
EXPLANATORY NOTE

(This note is not part of the Order)

Under section 11 of the Electoral Law Act (Northern Ireland) 1962 (“the 1962 Act”) local general elections are held on a four year cycle commencing 1973. Article 2 of this Order postpones the elections due to be held in 2009 until 2011 and amends the 1962 Act so that the four year cycle commences (again) in 2011. Local general elections are normally, by virtue of section 11(1A) of the 1962 Act held on the first Thursday in May in the election year. Article 2 also disapplies this provision. Instead the date of the local elections in 2011 will need to be set by further order.

Article 3(1) extends the term of office of existing members of district councils until the fourth day after the day of the election in 2011. Similarly, under Article 3(3) the term of office of any members elected to fill a vacancy after this Order comes into force (regardless of when that vacancy arose) will expire on the same day. Article 3(2) enables vacancies that have arisen on or after 1st January 2009 but before this Order comes into force to be filled. Normally vacancies that arise on or after 1st January in a local election year remain unfilled until the next local general election. Article 3(4) ensures that the register of electors in force at the time a member was elected continues to be in force until the day of the election in 2011 for the purpose of determining whether that member continues to qualify, as a local elector, to be a member of the district council.

Article 4 makes consequential amendment to the Drainage (Northern Ireland) Order 1973. Members of the Drainage Council are also appointed on a four year cycle commencing 1973 and the appointments themselves take place as soon as possible after a local general election. No appointments will be made in 2009 and the current appointments will continue until 2011. Appointments will then be made in 2011 and every fourth year thereafter.

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