2002 No. 2593

LOCAL GOVERNMENT, ENGLAND

The District of Penwith (Electoral Changes) Order 2002

Made - - - - - 12th October 2002

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**) a report dated June 2002 on its review of the district of Penwith together with its recommendations:

And whereas a period of not less than six weeks has expired since the receipt of those recommendations:

And whereas the Electoral Commission have decided to give effect, with modifications, to those recommendations:

Now, therefore, the Electoral Commission, in exercise of the powers conferred on them by sections 17(**d**) and 26(**e**) 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 District of Penwith (Electoral Changes) Order 2002.

(2) This Order shall come into force—

(a) for the purpose of proceedings preliminary or relating to any election to be held on 6th May 2004, on the day after that on which it is made;

(b) for all other purposes, on 6th May 2004.

Interpretation

2. In this Order—

"district" means the district of Penwith;

"existing", in relation to a ward, means the ward as it exists on the date this Order is made;

any reference to the map is a reference to the map marked "Map referred to in the District of Penwith (Electoral Changes) Order 2002", of which prints are available for inspection at—

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

(**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, to the extent that they relate to electoral arrangements within the meaning of that Act, were transferred with modifications to the Electoral Commission on 1 April 2002 (S.I. 2001/3962).

(**d**) This section has been amended by S.I. 2001/3962. There are amendments to this section made otherwise than by S.I. 2001/3962 that are not relevant to this Order.

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

(b) the offices of Penwith District Council; and

any reference to a numbered sheet is a reference to the sheet of the map which bears that number.

Wards of the district of Penwith

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

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

(3) The wards shall comprise the areas described in column (2) of that Schedule by reference to parishes; or where an area is not so described, 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 the number specified in respect of the ward in column (3) of that Schedule.

(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 Penwith

4.—(1) Elections of all councillors for all wards of the district 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 district immediately before 10th May 2004 shall retire on that date and the newly elected councillors for those wards shall come into office on that date.

(3) The order of retirement of councillors shall be as set out in Schedule 2.

(4) Where the number of councillors elected in 2004 for any ward of the district is two or more—

(a) the first to retire 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.

(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.

Wards of the parish of Hayle

5.—(1) The existing wards of the parish of Hayle shall be abolished.

(2) The parish shall be divided into three parish wards which shall bear the names set out in column (1) of Schedule 3; each parish ward shall comprise the area of the district ward specified in respect of the parish ward in column (2) of that schedule; and the number of councillors to be elected for each parish ward shall be the number specified in respect of the parish ward in column (3) of that schedule.

Wards of the parish of Penzance

6.—(1) The existing wards of the parish of Penzance shall be abolished.

(**a**) *See* the District of Penwith (Electoral Arrangements) Order 1978 (S.I. 1978/1505).

(**b**) Article 4 provides for a single election of all the councillors and for reversion to the system of elections by thirds, as established by articles 8 and 9 of The District of Penwith (Electoral Arrangements) Order 1978 (S.I. 1978/1505).

(**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).

(2) The parish shall be divided into six parish wards which shall bear the names Central, East, Gulval, Heamoor, Promenade and South; and the wards shall comprise the areas designated on sheet (5) by reference to the name of the ward and demarcated by orange lines.

(3) The number of parish councillors to be elected for the parish ward of Gulval shall be one, for each of the parish wards of Central, Heamoor and Promenade shall be three, and for each of the parish wards of East and South shall be five.

Wards of the parish of Perranuthnoe

7. The parish of Perranuthnoe shall be divided into two parish wards, which shall bear the names set out in column (1) of Schedule 4; each parish ward shall comprise the area of the district ward specified in respect of the parish ward in column (2) of that Schedule; and the number of parish councillors to be elected for each parish ward shall be the number specified in respect of the parish ward in column (3) of that Schedule.

Wards of the parish of St Ives

8.—(1) The existing wards of the parish of St Ives shall be abolished.

(2) The parish shall be divided into three parish wards which shall bear the names Lelant and Carbis Bay, St Ives North and St Ives South; each parish ward shall comprise the area of the district ward bearing the same name.

(3) The number of parish councillors to be elected for each of the parish wards of Lelant and Carbis Bay, and St Ives North shall be five, and for the parish ward of St Ives South shall be six.

Parish Elections

9.—(1) The term of office of all parish councillors elected on the ordinary day of election of councillors in 2002 in the parish of Perranuthnoe shall be two years.

(2) Elections of all parish councillors for the parish of Perranuthnoe shall be held simultaneously on the ordinary day of election of councillors in 2004, 2007, and every fourth year after 2007.

(3) The ordinary elections of parish councillors in the parishes of Hayle, Penzance, and St Ives in 2003 shall not take place; and any parish councillor holding office immediately before 5th May 2003 who would, but for this paragraph, have retired on that date shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office until the fourth day after the ordinary day of election of councillors in 2004.

(4) Elections of all parish councillors for the parishes of Hayle, Penzance and St Ives shall be held simultaneously on the ordinary day of election of councillors in 2004, 2007, and every fourth year after 2007.

(5) The ordinary elections of parish councillors in the parishes of Ludgvan and Towednack in 2007 shall not take place; and any such parish councillor holding office immediately before 7th May 2007 who would, but for this paragraph, have retired on that date shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office until the fourth day after the ordinary day of elections of parish councillors in 2008.

(6) Elections of all parish councillors in the parishes of Ludgvan and Towednack shall be held simultaneously on the ordinary day of election of councillors in 2008 and every fourth year after 2008.

