
STATUTORY INSTRUMENTS

1996 No. 1863

The Cheshire (Boroughs of Halton and Warrington) (Structural Change) Order 1996

PART III

TRANSITIONAL PROVISION

Election of councillors in 1997 and subsequent years

7.—(1) The Borough of Halton (Electoral Arrangements) Order 1986⁽¹⁾ shall be amended by the substitution of the following article for article 6—

“6.—(1) Elections of all councillors for wards of the borough shall be held simultaneously on the ordinary day of election of councillors in 1997.

(2) The councillors holding office for any ward in the borough immediately before 5th May 1997 shall retire on that date and the newly elected councillors for any such ward shall come into office on that date.

(3) Of the councillors elected at the ordinary elections of councillors in 1997 for any ward of the borough, other than Daresbury and Hale—

- (a) one-third shall retire in 1999 being, subject to paragraphs (4) and (5) below, the councillor elected by the smallest number of votes;
- (b) one-third shall retire in 2000 being, subject as aforesaid, the councillor elected by the next smallest number of votes; and
- (c) the remaining councillor shall retire in 2001.

(4) In the case of an equality of votes between any persons elected which makes it uncertain which of them is to retire in any such year, the person to retire in that year shall be determined by lot.

(5) If an election of councillors for any ward is not contested, the person to retire in each such year shall be determined by lot.

(6) Where under this article any question is to be determined by lot, the lot shall be drawn at the next practicable meeting of the council after the question has arisen and the drawing shall be conducted under the direction of the person presiding at the meeting.

(7) The councillor elected in 1997 for the Daresbury ward of the borough shall retire in 2000.

(8) The councillor elected in 1997 for the Hale ward of the borough shall retire in 1999.

(9) In each year in which a councillor for a ward in the borough retires in accordance with paragraphs (3) to (8) above an election of a councillor for that ward shall be held on

(1) S.I.1986/280.

the ordinary day of election of councillors in that year; and the term of office of councillors elected at such an election shall be three years.

(10) Except as otherwise provided in the foregoing paragraphs of this article, the term of office of councillors shall be four years and all councillors shall retire on the fourth day after the ordinary day of election of councillors of the borough in the year of retirement and the newly elected councillors shall come into office on the day on which their predecessors retire.”(2).

(2) The Borough of Warrington (Electoral Arrangements) Order 1989(3) shall have effect subject to the provisions of paragraphs (3) to (5) below.

(3) Elections of all councillors of the Warrington Council shall be held simultaneously on the ordinary day of election of councillors in 1997, 2000 and 2003 and every fourth year after 2003.

(4) The term of office of any councillor so elected shall be, in the case of councillors elected in 1997 and 2000, three years and, in any other case, four years.

(5) On the fourth day after any such elections—

- (a) the persons who were councillors immediately before those elections shall retire; and
- (b) the newly elected councillors shall come into office.

Suspension of elections and retirement of councillors

8.—(1) The ordinary election of councillors in 1997 for the electoral divisions of Cheshire comprised in Halton and Warrington(4) shall not take place; and any councillor for such a division holding office immediately before the relevant date who would, but for this paragraph, have retired on that date shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office until the reorganisation date.

(2) Section 89 of the 1972 Act (filling of casual vacancies in case of councillors) shall have effect—

- (a) in the case of a casual vacancy occurring in the office of councillor of the Halton Council or the Warrington Council before the relevant date, as if the reference in subsection (3) of that section to the day on which the councillor whose office is vacant would regularly have retired were a reference to the relevant date; and
- (b) in the case of a casual vacancy occurring in the office of councillor for any electoral division referred to in paragraph (1) above, as if that reference in that subsection were a reference to the reorganisation date.

(3) The electoral divisions of Cheshire comprised in Halton and Warrington shall cease to be electoral divisions on the reorganisation date.

(2) For the ordinary day of election of councillors of local government areas, see section 37 of the Representation of the People Act 1983 (c. 2), amended by section 18(2) of the Representation of the People Act 1985 (c. 50).

(3) S.I. 1989/1976.

(4) The electoral divisions of the county of Cheshire are constituted by the County of Cheshire (Electoral Arrangements) Order 1980 (S.I. 1980/1805).