STATUTORY RULES OF NORTHERN IRELAND

2015 No. 125

LOCAL GOVERNMENT

The Local Government (Transitional, Incidental, Consequential and Supplemental Provisions) Regulations (Northern Ireland) 2015

Made - - - -	*5th March 2015*
Coming into operation	*9th March 2015*

The Department of the Environment makes the following Regulations, in exercise of the powers conferred by section 124 of the Local Government Act (Northern Ireland) 2014(**1**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Government (Transitional, Incidental, Consequential and Supplemental Provisions) Regulations (Northern Ireland) 2015, and shall come into operation on 9th March 2015.

(2) In these Regulations—

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

"2014 Act" means the Local Government Act (Northern Ireland) 2014;

"district" means a local government district established in pursuance of section 1 of the Local Government (Boundaries) Act (Northern Ireland) 2008(**2**);

"new council" means a district council constituted under section 1 of the Local Government Act (Northern Ireland) 1972 as amended by section 3(1) of the Local Government (Boundaries) Act (Northern Ireland) 2008;

"local government legislation" means—

(a) the 1972 Act;

(b) the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 2002(**3**);

(c) Part 2 of the Local Government (Northern Ireland) Order 2005(**4**);

(**1**) 2014 c. 8 (N.I.).
(**2**) 2008 c. 7 (N.I.).
(**3**) S.I. 2002/3149.
(**4**) S.I. 2005/1968.

(d) Chapter 2 of Part 2 of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010(**5**);

(e) the Local Government Finance Act (Northern Ireland) 2011(**6**);

(f) the 2014 Act; and

(g) any regulations or orders made under any of the immediately preceding statutory provisions.

"operative date" is 1st October 2016;

"casual vacancy" has the meaning given by section 11 of the Electoral Law Act (Northern Ireland) 1962(**7**).

Boroughs

2. Where, before the operative date, a new council is granted a charter designating its district a borough under section 2 of the 1972 Act and the whole or major part of any other borough has existed in the district before that date, the roll of honorary freemen of that other borough shall become and form part of the roll of honorary freemen of the borough designated by the charter.

Charters

3.—(1) On the operative date the charter of the corporation of every borough in existence before 1st April 2015, other than a county borough, the borough of Lisburn or a borough to which paragraph (3)(c) applies, shall be annulled.

(2) The new council for a district which includes the whole or the major part of a borough other than a county borough or the borough of Lisburn may, before the operative date, resolve that the charter of the corporation of the borough shall have effect in relation to the district; and, if the borough bears a name other than the name of the district, the resolution shall provide for the name of the corporation of the borough to be changed to correspond to the name of the district.

(3) After 31st March 2015 the charter of—

(a) the corporation of each county borough;

(b) the corporation of the borough of Lisburn; and

(c) a borough in respect of the charter of which a resolution has been passed under paragraph (2);

shall, subject to these Regulations, have effect in relation to the district which includes the whole or major part of the borough as existing immediately before that date.

(4) In the case of the charter of the borough of Lisburn, after 31st March 2015, the name of the corporation of the borough shall be the name of the district.

(5) The corporation established or regulated by a charter to which paragraph (3) applies shall continue to bear the name it bore immediately before the operative date or, where a resolution passed under this paragraph provides for a change of its name, shall on and after that date bear the name specified in the resolution.

(6) The chairman of the council mentioned in paragraph (5), and the councillors of that council who are designated as aldermen in accordance with the charter, shall be respectively the mayor (or, as the case may be, the lord mayor) and the aldermen of the borough to which the charter relates.

(**5**) 2010 c. 7 (N.I.) as amended by 2011 c. 10 (N.I.).
(**6**) 2011 c. 10 (N.I.).
(**7**) 1962 c. 14.

(7) Where a freemen's roll is in existence immediately prior to the operative date in a county borough or other borough to which these Regulations apply, that freemen's roll shall, on the operative date, become and form part of the roll of honorary freemen of the borough designated by a charter to which paragraph (3) applies.

(8) Without prejudice to any provision of the charter for the conferment of the freedom of the borough, the local electors of a district in relation to which a charter to which paragraph (3) applies shall, for the purposes of the charter, be the burgesses (or, as the case may be, the citizens) of the borough.

(9) When a new council passes a resolution under subsection (2) it shall publish notice of the resolution in the Belfast Gazette.

Designation of aldermen

4.—(1) Notwithstanding any provision in a charter or statutory provision which (immediately prior to the operative date) provides for the designation of aldermen, where, in accordance with its charter, a council designates aldermen, it shall designate aldermen on or after that date in accordance with the following paragraphs of this regulation.

(2) In this regulation—

(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; and

(c) "special resolution" has the meaning given by section 148 of the 1972 Act.

(3) Aldermen shall be designated in accordance with the following rules—

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

(b) if the number of councillors nominated as a candidate for the position of alderman does not exceed the number determined by the council in accordance with subparagraph (a) and the council so agrees, those nominated councillors may be deemed to be elected to the position of alderman;

(c) if subparagraph (b) does not apply, an alderman shall be elected by the council from among the councillors;

(d) 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 an election year;

(e) subject to sub-paragraphs (r) and (s), the ordinary election of aldermen shall be held at the annual meeting of the council;

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

(g) 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 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;