(7) Rule 8 of the Local Elections (Parishes and Communities) Rules 1986(**a**) (filling of casual vacancies) shall have effect, in the case of a casual vacancy occurring before 8th May 2004 in the office of a parish councillor for the parishes of Hayle, Penzance and St Ives as if the references in paragraphs (1) and (4) of that rule to the day on which that councillor would regularly have retired were a reference to 8th May 2004; and in the case of a casual vacancy occurring before 6th May 2008 in the office of a parish councillor for the parishes of Ludgvan and Towednack as if the references in paragraphs (1) and (4) of that rule to the day on which that councillor would regularly have retired were a reference to 6th May 2008.

(**a**) S.I. 1986/2215, to which there are amendments not relevant to this Order.

Maps

10. Penwith district council shall make a print of the map marked "Map referred to in the District of Penwith (Electoral Changes) Order 2002" available for inspection at its offices by any member of the public at any reasonable time.

Electoral Registers

11. The Electoral Registration Officer(**a**) for the district of Penwith 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

12. The District of Penwith (Electoral Arrangements) Order 1978(**b**) is revoked, save for articles 8 and 9 (8).

Signed by the members of the Electoral Commission:

12th October 2002 — *Pamela Gordon*, Commissioner

12th October 2002 — *Glyn Mathias*, Commissioner

12th October 2002 — *Neil McIntosh*, Commissioner

12th October 2002 — *Karamjit Singh*, Commissioner

12th October 2002 — *Sam Younger*, Commissioner

12th October 2002 — *Graham Zellick*, Commissioner

(**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. 1978/1505.

SCHEDULE 1

article 3

NAMES AND AREAS OF WARDS AND NUMBERS OF COUNCILLORS

(1) *Name of Ward*	*(2)* *Area of Ward*	*(3)* *Number of councillors*
Goldsithney		1
Gulval and Heamoor		2
Gwinear; Gwithian and Hayle East		2
Hayle North		2
Hayle South		2
Lelant and Carbis Bay		2
Ludgvan and Towednack	The parishes of Ludgvan and Towednack	2
Madron and Zennor	The parishes of Madron and Zennor	1
Marazion and Perranuthnoe		1
Morvah, Pendeen and St Just	The parishes of Morvah and St Just	3
Penzance South		3
Penzance Central		2
Penzance East		3
Penzance Promenade		2
St Buryan	The parishes of Paul, St Buryan, St Levan, Sancreed and Sennen	2
St Erth and St Hilary	The parishes of St Erth and St Hilary	1
St Ives North		2
St Ives South		2

SCHEDULE 2

article 4(3)

ORDER OF RETIREMENT OF COUNCILLORS

(1) *Name of Ward*	*(2)* *Number of councillors to retire in 2006*	*(3)* *Number of councillors to retire in 2007*	*(4)* *Number of councillors to retire in 2008*
Goldsithney	0	1	0
Gulval and Heamoor	1	0	1
Gwinear, Gwithian and Hayle East	1	0	1
Hayle North	0	1	1
Hayle South	1	0	1
Lelant and Carbis Bay	1	1	0
Ludgvan and Towednack	1	0	1
Madron and Zennor	0	1	0
Marazion and Perranuthnoe	0	1	0
Morvah, Pendeen and St Just	1	1	1
Penzance South	1	1	1
Penzance Central	1	0	1
Penzance East	1	1	1
Penzance Promenade	1	0	1
St Buryan	0	1	1
St Erth and St Hilary	0	1	0
St Ives North	1	1	0
St Ives South	0	1	1

SCHEDULE 3

article 5

WARDS OF THE PARISH OF HAYLE
NAMES AND AREAS OF WARDS AND NUMBERS OF COUNCILLORS

(1) *Name of Ward*	*(2)* *Area of Ward*	*(3)* *Number of councillors*
East	So much of the district ward of Gwinear-Gwithian and Hayle East as comprises part of the parish of Hayle	2
North	The district ward of Hayle North	7
South	The district ward of Hayle South	6

SCHEDULE 4

article 7

WARDS OF THE PARISH OF PERRANUTHNOE
NAMES AND AREAS OF WARDS AND NUMBERS OF COUNCILLORS

(1) *Name of Ward*	*(2)* *Area of Ward*	*(3)* *Number of councillors*
Goldsithney	The district ward of Goldsithney	7
Perranuthnoe	So much of the district ward of Marazion and Perranuthnoe as comprises part of the parish of Perranuthnoe	3

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect, with modifications, to recommendations by the Boundary Committee for England, a committee of the Electoral Commission, for electoral changes in the district of Penwith.

The modifications relate to the boundary between the parish wards of Gulval and Heamoor of Penzance parish; the boundary between the district wards of Gwinear-Gwithian and Hayle East and Hayle North; the boundary between the district wards of Penzance East and Penzance Promenade; the boundary between the district wards of Penzance Promenade and Penzance South; the electoral arrangements in the district wards of Goldsithney, and St Erth and St Hilary; and the naming of the district wards of Ludgvan and Towednack, and Penzance South.

The changes have effect in relation to local government elections to be held on and after 6th May 2004.

Article 3 abolishes the existing wards of the district and provides for the creation of 18 new wards. That article and Schedule 1 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 elections by thirds in subsequent years. Schedule 2 provides for the order of retirement of councillors.

Articles 5 to 8 make electoral changes in the parishes of Hayle, Penzance, Perranuthnoe, and St Ives.

Article 9 provides for elections of certain parish councils in the district.

Article 11 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

Article 12 revokes the District of Penwith (Electoral Arrangements) Order 1978 (S.I. 1978/1505), with the exception of articles 8 and 9(8).

The areas of the new parish 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 Penwith District Council and at the principal office of the Electoral Commission at Trevelyan House, Great Peter Street, London SW1P 2HW.

ISBN 0-11-042868-4

9 780110 428680

£2.00

© Crown copyright 2002

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E1514 10/2002 121514 19585