2002 No. 2954

LOCAL GOVERNMENT, ENGLAND

The City of Plymouth (Scheme for Elections) Order 2002

Made - - - - -	*28th November 2002*
Laid before Parliament	*5th December 2002*
Coming into force - -	*31st December 2002*

The Secretary of State, in exercise of the powers conferred upon him by sections 86 and 105 of the Local Government Act 2000(**a**) hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the City of Plymouth (Scheme for Elections) Order 2002 and shall come into force on 31st December 2002.

(2) In this Order—

"the Act" means the Local Government Act 2000;

"the city" means the city of Plymouth; and

"the council" means the council of the city of Plymouth.

Specified council

2. The council, which is a principal council in England, is specified under section 86 of the Act for the purposes of this Order.

New Scheme for the ordinary election of councillors

3.—(1) Subject to the provisions of this article and article 4, the scheme for the ordinary elections of councillors for wards of the city shall be by thirds, being a scheme under which—

(a) the term of office of councillors is four years;

(b) an election is held on the ordinary day of elections(**b**) in 2006, 2007 and 2008 and in every fourth year after those years;

(c) one third of the councillors (or as nearly as may be) are elected to the council in each year in which the elections are held; and

(d) one third of the councillors (or as nearly as may be) retire in each year in which the elections are held.

(**a**) 2000 c. 22.

(**b**) 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 paragraphs 1 and 5 of Schedule 3 to the Greater London Authority Act 1999 (c. 29).

[ODPM 2407]

(2) All councillors shall retire on the fourth day after the ordinary day of election of the councillors in the year of retirement and the newly-elected councillors shall come into office on the day on which their predecessors retire.

(3) 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.

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

(5) 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.

Transitional provisions and retirement of councillors

4.—(1) Elections of all councillors for all wards of the city shall be held simultaneously on the ordinary day of election of councillors in 2003.

(2) The councillors holding office for any ward of the city immediately before 5th May 2003 shall retire on that date and the newly-elected councillors for those wards shall come into office on that date.

(3) Elections for one third of the councillors (or as nearly as may be) shall be held on the ordinary day of election in 2004.

(4) Of the councillors elected for each ward of the city in 2003 the order for retirement shall be as set out in the Schedule.

(5) Where the number of councillors elected in any ward of the city in 2003 is two or more—

(a) the first to retire, subject to paragraphs (3) and (4) of article 3, shall be the councillor elected by the smallest number of votes; and

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

Revocation

5. The City of Plymouth (Electoral Arrangements) Order 1978(**a**) is hereby revoked.

Signed by authority of the Secretary of State

Christopher Leslie
Parliamentary Under-Secretary of State,
Office of the Deputy Prime Minister

28th November 2002

(**a**) S.I. 1978/1793, amended by S.I. 1996/1865, 2002/2236.

SCHEDULE

Article 4(4)

ORDER OF RETIREMENT OF COUNCILLORS

(1)	*(2)*	*(3)*	*(4)*
*Name of Ward(**a**)*	*Number of councillors to retire in 2004*	*Number of councillors to retire in 2006*	*Number of councillors to retire in 2007*
Budshead	1	1	1
Compton	1	1	1
Devonport	1	1	1
Drake	0	1	1
Efford and Lipson	1	1	1
Eggbuckland	1	1	1
Ham	1	1	1
Honicknowle	1	1	1
Moor View	1	1	1
Peverell	1	1	1
Plympton Chaddlewood	1	1	0
Plympton Erle	1	0	1
Plympton St Mary	1	1	1
Plymstock Dunstone	1	1	1
Plymstock Radford	1	1	1
St Budeaux	1	1	1
St Peter and the Waterfront	1	1	1
Southway	1	1	1
Stoke	1	1	1
Sutton and Mount Gold	1	1	1

(**a**) The wards in the Schedule are created by the City of Plymouth (Electoral Changes) Order 2002 (S.I. 2002/2236) which abolishes the existing wards. The City of Plymouth (Electoral Changes) Order 2002 comes into force for the purpose of proceedings preliminary or relating to any election to be held on 1st May 2003, on 15th October 2002, and for all other purposes on 1st May 2003.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for a new scheme for elections of councillors by thirds to the council of the city of Plymouth.

Article 3 establishes the scheme from the given year of 2006. One third of the councillors are elected and retire each year in three years out of four. An election will be held in 2006, 2007 and 2008 and every fourth year after those years.

Article 4 provides a transitional change to the years in which elections are to be held prior to 2006. An election of all councillors for all wards of the city shall be held in 2003. Thereafter an election and retirement of a third of councillors shall take place in 2004 and 2006 but not in 2005. The order for retirement in specific wards is provided in the Schedule. The Order applies to the new wards created by the City of Plymouth (Electoral Changes) Order 2002 (S.I. 2002/2236).

Article 5 revokes the remaining provisions of the City of Plymouth (Electoral Arrangements) Order 1978. It is superseded by this Order.

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