2001 No. 3482

LOCAL GOVERNMENT, ENGLAND

The City of Derby (Electoral Changes) Order 2001

Made - - - - - 23rd October 2001

Coming into force in accordance with article 1(2)

Whereas the Local Government Commission for England, acting pursuant to section 15(4) of the Local Government Act 1992(**a**), has submitted to the Secretary of State a report dated June 2001 on its review of the city(**b**) of Derby 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(**c**) 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 City of Derby (Electoral Changes) Order 2001.

(2) This Order 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 that on which it is made;

(b) for all other purposes, on 2nd May 2002.

(3) In this Order—

"city" means the city of Derby;

"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 City of Derby (Electoral Changes) Order 2001", and deposited in accordance with regulation 27 of the Local Government Changes for England Regulations 1994(**d**).

Wards of the city of Derby

2.—(1) The existing wards of the city(**e**) shall be abolished.

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

(3) The wards shall comprise the areas 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.

(**a**) 1992 c. 19.
(**b**) The non-metropolitan district of Derby has the status of a city.
(**c**) Section 17 is amended by section 39(4) and (5) of the Police and Magistrates' Courts Act 1994 (c. 29).
(**d**) S.I. 1994/867, to which there are amendments not relevant to this Order.
(**e**) *See* the City of Derby (Electoral Arrangements) Order 1978 (S.I. 1978/1613) and article 9 of the Derbyshire (City of Derby) (Structural Change) Order (S.I. 1995/1773).

[DTLR 2241]

(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 city of Derby

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

(2) Elections of all councillors for all wards of the city shall be held simultaneously on the ordinary day of election of councillors in 2002(**a**).

(3) The councillors holding office for any ward of the city 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) Of the councillors elected in 2002 in each ward one shall retire in 2003, one in 2004 and one in 2006.

(5) Of the councillors elected in 2002—

(a) the first to retire in each ward 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.

(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.

Revocation

4. The City of Derby (Electoral Arrangements) Order 1978 and article 9 of the Derbyshire (City of Derby) (Structural Change) Order are hereby revoked.

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

Alan Whitehead
Parliamentary Under Secretary of State,
23rd October 2001 Department for Transport, Local Government and the Regions

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(**a**) 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).

SCHEDULE

Article 2

NAMES OF WARDS

Name of Ward

Abbey

Allestree

Alvaston

Arboretum

Blagreaves

Boulton

Chaddesden

Chellaston

Darley

Derwent

Littleover

Mackworth

Mickleover

Normanton

Oakwood

Sinfin

Spondon

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 city of Derby. 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 city and provides for the creation of 17 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 3 makes provision for a whole council election in 2002 and for reversion to elections by thirds in subsequent years.

Article 4 revokes the City of Derby (Electoral Arrangements) Order 1978 and article 9 of the Derbyshire (City of Derby) (Structural Change) Order 1995.

The areas of the new city 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 Derby City 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.

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