Draft Order laid before Parliament under section 59(9) of the Local Democracy, Economic Development and Construction Act 2009 on 2nd November 2011; draft to lie for forty days, pursuant to section 6(1) of the Statutory Instruments Act 1946, during which period either House of Parliament may resolve that the Order be not made

DRAFT STATUTORY INSTRUMENTS

2012 No. 0000

LOCAL GOVERNMENT, ENGLAND

The Daventry (Electoral Changes) Order 2012

Made - - - -
Coming into force in accordance with articles 1(2), 1(3) and 1 (4)

Under section 58(4) of the Local Democracy, Economic Development and Construction Act 2009(**1**) ("the 2009 Act") the Local Government Boundary Commission for England(**2**) published a report dated September 2011 stating its recommendations for changes to the electoral arrangements for the district of Daventry.

A draft of the instrument has been laid before Parliament and a period of forty days has expired and neither House has resolved that the instrument be not made.

The Local Government Boundary Commission for England has decided to give effect to the recommendations for electoral changes and in exercise of the powers conferred by section 59(1) of the 2009 Act makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Daventry (Electoral Changes) Order 2012.

(2) This Order, with the exception of articles 5 and 8, comes into force—

(a) for the purpose of proceedings preliminary or relating to the elections of councillors for district wards, on the day after that on which it is made;

(b) for all other purposes, on the ordinary day of election of councillors in 2012.

(3) Article 5 comes into force—

(a) for the purpose of proceedings preliminary or relating to the elections of councillors for the parish of Daventry, on 15th October 2014;

(b) for all other purposes, on the ordinary day of election of councillors in 2015.

(**1**) 2009 c.20.
(**2**) The Local Government Boundary Commission for England was established on 1st April 2010 by section 55(1) of the Local Democracy, Economic Development and Construction Act 2009 (c.20).

(4) Article 8 comes into force—

(a) for the purpose of elections of councillors for the parish of Barby, on the ordinary day of election of councillors in 2012;

(b) for the purpose of elections of councillors for the parish of Brington, on 15th October 2015.

Interpretation

2. In this Order—

"map" means the map marked "Map referred to in the Daventry (Electoral Changes) Order 2012", of which prints are available for inspection at the principal office of the Local Government Boundary Commission for England;

"ordinary day of election of councillors" has the meaning given by section 37 of the Representation of the People Act 1983(**3**).

Wards of the district of Daventry and number of councillors

3.—(1) The existing wards of the district of Daventry are abolished.

(2) The district is divided into sixteen wards each bearing a name listed in column 1 of Schedule 1.

(3) Each ward comprises the area designated on the map by reference to the name of the ward.

(4) The number of councillors to be elected for each ward is the number specified in relation to that ward in column 2 of Schedule 1.

(5) Where a boundary is shown on the map as running along a road, railway line, footway, watercourse or similar geographical feature, it is to be treated as running along the centre line of the feature.

Elections of the council of the district of Daventry

4.—(1) Elections of all councillors for all wards of the district are to be held simultaneously on the ordinary day of election of councillors in 2012(**4**).

(2) The councillors holding office for any ward of the district immediately before the fourth day after the ordinary day of election of councillors in 2012 are to retire on that date and the newly elected councillors are to come into office on that date.

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

(4) Where the number of councillors elected in 2012 for any ward of the district is two or more—

(a) the first to retire is, subject to paragraphs (5) and (6), to be the councillor elected by the smallest number of votes; and

(b) the second to retire is, subject to those paragraphs, to 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 is to be determined by lot.

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

(**3**) 1983 c.2. Section 37 has been amended by section 18(2) of the Representation of the People Act 1985 (c.50), section 17 of the Greater London Authority Act l999 (c.29) and section 60 of the Local Government and Public Involvement in Health Act 2007 (c.28).

(**4**) The system of election by thirds in the district of Daventry is established by paragraphs 3(1) and 3(10) of the District of Daventry (Electoral Changes) Order 1998 (S.I.1998/2507).

(7) Where under this article any question is to be determined by lot, the lot is to be drawn at the next practicable meeting of the council after the question has arisen and the drawing is to be conducted under the direction of the person presiding at the meeting.

Wards of the parish of Daventry and number of councillors

5.—(1) The existing wards of the parish of Daventry are abolished.

(2) The parish is divided into four wards named respectively—

(a) Abbey North;

(b) Abbey South;

(c) Drayton;

(d) Hill.

(3) Each ward comprises the area designated on the map by reference to the name of the ward.

(4) Five councillors are to be elected for Drayton ward.

(5) Four councillors are to be elected for each of the following wards:

(a) Abbey North;

(b) Abbey South;

(c) Hill.

Parish elections

6.—(1) The election of all parish councillors for the parish of Barby is to be held on the ordinary day of election of councillors in 2015 and every fourth year after 2015(**5**).

(2) The election of all parish councillors for the parish of Brington is to be held on the ordinary day of election of councillors in 2016 and every fourth year after 2016(**6**).

Transitional provisions

7.—(1) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2010 for the parish of Barby is to be five years.

(2) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2014 for the parish of Brington is to be two years.

Revocation and modifications

8. Any provision of an Order made before the making of this Order which requires an election of parish councillors for the parishes of Barby or Brington to be held on a date other than that for which Article 6 provides is revoked.

9. Rule 5 of the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (**7**) (filling of casual vacancies) is to have effect—

(a) in the case of a casual vacancy occurring before the fourth day after the ordinary day of election of councillors in 2015 in the office of a parish councillor for the parish of Barby as if the references in paragraphs (3) and (6) of that rule to the day on which that councillor would regularly have retired were a reference to the fourth day after the ordinary day of election of councillors in 2015;

(**5**) Section 16(3) of the Local Government Act 1972 (c.70) provides for parish elections to take place every four years.
(**6**) Section 16(3) of the Local Government Act 1972 (c.70) provides for parish elections to take place every four years.
(**7**) S.I. 2006/3305, to which there are amendments not relevant to this Order.