1973. No. 207 **[C]**

LOCAL GOVERNMENT

Modification of Borough Charters

ORDER, DATED 25TH JUNE 1973, MADE BY THE MINISTRY OF DEVELOPMENT UNDER SECTION 134 OF THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972.

The Ministry of Development on behalf of the Secretary of State and in exercise of the powers conferred on it by section 134 of the Local Government Act (Northern Ireland) 1972(a) (in this Order referred to as "the Act") and of every other power enabling it in that behalf hereby makes the following Order:—

Citation

1. This Order may be cited as the Local Government (Modification of Borough Charters) Order (Northern Ireland) 1973.

Charters

2. The charter of the corporation of a county borough or other borough which, by virtue of section 132(3) of the Act, has effect on and after 1st October 1973 (in this Order referred to as "the charter") shall on and after that date be and is hereby modified in accordance with the provisions of this Order.

General modifications

3.—(1) There shall be made in the charter such modifications as are necessary to bring it into conformity with the provisions contained in or made under the Act or any other transferred provision passed or made in connection with the reorganisation of local government effected by the Act; and any provision of the charter which is inconsistent with a provision so contained or made shall, to the extent of the inconsistency, cease to have effect.

(2) For the purposes of paragraph (1) a transferred provision shall be deemed to have been passed or made in connection with the reorganisation of local government if it provides for the exercise by any other body of functions which apart from that provision would have been exercisable by an existing local authority.

(3) Every charter to which this Order applies shall have effect subject to the modifications and additions contained in this Order.

Designation of aldermen

4.—(1) Aldermen shall be designated in accordance with the following rules:—

(*a*) Each alderman shall be elected by the council from among the councillors;

(*b*) the number of aldermen shall be such number as the council may determine but shall not exceed one quarter of the whole number of councillors;

(a) 1972. c. 9 (N.I.).

(*c*) except in the case of an election of an alderman to fill a casual vacancy, the ordinary election of aldermen shall be held in every fourth year, being a local election year;

(*d*) subject to sub-paragraph (*r*) the ordinary election of aldermen shall be held at the annual meeting of the council and shall take place immediately after the election of the Mayor and Deputy Mayor or, as the case may be, the Lord Mayor and Deputy Lord Mayor;

(*e*) every councillor, including in the case of an election to fill a casual vacancy a councillor who is an alderman, of the council shall be entitled to vote at the election of an alderman;

(*f*) a councillor shall be a candidate for election as an alderman if—

(i) he is nominated as a candidate by one other councillor as proposer and by another as seconder, and

(ii) he assents to the nomination.

Any nomination may be made, and any assent may be given, either in the course of the meeting or by a document signed by the councillor or councillors in question and delivered to the clerk of the council before the beginning of the meeting;

(*g*) every councillor entitled to vote at a contested election of an alderman shall do so by signing and delivering at the meeting to the clerk of the council a voting paper containing in order of preference the full names of the candidate or candidates for whom he votes;

(*h*) the clerk of the council shall, as soon as all the voting papers have been delivered to him, proceed to ascertain the result of the voting and shall state the number of votes given to each candidate at each stage of the counting of votes;

(*i*) where at any stage of the counting of votes the votes recorded for any candidate are equal to or greater than the quota, that candidate shall be deemed to be elected;

(*j*) at each stage of the counting of votes the transfer of the surplus votes cast for any candidate shall be effected by the transfer of such surplus votes in proportion to the number of the next available preference votes expressed for other candidates in the voting papers of a successful candidate; if at any stage of the counting of votes two or more candidates have surplus votes, the largest surplus shall be transferred first;

(*k*) if the quota is not achieved after the transfer of all surpluses (if any) the candidate or candidates with the highest number of votes shall be elected to fill the vacancies remaining;

(*l*) in the case of an equality of votes for any candidates the person presiding at the meeting may give a casting vote, whether or not he voted in the first instance, or if the person presiding declines to give a casting vote the matter shall be decided by lot;

(*m*) in the case of a contested election the person presiding at the meeting shall declare to be elected as many candidates as there are vacancies to be filled and in cases where fewer nominations are received than there are vacancies shall declare to be elected all the candidates nominated;

(*n*) the minutes of the proceedings of the meeting in addition to recording the names of the councillors becoming aldermen shall in the case of a contested election include the full names of the candidates to whom votes were given and a complete record of the number of votes recorded for each;

(*o*) an alderman may resign his office of alderman without ceasing to be a councillor;

(*p*) where a councillor, who has been elected an alderman (including a councillor elected an alderman to fill a casual vacancy), ceases for any reason to be a councillor, then that person shall also cease to be an alderman;

(*q*) on a casual vacancy occurring in the office of alderman, that vacancy shall be filled by an election at the next annual meeting of the council;

(*r*) for the purposes of the first ordinary election of aldermen the first meeting of the council held on or after 1st October 1973 shall be deemed to be the annual meeting of the council;

(*s*) any questions or matters arising concerning the counting of votes shall be determined by the clerk of the council.

(2) In this Article—

(*a*) the word "quota" means the number of all voting papers divided by a number exceeding by one the number of aldermen to be elected with the addition of one to the result obtained from such division;

(*b*) the words "surplus votes" shall mean the number of votes by which the total number of votes cast for any candidate at any stage of counting exceeds the quota.

Freedom of the Borough

5. Persons shall be admitted to the Freedom of the Borough in accordance with the following rules:—

(i) No person shall be admitted a Freeman of the Borough by gift or by purchase;

(ii) the Council of the Borough may, by a resolution passed by not less than two-thirds of the whole number of councillors at a meeting of the Council specially convened for the purpose and in respect of which at least ten days' notice of the purpose of the meeting has been given, admit to be an honorary freeman of the Borough any person;
Provided that the admission of a person to be an honorary freeman of the Borough shall not confer the right of sharing in the benefit of any assets of the council, or of any assets held in whole or in part for any charitable use or trust;

(iii) the clerk of the Borough shall keep a list, called the freemen's roll, of all persons on whom the freedom of the Borough has been conferred;

(iv) where a freemen's roll is in existence at 30th September 1973 in a county or other borough to which this Order applies, that freemen's roll shall become and shall form part of the roll of honorary freemen of the borough;

(v) in this Article the word "person" shall include any association or body of persons whether corporate or unincorporate.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 25th day of June 1973.

(L.S.)

J. Marsh,
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order makes certain provisions in relation to the borough charters for the cities of Belfast and Londonderry and for certain other districts to which existing borough charters are applied.