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STATUTORY INSTRUMENTS

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**2008 No. 634**

**The Cheshire (Structural Changes) Order 2008**

**PART 4**

**ELECTORAL MATTERS**

**Cancellation of elections to East Cheshire councils and West Cheshire councils in 2008, etc**

**12.**—(1) Notwithstanding section 7(8) and (9) of the 1972 Act (elections of councillors)—

- (a) elections shall not be held in 2008 for the return of councillors to any of the East Cheshire councils or the West Cheshire councils; and
- (b) the term of office of councillors elected to any of those councils shall end on 1st April 2009.

(2) Nothing in section 89 of the 1972 Act (filling of casual vacancies in case of councillors) shall authorise the holding of an election to fill a casual vacancy in the office of councillor of any of the East Cheshire councils or the West Cheshire councils where that vacancy arises after 30th September 2008.

**Elections of councillors of Cheshire East Council and Cheshire West and Chester Council in 2008**

**13.**—(1) Elections of councillors of the Cheshire East Council and the Cheshire West and Chester Council shall be held on the ordinary day of election of councillors<sup>(1)</sup> in 2008.

- (2) Cheshire East shall be represented by 81 councillors.
- (3) Cheshire West and Chester shall be represented by 72 councillors.
- (4) For the purposes of the 2008 elections—
  - (a) Cheshire East and Cheshire West and Chester shall be divided into wards;
  - (b) the names of the new wards shall be those indicated in column 1 of the Table set out in the Schedule to this Order;
  - (c) the area of each new ward shall be the same as that of the electoral division of the same name (as indicated in column 2 of that Table); and
  - (d) each ward shall return three councillors.
- (5) At the 2008 elections—
  - (a) the returning officer for the election to the Cheshire East Council (“the Cheshire East returning officer”) shall be the proper officer appointed by Macclesfield Borough Council; and
  - (b) the returning officer for the election to the Cheshire West and Chester Council (“the Cheshire West and Chester returning officer”) shall be the proper officer appointed by Vale Royal Borough Council.

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<sup>(1)</sup> See section 37 of the Representation of the People Act 1983 (c.2).

(6) The 2008 elections shall be conducted in accordance with the Representation of the People Act 1983(2) as applied to local government elections by rules under section 36 of that Act(3).

(7) The Cheshire East returning officer and the Cheshire West and Chester returning officer shall take such steps as are necessary or appropriate to prepare for the 2008 elections, including the making of all necessary alterations in the electoral register.

(8) The total of the expenditure properly incurred by the Cheshire East returning officer and the Cheshire West and Chester returning officer in relation to the holding of the 2008 elections shall be divided among, and paid by, the County Council, the East Cheshire councils and the West Cheshire councils in such proportion as may be agreed between them; but, where either of those returning officers notifies the Secretary of State that there is no such agreement, the Secretary of State may—

- (a) determine the proportion; or
- (b) appoint an arbitrator for that purpose.

(9) In relation to the 2008 elections, “the appropriate officer” in Parts 1 and 2 of the Representation of the People Act 1983 does not have the meaning given by section 67(7) of that Act but means the Cheshire East returning officer or the Cheshire West and Chester returning officer (as the case may be).

(10) The term of office of councillors elected at the 2008 elections shall be three years; and they shall come into office on the fourth day after the 2008 elections and retire on the fourth day after the ordinary day of election of councillors in 2011.

(11) The Cheshire East returning officer shall convene, and make all necessary arrangement for, the first meeting of the shadow authority for Cheshire East, which shall be held not later than 14 days after the ordinary day of election of councillors in 2008.

(12) The Cheshire West and Chester returning officer shall convene, and make all necessary arrangement for, the first meeting of the shadow authority for Cheshire West and Chester, which shall be held not later than 14 days after the ordinary day of election of councillors in 2008.

### **Elections of councillors of Cheshire East Council and Cheshire West and Chester Council in 2011, etc**

**14.** A whole council election of councillors of—

- (a) the Cheshire East Council, and
- (b) the Cheshire West and Chester Council,

shall be held on the ordinary day of election of councillors(4) in 2011 and in every fourth year thereafter.

### **Cancellation of parish council elections, etc**

**15.—**(1) Notwithstanding section 16(3) of the 1972 Act (election of parish councillors)(5)—

- (a) elections shall not be held in 2010 for the return of councillors to the council of any parish of the county of Cheshire East or Cheshire West and Chester; and
- (b) the term of office of councillors elected to a council of a parish of Cheshire in 2006 or 2008, or at any by-election before the ordinary day of election of councillors in 2011, shall end on the fourth day after the ordinary day of election of councillors in 2011.

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(2) 1983 c.2. Under section 7(9) of the Local Government Act 1972, the term of office of councillors elected to non-metropolitan districts councils in 2008 would ordinarily be four years.

(3) See S.I. 1986/2214.

(4) See section 37 of the Representation of the People Act 1983 (c.2).

(5) Under section 16(3) of the Local Government Act 1972, the term of office of parish councillors is four years.

(2) Elections of parish councillors for all parish councils in the counties of Cheshire East and Cheshire West and Chester shall be held on the ordinary day of election of councillors in 2011 and in every fourth year thereafter.

(3) The term of office of parish councillors shall be four years and all parish councillors shall retire on the fourth day after the ordinary day of election of councillors in the year of retirement, and the newly-elected parish councillors shall come into office on the day on which their predecessors retire.