Draft Order laid before Parliament under section 59(9) of the Local Democracy, Economic Development and Construction Act 2009 on 14th 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 Rushmoor (Electoral Changes) Order 2012

Made - - - -

Coming into force in accordance with article 1(2)

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 October 2011 stating its recommendations for changes to the electoral arrangements for the district of Rushmoor(**3**).

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 Rushmoor (Electoral Changes) Order 2012.

(2) This Order 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.

Interpretation

2. In this Order—

(**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).

(**3**) The non-metropolitan district of Rushmoor has the status of a borough.

"map" means the map marked "Map referred to in the Rushmoor (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(**4**).

Wards of the district of Rushmoor and number of councillors

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

(2) The district is divided into thirteen wards each bearing a name listed in the Schedule.

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

(4) Three councillors are to be elected for each ward.

(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 Rushmoor

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(**5**).

(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) Of the councillors elected in 2012 for any ward of the district one is to retire in 2014, one in 2015 and one in 2016.

(4) Of the councillors elected in 2012 for any ward of the district—

(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.

(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.

(**4**) 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).

(**5**) The system of elections by thirds in the district of Rushmoor is established by article 3 of the Borough of Rushmoor (Electoral Changes) Order 2001 (S.I.2001/1016).