Draft Order in Council laid before Parliament under paragraph 2(1)(a) of the Schedule to the Northern Ireland Act 2000, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2006 No. (N.I.)

NORTHERN IRELAND

The Local Government (Boundaries) (Northern Ireland) Order 2006

Made - - - - 2006
Coming into operation in accordance with Article 1(2) to (4)

At the Court at Buckingham Palace, the ** day of ** 2006

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order in Council has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:–

Title and commencement

1.—(1) This Order may be cited as the Local Government (Boundaries) (Northern Ireland) Order 2006.

(2) Subject to paragraphs (3) and (4), this Order comes into operation one week after the date on which it is made.

(3) Article 3 comes into operation—

(a) for the purposes of enabling the Department and the Local Government Boundaries Commissioner to perform their functions under section 50 of, and Schedule 4 to, the principal Act (as substituted by Article 4), one week after the date on which this Order is made;

(b) for other purposes on such date or dates as the Department may by order appoint.

(4) Article 5(1) and the repeal, by Article 5(5) and Schedule 2, of the Local Government Boundaries Act (Northern Ireland) 1971 (c. 9) come into operation on such date or dates as the Department may by order appoint.

(5) An order under this Article may contain such transitional or transitory provisions and such savings as appear to the Department to be necessary or expedient.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

"the Department" means the Department of the Environment;

"the principal Act" means the Local Government Act (Northern Ireland) 1972 (c. 9).

(3) Expressions used in this Order and in the principal Act have the same meaning in this Order as in that Act.

Local government districts and wards

3.—(1) For the purposes of local government, Northern Ireland shall be divided into 7 districts (to be known as "local government districts").

(2) The 7 local government districts shall incorporate, respectively, the whole or the major part of the following former local government districts—

(1) Antrim; Carrickfergus; Lisburn City; Newtownabbey.

(2) Ards; Castlereagh; Down; North Down.

(3) Armagh City and District; Banbridge; Craigavon; Newry and Mourne.

(4) Ballymena; Ballymoney; Coleraine; Larne; Moyle.

(5) Belfast.

(6) Cookstown; Dungannon and South Tyrone Borough; Fermanagh; Omagh.

(7) Derry; Limavady; Magherafelt; Strabane.

(3) Each local government district shall be divided into wards.

(4) The boundaries and names of the local government districts and the number, boundaries and names of the wards into which each of those districts is divided shall be such as are prescribed by an order made under section 50(10) of the principal Act.

(5) Reference in paragraph (2) to a former local government district is to that district as constituted on the date on which this Order is made.

Local Government Boundaries Commissioner

4.—(1) For section 50 of the principal Act substitute—

"**Local government boundaries**

50.—(1) The Department shall appoint a Local Government Boundaries Commissioner—

(a) in the year 2006; and

(b) thereafter, during the period not less than 8 or more than 12 years from the date of the submission under subsection (6) of the final report of the last previous Commissioner appointed under this subsection.

(2) The function of a Commissioner appointed under subsection (1)(a) shall be to make recommendations regarding—

(a) the boundaries and names of the 7 districts mentioned in Article 3 of the Local Government (Boundaries) (Northern Ireland) Order 2006; and

(b) the number, boundaries and names of the wards into which each district is to be divided.

(3) The function of a Commissioner appointed under subsection (1)(b) shall be to review, and make recommendations regarding —

(a) the number, boundaries and names of local government districts; and

(b) the number, boundaries and names of the wards into which each district is divided.

(4) Where, at a time when no Commissioner stands appointed under subsection (1)—

(a) proposals are made to the Department by a council—

(i) for altering the boundaries of the district of that council, or

(ii) for altering the number of wards into which that district is divided or the boundaries of any of those wards;

(b) proposals are made to the Department by more than one council for the union of the districts of those councils; or

(c) the Department has itself prepared any such proposal as is mentioned in paragraph (a) or (b),

the Department may appoint a Local Government Boundaries Commissioner to consider the proposals and make recommendations.

