1973. No. 207 **[C]**

LOCAL GOVERNMENT

Modification of Borough Charters

ORDER, DATED 25TH JUNE 1973, MADE BY THE MINISTRY OF DEVELOPMENT UNDER SECTION 134 OF THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972.

The Ministry of Development on behalf of the Secretary of State and in exercise of the powers conferred on it by section 134 of the Local Government Act (Northern Ireland) 1972(a) (in this Order referred to as "the Act") and of every other power enabling it in that behalf hereby makes the following Order:—

Citation

1. This Order may be cited as the Local Government (Modification of Borough Charters) Order (Northern Ireland) 1973.

Charters

2. The charter of the corporation of a county borough or other borough which, by virtue of section 132(3) of the Act, has effect on and after 1st October 1973 (in this Order referred to as "the charter") shall on and after that date be and is hereby modified in accordance with the provisions of this Order.

General modifications

3.—(1) There shall be made in the charter such modifications as are necessary to bring it into conformity with the provisions contained in or made under the Act or any other transferred provision passed or made in connection with the reorganisation of local government effected by the Act; and any provision of the charter which is inconsistent with a provision so contained or made shall, to the extent of the inconsistency, cease to have effect.

(2) For the purposes of paragraph (1) a transferred provision shall be deemed to have been passed or made in connection with the reorganisation of local government if it provides for the exercise by any other body of functions which apart from that provision would have been exercisable by an existing local authority.

(3) Every charter to which this Order applies shall have effect subject to the modifications and additions contained in this Order.

Designation of aldermen

4.—(1) Aldermen shall be designated in accordance with the following rules:—

(*a*) Each alderman shall be elected by the council from among the councillors;

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

(a) 1972. c. 9 (N.I.).

(*c*) 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 a local election year;

(*d*) subject to sub-paragraph (*r*) the ordinary election of aldermen shall be held at the annual meeting of the council and shall take place immediately after the election of the Mayor and Deputy Mayor or, as the case may be, the Lord Mayor and Deputy Lord Mayor;

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

(*f*) 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 by 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;

(*g*) every councillor entitled to vote at a contested election of an alderman shall do so by signing and delivering at the meeting to the clerk of the council a voting paper containing in order of preference the full names of the candidate or candidates for whom he votes;

(*h*) the clerk of the council shall, as soon as all the voting papers have been delivered to him, proceed to ascertain the result of the voting and shall state the number of votes given to each candidate at each stage of the counting of votes;

(*i*) where at any stage of the counting of votes the votes recorded for any candidate are equal to or greater than the quota, that candidate shall be deemed to be elected;

(*j*) at each stage of the counting of votes the transfer of the surplus votes cast for any candidate shall be effected by the transfer of such surplus votes in proportion to the number of the next available preference votes expressed for other candidates in the voting papers of a successful candidate; if at any stage of the counting of votes two or more candidates have surplus votes, the largest surplus shall be transferred first;

(*k*) if the quota is not achieved after the transfer of all surpluses (if any) the candidate or candidates with the highest number of votes shall be elected to fill the vacancies remaining;

(*l*) in the case of an equality of votes for any candidates the person presiding at the meeting may give a casting vote, whether or not he voted in the first instance, or if the person presiding declines to give a casting vote the matter shall be decided by lot;

(*m*) in the case of a contested election the person presiding at the meeting shall declare to be elected as many candidates as there are vacancies to be filled and in cases where fewer nominations are received than there are vacancies shall declare to be elected all the candidates nominated;

(*n*) the minutes of the proceedings of the meeting in addition to recording the names of the councillors becoming aldermen shall in the case of a contested election include the full names of the candidates to whom votes were given and a complete record of the number of votes recorded for each;