2002 No. 1962

LOCAL GOVERNMENT, ENGLAND

The Local Authorities (Scheme for Elections of Specified Councils) (England) Order 2002

Made - - - - -	*24th July 2002*
Laid before Parliament	*29th July 2002*
Coming into force - -	*19th August 2002*

The Secretary of State, in exercise of the powers conferred upon him by sections 86, 87 and 105 of the Local Government Act 2000(**a**), hereby makes the following Order:

Citation, commencement, application and interpretation

1.—(1) This Order may be cited as the Local Authorities (Scheme for Elections of Specified Councils) (England) Order 2002 and shall come into force on 19th August 2002.

(2) This Order applies to local authorities in England only(**b**).

(3) In this Order—

"the 2000 Act" means the Local Government Act 2000;

"relevant district" means a borough or city of a council specified in article 2(1); and

"relevant parish" means a parish specified in article 2(2).

Specified authorities

2.—(1) The following councils are specified under section 86 of the 2000 Act for the purposes of this Order—

(a) the council of the borough of Cheltenham;
(b) the council of the borough of Fareham;
(c) the council of the borough of Gosport;
(d) the council of the borough of Hastings;
(e) the council of the borough of Nuneaton and Bedworth; and
(f) the council of the city of Oxford.

(2) The following local authorities are specified under section 87 of the 2000 Act for the purposes of this Order—

(a) within the borough of Cheltenham, the parish councils of the parishes of—
  (i) Charlton Kings;
  (ii) Leckhampton;
  (iii) Prestbury;
  (iv) Swindon; and
  (v) Up Hatherly; and
(b) within the city of Oxford, the parish councils of the parishes of—

(**a**) 2000 c. 22.
(**b**) For the application of sections 86, 87 and 105 of the Local Government Act 2000 to Wales, *see* section 106 of that Act.

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(i) Blackbird Leys;
(ii) Littlemore;
(iii) Old Marston; and
(iv) Risinghurst and Sandhills.

New scheme for the ordinary elections of councillors

3.—(1) Subject to the following provisions of this article, the scheme for the ordinary elections of councillors for wards of a relevant district shall be a scheme under which—

(a) the term of office of councillors is four years;
(b) the elections are held on the ordinary day of elections of councillors(**a**) in 2004 and every second year after 2004;
(c) one half (or as nearly as may be) of the councillors are elected in each year in which the elections are held; and
(d) one half (or as nearly as may be) of the councillors retire in each year in which the elections are held.

(2) Of the councillors elected for each ward of a relevant district in 2002(**b**)—

(a) one councillor shall retire in 2004 and, accordingly, his term of office shall be two years; and
(b) the other councillor, or in the case of Portchester East in the borough of Fareham the other two councillors, shall retire in 2006 and, accordingly, the term of office of each such councillor shall be four years.

(3) Of the councillors elected in 2002 for any ward of a relevant district, the first to retire shall, subject to paragraph (4), be the councillor elected by the smallest number of votes.

(4) In the case of an equality of votes between any persons elected which makes it uncertain which of them is to retire in 2004, the person to retire in that year shall be determined by lot.

(5) Where under paragraph (4) 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.

(6) 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.

Changes to years of parish elections

4. The ordinary elections of parish councillors of a relevant parish that would, but for this Order, have taken place in 2007 and every fourth year after 2007 shall instead take place on the ordinary day of election of councillors in 2006 and every fourth year after 2006.

Retirement of parish councillors

5.—(1) Any parish councillor of a relevant parish holding office immediately before the fourth day after the ordinary day of election of councillors in 2006 who would, but for this Order, have retired on the ordinary day of election of councillors in 2007 shall, unless he resigns his office or it otherwise becomes vacant, retire instead on the fourth day after the ordinary day of election of councillors in 2006.

(2) The term of office of parish councillors of a relevant parish elected on the ordinary day of election of councillors in 2003 shall be three years.

(3) Except as otherwise provided in the preceding paragraphs of this article, the term of office of parish councillors of a relevant parish shall be four years.

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

(**a**) For the ordinary day of elections 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).
(**b**) Elections of all councillors for all wards of each relevant district were held on 2nd May 2002.

Revocations

6. The following provisions shall be revoked—

(a) article 3 of, and Schedule 2 to, the Borough of Cheltenham (Electoral Changes) Order 2001(**a**);

(b) article 3 of, and Schedule 2 to, the Borough of Fareham (Electoral Changes) Order 2001(**b**);

(c) article 3 of, and Schedule 2 to, the Borough of Gosport (Electoral Changes) Order 2001(**c**);

(d) article 3 of, and Schedule 2 to, the Borough of Hastings (Electoral Changes) Order 2001(**d**);

(e) article 3 of, and Schedule 2 to, the Borough of Nuneaton and Bedworth (Electoral Changes) Order 2000(**e**); and

(f) article 3 of, and Schedule 2 to, the City of Oxford (Electoral Changes) Order 2001(**f**).

Signed by authority of the Secretary of State

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

24th July 2002

(**a**) S.I. 2001/3882.
(**b**) S.I. 2001/1020.
(**c**) S.I. 2001/1022.
(**d**) S.I. 2001/4056.
(**e**) S.I. 2000/2058.
(**f**) S.I. 2001/4063.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for a new scheme for elections of councillors in each of the districts of Cheltenham, Fareham, Gosport, Hastings, Nuneaton and Bedworth, and Oxford.

Under the new scheme the term of office of councillors is four years, except for the councillors who retire in 2004 after a two year term. Elections are to be held in 2004 and biennially thereafter. One half (or as nearly as may be) of the councillors are elected in each year in which the elections are held (article 3).

The parishes within Cheltenham and Oxford are to have parish council elections in 2003 to tie in with the ward changes taking place in some of those parishes in 2003. Subsequent parish council elections shall be in 2006, instead of 2007, and every fourth year after 2006, so that they take place in the same year as district council elections (article 4).

Article 5 makes provision for the retirement of parish councillors.

Article 6 revokes provisions in the following Orders which have been superseded by the provisions of this Order:

the Borough of Cheltenham (Electoral Changes) Order 2001;

the Borough of Fareham (Electoral Changes) Order 2001;

the Borough of Gosport (Electoral Changes) Order 2001;

the Borough of Hastings (Electoral Changes) Order 2001;

the Borough of Nuneaton and Bedworth (Electoral Changes) Order 2000; and

the City of Oxford (Electoral Changes) Order 2001.

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