STATUTORY INSTRUMENTS

2009 No. 3016

NORTHERN IRELAND

The District Electoral Areas Commissioner (Northern Ireland) (Amendment) Order 2009

Made - - - - 17th November 2009

Coming into force in accordance with Article 1(2)

At the Court at Buckingham Palace, the 17th day of November 2009

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 7(3) of the Political Parties, Elections and Referendums Act 2000(**a**) the Electoral Commission has been consulted prior to this Order being laid before Parliament.

In accordance with section 84(4) of the Northern Ireland Act 1998(**b**) a draft of this Order has been laid before and approved by resolution of each House of Parliament.

Accordingly, Her Majesty, in exercise of the powers conferred on Her by section 84(1) of the Northern Ireland Act 1998, is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the District Electoral Areas Commissioner (Northern Ireland) (Amendment) Order 2009.

(2) This Order shall come into force on the day after the day on which it is made.

(3) In this Order, "the 1984 Order" means the District Electoral Areas Commissioner (Northern Ireland) Order 1984(**c**).

Amendment of the 1984 Order

2.—(1) Schedule 2 (procedure) to the 1984 Order is amended as follows.

(**a**) 2000 c.41.
(**b**) 1998 c. 47; section 84 was amended by the Elections Act 2001 (c.7).
(**c**) S.I. 1984/360; amended by S.I. 2006/1253 (N.I. 8) and S.I. 2007/612 (N.I. 4).

(2) In paragraph 1, for subparagraph (a) substitute—

"(a) setting out the provisional recommendations or specifying places and times at which copies of the provisional recommendations may be inspected or both; and".

(3) In paragraph 1(b) for "one month" substitute "eight weeks".

(4) In paragraph 7, which is to become paragraph 7(1) insert—

(a) before the words "In this Schedule", "Subject to subparagraph (2),"; and

(b) after subparagraph (1)—

"(2) Where the order made under section 50(10) of the Local Government Act (Northern Ireland) 1972**(a)** includes a change in the number and boundaries of local government districts the reference in paragraph 2(1)(a) to the "council of the district" is a reference to the council of the district in existence immediately prior to the making of that order, the whole or a major part of which is incorporated by or incorporates the successor district as constituted by that order.".

Judith Simpson
Clerk of the Privy Council

(**a**) 1972 c. 9; section 50 has been amended by the Local Government (Boundaries) Act (Northern Ireland) 2008 (c.7).

EXPLANATORY NOTE

(This note is not part of the Order)

The District Electoral Areas Commissioner (Northern Ireland) Order 1984 (the 1984 Order) makes provision for the grouping together of wards into electoral areas. The Commissioner determines how the wards should be grouped and makes recommendations in that regard to the Secretary of State. Schedule 2 to the 1984 Order governs the procedure that must be followed by the Commissioner in making those recommendations.

This Order amends the publication requirements contained in Schedule 2 so the Commissioner is no longer required both to publish in locally circulating newspapers the provisional recommendations and specify where and when those recommendations may be inspected. Instead the Commissioner is given a choice. She or he may publish the provisional recommendations themselves or may state where and when they may be inspected or both. It also increases from one month to eight weeks the amount of time within which representations made in respect of the recommendations must be received.

It also clarifies that, where the number and boundaries of councils are due to change, the council of the district that may object to the provisional recommendations and thus compel a local inquiry is the council of the district which will in whole or in part be incorporated by or incorporate the successor districts.

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