Draft Order laid before Parliament under section 84(4) of the Northern Ireland Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No.

NORTHERN IRELAND

The District Electoral Areas Commissioner (Northern Ireland) Order 2012

Made - - - - ***

Coming into force in accordance with Article 1(2)

At the Court at Buckingham Palace, the *** day of ***

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 7(3) of the Political Parties, Elections and Referendums Act 2000(**1**) the Electoral Commission has been consulted prior to this Order being laid before Parliament.

In accordance with section 84(4) of the Northern Ireland Act 1998(**2**) a draft of this Order has been laid before and approved by resolution of each House of Parliament.

Accordingly, Her Majesty, in exercise of the powers conferred on Her by section 84(1) and (3) of the Northern Ireland Act 1998, is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the District Electoral Areas Commissioner (Northern Ireland) Order 2012.

(2) This Order comes into force on the day after the day on which it is made.

(3) In this Order—

"the 1972 Act" means the Local Government Act (Northern Ireland) 1972(**3**);

(**1**) 2000 c. 41; amendments have been made to section 7 but they are not relevant to this Order.
(**2**) 1998 c. 47; section 84 was amended by the Elections Act 2001 (c. 7).
(**3**) 1972 c. 9; relevant amendments are referenced in this Order.

"the 1984 Order" means the District Electoral Areas Commissioner (Northern Ireland) Order 1984(**4**); and

Amendments to the 1984 Order

2.—(1) The 1984 Order is amended as follows.

(2) In Article 2(1)(**5**) omit "or (b)".

(3) After Article 2(1) insert—

"(1A) Where a Local Government Boundaries Commissioner has been appointed under section 50(1)(b)(**6**) of the 1972 Act the Secretary of State may appoint a Commissioner to carry out the function conferred by paragraph (2)."

(4) After Article 2(2) insert—

2.—"(3) Where an order is made under section 50(10) of the 1972 Act and the Secretary of State has not exercised the power to appoint a Commissioner under paragraph (1A), the Secretary of State must do so as soon as practicable after that order is made.

(4) Where a Commissioner has been appointed under this Article but the appointment has come to an end before the Commissioner has carried out the function conferred by paragraph (2), the Secretary of State shall appoint a Commissioner (who may be the same person as the Commissioner whose appointment has come to an end) to carry out that function.

(5) Where, when the duty to make the appointment under paragraph (4) first arises, an order under section 50(10) of the 1972 Act—

(a) has not been made, or

(b) if made, has ceased to have effect,

the Secretary of State is not required to make the appointment until an order under section 50(10) of the 1972 Act has been made; but, if the appointment is not made before such an order is made, the Secretary of State must appoint the Commissioner as soon as practicable after the making of the order."

(5) In Article 3(**7**) for paragraph (1) substitute—

"(1) Where a Local Government Boundaries Commissioner has been appointed under section 50(4) of the 1972 Act the Secretary of State may appoint a Commissioner to carry out the function conferred by paragraph (2)."

(6) After Article 3(2) insert—

2.—"(3) Where an order is made under section 50(10) of the 1972 Act and the Secretary of State has not exercised the power to appoint a Commissioner under paragraph (1), the Secretary of State must do so as soon as practicable after that order is made.

(4) Where a Commissioner has been appointed under this Article but the appointment has come to an end before the Commissioner has carried out the function conferred by paragraph (2), the Secretary of State shall appoint a Commissioner (who may be the same person as the Commissioner whose appointment has come to an end) to carry out that function.

(5) Where, when the duty to make the appointment under paragraph (4) first arises, an order under section 50(10) of the 1972 Act—

(a) has not been made, or

(**4**) S.I. 1984/360; amended by S.I. 2006/1253 (N.I.8), S.I. 2007/612 (N.I.4) and S.I. 2009/3016.
(**5**) Article 2 was amended by Article 3 of S.I. 2007/612 (N.I.4).
(**6**) Section 50 was substituted by Article 4(1) of S.I. 2006/1253 (N.I.8); subsections (1) and (2) of section 50 were subsequently substituted by section 2 of the Local Government (Boundaries) Act (Northern Ireland) 2008 (c. 7).
(**7**) Article 3 was amended by Article 4 of S.I. 2007/612 (N.I.4).