(5) Part I of Schedule 4 shall have effect with respect to a Local Government Boundaries Commissioner, and such a Commissioner shall—

(a) regulate his procedure in accordance with Part II of that Schedule; and

(b) make his recommendations in accordance with Part III of that Schedule.

(6) A Local Government Boundaries Commissioner appointed under subsection (1) or (4) shall submit a final report to the Department within such period as the Department may direct.

(7) As soon as may be after a Commissioner appointed under subsection (1)(a) submits his final report, the Department shall lay the report before the Assembly together with the draft of an order to give effect, whether with or without modifications, to the recommendations contained in the report.

(8) If the report of a Commissioner appointed under subsection (1)(b) or (4) recommends any alteration in the number, boundaries or names of any districts or wards, the Department shall, as soon as may be after receiving the report, lay the report before the Assembly together with the draft of an order to give effect, whether with or without modifications, to the recommendations contained in the report.

(9) Where a draft order to be laid before the Assembly under subsection (7) or (8) proposes to give effect to recommendations of a Commissioner with modifications, the Department shall lay before the Assembly, together with the draft order, a statement of the reasons for the modifications.

(10) On the approval of the draft order by a resolution of the Assembly, the Department shall make an order in terms of the draft as so approved.".

(2) For Schedule 4 to the principal Act substitute the Schedule set out in Schedule 1 to this Order.

Consequential amendments and repeals

5.—(1) In section 1(1) of the principal Act for "the Local Government (Boundaries) Act (Northern Ireland) 1971" substitute "Article 3 of the Local Government (Boundaries) (Northern Ireland) Order 2006".

(2) In the principal Act—

(a) in section 52 (1) and (4) for "Minister" substitute "Department";

(b) in section 143 after "40(8)," insert "50,".

(3) In the District Electoral Areas Commissioner (Northern Ireland) Order 1984 (SI 1984/360)—

(a) in Article 2(1) for "subsection (6)" substitute "subsection (10)" and for "following a review conducted under subsection (1)" substitute "under subsection (2) or (3)";

(b) in Article 3(1) for "subsection (6)" substitute "subsection (10)" and for "subsection (2)" substitute "subsection (4)";

(c) in paragraph 7 of Schedule 2 for "section 50(6)" substitute "section 50(10)".

(4) In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) in the entry relating to Commissioners or Assistant Commissioners appointed under section 50(1) or (2) of, or Schedule 4 to, the Local Government Act (Northern Ireland) 1972, for "or (2)" substitute "or (4)".

(5) The statutory provisions set out in Schedule 2 are repealed to the extent mentioned in column 2 of that Schedule.

A.K. Galloway
Clerk of the Privy Council

SCHEDULES

SCHEDULE 1 Article 4(2)

SCHEDULE 4 TO THE PRINCIPAL ACT, AS SUBSTITUTED

"SCHEDULE 4

LOCAL GOVERNMENT BOUNDARIES COMMISSIONER

PART I

APPOINTMENT, ETC.

Interpretation

1. In this Schedule "a Commissioner" means a Local Government Boundaries Commissioner.

Appointment

2.—(1) Section 18(2) of the Interpretation Act (Northern Ireland) 1954 applies to the appointment of a Commissioner, with the omission of paragraph (b)(iii).

(2) A Commissioner shall be appointed on such terms and conditions as the Department, with the approval of the Department of Finance and Personnel, may determine.

(3) The appointment of a Commissioner shall terminate on such date after he submits his final report under section 50(6) as the Department may determine.

Assistant Commissioners and assessors

3.—(1) The Department may, at the request of a Commissioner, appoint one or more Assistant Commissioners on such terms and conditions as the Department, with the approval of the Department of Finance and Personnel, may determine.

(2) The following shall be assessors to a Commissioner—

(a) the Registrar General for Northern Ireland;

(b) the Commissioner of Valuation for Northern Ireland;

(c) the Chief Survey Officer of Ordnance Survey for Northern Ireland; and

(d) the Chief Electoral Officer for Northern Ireland.

Officers

4.—(1) The Department shall appoint—

(a) a secretary; and