STATUTORY INSTRUMENTS

2004 No. 358

LOCAL GOVERNMENT, ENGLAND

The Borough of South Tyneside (Electoral Changes) Order 2004

Made - - - - 12th February 2004

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**) recommendations dated October 2003 on its review of the borough(**d**) of South Tyneside:

And whereas the Electoral Commission have decided to give effect, with one modification, 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 South Tyneside (Electoral Changes) Order 2004.

(2) This Order shall come into force —

(a) for the purpose of proceedings preliminary or relating to any election to be held on the ordinary day of election of councillors in 2004, on the day after that on which it is made;

(b) for all other purposes, on the ordinary day of election of councillors in 2004.

Interpretation

2. In this Order —

(**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 (c.19), 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 metropolitan district of South Tyneside has the status of a borough.

(**e**) This section has been amended by S.I. 2001/3962 and also otherwise in ways not relevant to this Order.

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

"borough" means the borough of South Tyneside;

"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 South Tyneside (Electoral Changes) Order 2004", of which prints are available for inspection at —

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

(b) the offices of South Tyneside Borough Council.

Wards of the borough of South Tyneside

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

(2) The borough shall be divided into eighteen wards which shall bear the names set out in the Schedule.

(3) Each ward 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 three.

(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 the borough of South Tyneside

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 the fourth day after the ordinary day of election of councillors in 2004 shall retire on that date and the newly elected councillors for those wards shall come into office on that date.

(3) Of the councillors elected in 2004 for any ward of the borough one shall retire in 2006, one in 2007 and one in 2008.

(4) Of the councillors elected in 2004 for any ward of the borough —

(a) the first to retire shall, subject to paragraphs (5) and (6), 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 South Tyneside (Electoral Arrangements) Order 1980 (S.I. 1980/430).

(**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 section 7 of the Local Government Act 1972 (c.70).

(**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).

Maps

5. South Tyneside Borough Council shall make a print of the map marked "Map referred to in the Borough of South Tyneside (Electoral Changes) Order 2004" available for inspection at its offices by any member of the public at any reasonable time.

Electoral registers

6. The Electoral Registration Officer(**a**) 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

7. The Borough of South Tyneside (Electoral Arrangements) Order 1980(**b**) is revoked, save for articles 8 and 9(7).

Sealed with the seal of the Electoral Commission on the 12th day of February 2004

L.S.

Sam Younger
Chairman of the Commission

12th February 2004

Jacqui Dixon
Secretary to the Commission

12th February 2004

SCHEDULE

article 3

NAMES OF WARDS

Beacon and Bents	Fellgate and Hedworth	Primrose
Bede	Harton	Simonside and Rekendyke
Biddick and All Saints	Hebburn North	Westoe
Boldon Colliery	Hebburn South	West Park
Cleadon and East Boldon	Horsley Hill	Whitburn and Marsden
Cleadon Park	Monkton	Whiteleas

(**a**) 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).
(**b**) S.I. 1980/430.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect, with one modification, to recommendations by the Boundary Committee for England, a committee of the Electoral Commission, for electoral changes in the borough of South Tyneside.

The modification concerns the name of the Biddick and All Saints ward.

The changes have effect in relation to local government elections to be held on and after the ordinary day of election of councillors in 2004.

Article 3 abolishes the existing wards of the borough and provides for the creation of 18 new wards. That article and the Schedule also make provision for the names and areas of, and numbers of councillors for, the new wards.

Article 4 makes provision for a whole council election in 2004 and for reversion to the established system of election by thirds in subsequent years.

Article 6 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

Article 7 revokes the Borough of South Tyneside (Electoral Arrangements) Order 1980, with the exception of articles 8 and 9(7).

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 South Tyneside Borough Council and at the principal office of the Electoral Commission at Trevelyan House, Great Peter Street, London SW1P 2HW.

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