STATUTORY INSTRUMENTS

2006 No. 1253 (N.I. 8)

NORTHERN IRELAND

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

Made - - - - 9th May 2006
Coming into operation in accordance with Article 1(2) to (4)

At the Court at Buckingham Palace, the 9th day of May 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.

Subordinate Legislation Made

P1 Art. 1(3)(b) power partly exercised: 12.3.2007 appointed for specified provisions by S.R. 2007/159, **art. 2**

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.

Commencement Information

I1 Art. 3 partly in operation; art. 3 in operation for certain purposes at 17.5.2006 see art. 1(2)(3); art. 3 in operation for certain purposes at 12.3.2007 by S.R. 2007/159, **art. 2**

Local Government Boundaries Commissioner

4. –

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

"**50 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.

Commencement Information

I2 Art. 5 partly in operation; art. 5(2)-(4) in operation at 17.5.2006 see art. 1(2); art. 5(5) in operation for certain purposes at 17.5.2006 see art. 1(2)(4)

A.K. Galloway
Clerk of the Privy Council

SCHEDULES

SCHEDULE 1

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. The Department shall appoint—

(a) a secretary; and

(b) such other officers to assist a Commissioner as the Department, with the approval of the Department of Finance and Personnel, may determine.

(2) The terms and conditions of any appointment under this paragraph shall be such as may be determined by the Department, with the approval of the Department of Finance and Personnel.

Remuneration and expenses

5. The remuneration and expenses of a Commissioner, any Assistant Commissioners and the secretary and any officers appointed under paragraph 4 shall be charged on and paid out of the Consolidated Fund.

PART II

PROCEDURE

Procedure for Commissioner appointed under section 50(1)(a)

6. –

(1) This paragraph applies where a Commissioner is appointed under section 50(1)(a).

(2) As soon as practicable after his appointment, the Commissioner shall make a public announcement to the effect—

(a) that he has commenced his task; and

(b) that he will in due course publish provisional recommendations and cause a public hearing to be held in each of the 7 districts mentioned in Article 3 of the Local Government (Boundaries) (Northern Ireland) Order 2006.

(3) Where the Commissioner has provisionally determined to make recommendations with respect to a district and the wards within a district, he shall publish in at least two newspapers circulating in that district a notice-

(a) setting out the provisional recommendations or specifying places and times at which copies of the provisional recommendations may be inspected;

(b) stating that representations in writing with respect to the provisional recommendations may be made to the Commissioner in such manner and before such date as may be specified in the notice; and

(c) stating that the public hearing required to be held by sub-paragraph (4) is to be held —

(i) at such place in the district; and

(ii) beginning at such date and time;

as may be so specified.

(4) Where a Commissioner has published notice under sub-paragraph (3) in respect of a district, he shall, in accordance with the terms of that notice, cause a public hearing to be held in respect of—

(a) the boundary and name of the district; and

(b) the number, boundaries and names of the wards within that district.

(5) The Commissioner may cause additional public hearings to be held in such manner as he may direct.

(6) The Commissioner—

(a) shall take into consideration the representations, if any, made in accordance with a notice published under sub-paragraph (3) or at a hearing under sub-paragraph (4) or (5); and

(b) may revise any provisional recommendations.

(7) Where the Commissioner revises any provisional recommendations with respect to a district or the wards within a district, he may if he thinks fit publish in at least two newspapers circulating in that district a notice-

(a) setting out the revised recommendations or specifying places and times at which copies of the revised recommendations may be inspected; and

(b) stating that representations in writing with respect to the revised recommendations may, within the relevant period, be made to the Commissioner in the manner specified in the notice;

and, if the Commissioner does so, he shall take into consideration any representations made in accordance with the notice.

Procedure for Commissioner appointed under section 50(1)(b)

7. –

(1) This paragraph applies where a Commissioner is appointed under section 50(1)(b).

(2) As soon as practicable after his appointment, the Commissioner shall—

(a) make a public announcement to the effect that he has commenced his task; and

(b) invite proposals from councils, political parties, associations, organisations and individual members of the public.

(3) Where the Commissioner has provisionally determined to make recommendations with respect to a district or the wards within a district, he shall publish in at least two newspapers circulating in the district a notice-

(a) setting out the provisional recommendations or specifying places and times at which copies of the provisional recommendations may be inspected; and

(b) stating that representations in writing with respect to the provisional recommendations may, within the relevant period, be made to the Commissioner in the manner specified in the notice.

(4) Where the period specified in a notice under paragraph (3) in relation to a district has elapsed, the Commissioner may, after giving public notice thereof, cause a public hearing to be held in that district in respect of—

(a) the boundary and name of the district, and the number, boundaries and names of the wards within that district; or

(b) such of those matters as are affected by the recommendations in question.

(5) Where the Commissioner receives any representations duly made in accordance with the notice under sub-paragraph (3) objecting to the recommendations he has provisionally determined to make-

(a) from the council of the district, or

(b) from not less than 100 local electors registered by virtue of a qualifying address in the district,

the Commissioner shall not make the recommendations unless, since the publication of the notice, a public hearing such as is mentioned in sub-paragraph (4) has been held in the district.

(6) The Commissioner may cause additional public hearings to be held in such manner as he may direct.

(7) The Commissioner—

(a) shall take into consideration the representations, if any, made in accordance with a notice published under sub-paragraph (3) or at a hearing under sub-paragraph (4) or (6); and

(b) may revise any provisional recommendations.

