for any ward of the borough is two or more—

(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.

(5) 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.

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

(7) 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.

(a) See the Borough of Weymouth and Portland (Electoral Arrangements) Order 1978 (S.I. 1978/1694).

(b) Article 4 provides for a single election of all the councillors and for reversion to the system of election by thirds, as established by articles 8 and 9(8) of the Borough of Weymouth and Portland (Electoral Arrangements) Order 1978 (S.I. 1978/1694).

(c) 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).

Wards of the parish of Portland

5.—(1) The existing wards of the parish of Portland shall be abolished.

(2) The parish shall be divided into three parish wards which shall bear the names Tophill East, Tophill West and Underhill; each parish ward shall comprise the area of the borough ward bearing the same name.

(3) The number of councillors to be elected for each of the Tophill East and Underhill parish wards shall be four and for the Tophill West parish ward shall be six.

Parish elections

6.—(1) Elections of all parish councillors for the parish of Portland shall be held simultaneously on the ordinary day of election of councillors in 2004, 2007 and every fourth year after 2007.

(2) The term of office of all parish councillors elected in accordance with the paragraph above shall be three years for those parish councillors elected in 2004 and four years for those parish councillors elected in 2007 and every fourth year after 2007; 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.

(3) The ordinary elections of parish councillors for the parish of Portland in 2003 shall not take place; and any such parish councillor holding office immediately before 5th 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.

(4) Rule 8 of the Local Elections (Parishes and Communities) Rules 1986(a) (filling of casual vacancies) shall have effect, in the case of a casual vacancy occurring before 10th May 2004 in the office of a parish councillor for the parish of Portland 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 5th May 2003.

Maps

7. Weymouth and Portland Borough Council shall make a print of the map marked “Map referred to in the Borough of Weymouth and Portland (Electoral Changes) Order 2002” available for inspection at its offices by any member of the public at any reasonable time.

Electoral registers

8. The Electoral Registration Officer(b) for the borough shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

Revocation

9. The Borough of Weymouth and Portland (Electoral Arrangements) Order 1978(c) is revoked, save for articles 8 and 9(8).

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

(b) As to electoral registration officers and the register of local government electors, *see* sections 8 to 13 of the Representation of the People Act 1983 (c. 2).

(c) S.I. 1978/1694.

Signed by the members of the Electoral Commission

11th September 2002	<i>Pamela Gordon</i> Commissioner
11th September 2002	<i>Glyn Mathias</i> Commissioner
11th September 2002	<i>Neil McIntosh</i> Commissioner
11th September 2002	<i>Karamjit Singh</i> Commissioner
11th September 2002	<i>Sam Younger</i> Commissioner
11th September 2002	<i>Graham Zellick</i> Commissioner

SCHEDULE 1

Article 3

NAMES AND NUMBERS OF COUNCILLORS

<i>(1)</i> <i>Name of Ward</i>	<i>(2)</i> <i>Number of Councillors</i>
Littlemoor	2
Melcombe Regis	3
Preston	3
Radipole	2
Tophill East	2
Tophill West	3
Underhill	2
Upwey and Broadwey	2
Westham East	2
Westham North	3
Westham West	2
Wey Valley	2
Weymouth East	2
Weymouth West	3
Wyke Regis	3

SCHEDULE 2

Article 4(3)

ORDER OF RETIREMENT OF COUNCILLORS

<i>(1)</i> <i>Name of Ward</i>	<i>(2)</i> <i>Number of Councillors to retire in 2006</i>	<i>(3)</i> <i>Number of Councillors to retire in 2007</i>	<i>(4)</i> <i>Number of Councillors to retire in 2008</i>
Littlemoor	1	0	1
Melcombe Regis	1	1	1
Preston	1	1	1
Radipole	0	1	1
Tophill East (in Portland)	1	1	0
Tophill West (in Portland)	1	1	1
Underhill (in Portland)	1	0	1
Upwey and Broadwey	1	1	0
Westham East	1	0	1
Westham North	1	1	1
Westham West	0	1	1
Wey Valley	1	1	0
Weymouth East	0	1	1
Weymouth West	1	1	1
Wyke Regis	1	1	1

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to recommendations by the Boundary Committee for England, a committee of the Electoral Commission, for electoral changes in the borough of Weymouth and Portland.

The changes have effect in relation to local government elections to be held on and after 6th May 2004, and in relation to certain parish elections that would otherwise have taken place in May 2003.

Article 3 abolishes the existing wards of the borough and provides for the creation of 15 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 4 makes provision for a whole borough council election in 2004 and for reversion to the established system of election by thirds in subsequent years.

Schedule 2 provides for the order of retirement of borough councillors.

Article 5 makes electoral changes in the parish of Portland.

Article 6 provides for elections of Portland parish council.

Article 8 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

Article 9 revokes the Borough of Weymouth and Portland (Electoral Arrangements) Order 1978 (S.I. 1978/1694), with the exception of articles 8 and 9(8).

The areas of the new borough wards are demarcated on the map described in article 2. Prints of the map may be inspected at all reasonable times at the offices of Weymouth and Portland Borough Council and at the principal office of the Electoral Commission at Trevelyan House, Great Peter Street, London SW1P 2HW.

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**The Borough of Weymouth and Portland (Electoral
Changes) Order 2002**

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