(8) Where the Commissioner revises any provisional recommendations with respect to a district or the wards within a district, he may if he thinks fit publish in at least two newspapers circulating in that district a notice-

(a) setting out the revised recommendations or specifying places and times at which copies of the revised recommendations may be inspected; and

(b) stating that representations in writing with respect to the revised recommendations may, within the relevant period, be made to the Commissioner in the manner specified in the notice;

and, if the Commissioner does so, he shall take into consideration any representations made in accordance with the notice.

Procedure for Commissioner appointed under section 50(4)

8. –

(1) This paragraph applies where a Commissioner is appointed under section 50(4).

(2) As soon as practicable after his appointment, the Commissioner shall—

(a) make a public announcement to the effect that he has commenced his task; and

(b) invite proposals, including proposals for modifying the proposals he has been appointed to consider, from councils, political parties, associations, organisations and individual members of the public.

(3) The Commissioner shall also publish in at least two newspapers circulating in the district a notice-

(a) setting out the proposals he has been appointed to consider or specifying places and times at which copies of the proposals may be inspected; and

(b) stating that representations in writing with respect to the proposals may, within the relevant period, be made to the Commissioner in the manner specified in the notice.

(4) Where the period specified in a notice under paragraph (3) in relation to a district has elapsed, the Commissioner may, after giving public notice thereof, cause a public hearing to be held in that district in respect of the proposals in question.

(5) Where the Commissioner receives any representations duly made in accordance with the notice under sub-paragraph (3) objecting to the proposals he has been appointed to consider-

(a) from the council of the district, or

(b) from not less than 100 local electors registered by virtue of a qualifying address in the district,

the Commissioner shall not recommend the implementation of the proposals, unless, since the publication of the notice, a public hearing such as is mentioned in sub-paragraph (4) has been held in the district.

(6) The Commissioner may cause additional public hearings to be held in such manner as he may direct.

(7) The Commissioner—

(a) shall take into consideration the representations, if any, made in accordance with a notice published under sub-paragraph (3) or at a hearing under sub-paragraph (4) or (6); and

(b) may provisionally determine to recommend modification of the proposals.

(8) Where the Commissioner provisionally determines to recommend modification of the proposals with respect to a district or the wards within a district, he may if he thinks fit publish in at least two newspapers circulating in that district a notice-

(a) setting out the revised proposals or specifying places and times at which copies of the revised proposals may be inspected; and

(b) stating that representations in writing with respect to the revised proposals may, within the relevant period, be made to the Commissioner in the manner specified in the notice;

and, if the Commissioner does so, he shall take into consideration any representations made in accordance with the notice.

Commissioner's procedure - general

9. In relation to a notice published by a Commissioner under paragraph 6(7), 7(3) or (8) or 8(3) or (8) "the relevant period" is one month, or such longer period not exceeding two months, as the Commissioner may determine, from the date of the last publication of the notice.

10. A Commissioner may direct any hearing under this Schedule to be held before an Assistant Commissioner.

11. A Commissioner may, if he thinks fit, submit interim reports to the Department before making his final report under section 50(6).

12. Subject to paragraphs 7 to 11, a Commissioner may regulate his own procedure.

13. Every document purporting to be an instrument made or issued by a Commissioner and to be signed by the secretary or any person authorised by the Commissioner to act in that behalf shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by a Commissioner.

PART III

RULES IN ACCORDANCE WITH WHICH RECOMMENDATIONS OF A COMMISSIONER ARE TO BE MADE

14. Regard shall be had to the desirability of determining district and ward boundaries which are readily identifiable.

15. A townland shall not, except where in the opinion of the Commissioner it is unavoidable, be included partly in one district or ward and partly in another.

16. As far as practicable—

(a) a district shall not be wholly or substantially severed by the boundary of another district; and

(b) a district shall not be wholly or substantially encompassed within the boundary of another district.

17. In determining the number and boundaries of wards within a district regard shall be had to-

(a) the size, population and physical diversity of the district; and

(b) the desirability that there should be a proper representation of the rural and urban electorate within the district.

18. –

(1) Subject to sub-paragraphs (2) and (3), in each district the number of wards shall be 60.

(2) Where, having regard to the matters mentioned in paragraph 17, the Commissioner considers it desirable that the number of wards in any district should be more than 60, the number of wards in that district may be increased to not more than 65.

(3) Where, having regard to the matters mentioned in paragraph 17, the Commissioner considers it desirable that the number of wards in any district should be fewer than 60, the number of wards in that district may be decreased to not fewer than 55.

19. –

(1) Within any one district there shall, as far as is reasonably practicable having regard to paragraph 17, be substantially the same number of local electors in each ward.

(2) For the purposes of sub-paragraph (1) it shall be taken that the electors in each ward are the persons registered as local electors, by virtue of a qualifying address within that ward, in the register of electors last published before the making of the announcement mentioned in paragraph 6(2), 7(2) or 8(2) (as the case may be).”

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SCHEDULE 2

Article 5

REPEALS

Commencement Information

I3 Sch. 2 partly in operation; Sch. 2 in operation for certain purposes at 17.5.2006 see art. 1(2)(4)

Short Title	Extent of repeal
The Local Government (Boundaries) Act (Northern Ireland) 1971 (c. 9).	The whole Act.
The Local Government Boundaries Commissioner (Northern Ireland) Order 1990 (SI 1990/2149).	The whole Order.
The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992 (NI 6).	Article 43.

EXPLANATORY NOTE

(This note is not part of the Order)
This Order provides for there to be 7 local government districts in Northern Ireland. It also provides for the appointment of a Local Government Boundaries Commissioner to recommend the boundaries and names of the 7 districts and the number, boundaries and names of the wards into which each district is to be divided.

Status:
Point in time view as at 17/05/2006.

Changes to legislation:
There are currently no known outstanding effects for the The Local Government (Boundaries) (Northern Ireland) Order 2006.