

**EXPLANATORY MEMORANDUM TO
THE DISTRICT ELECTORAL AREAS COMMISSIONER (NORTHERN
IRELAND) (AMENDMENT) ORDER 2007**

2007 No. 612 (N.I.4)

1. This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

- 2.1. In Northern Ireland, the boundaries of local government districts and the number and boundaries wards are drawn up by a Local Government Boundaries Commissioner. The District Electoral Areas Commissioner's role is to group the wards into multi-member constituencies or district electoral areas for the purposes of local elections in Northern Ireland. At present, the District Electoral Areas Commissioner can only be appointed after an Order giving effect to the Local Government Boundaries Commissioner's recommendations has been made. This Order enables the District Electoral Areas Commissioner to be appointed at an earlier stage in the process (as soon as practicable after the appointment of the Local Government Boundaries Commissioner). It also makes minor amendments to the list of assessors to the Commissioner; and enables the Commissioner to hold combined inquiries into his provisional recommendations for adjacent local government districts.

3. Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1. None.

4. Legislative Background

- 4.1. In Northern Ireland, a Local Government Boundaries Commissioner can be appointed to carry out a review of local government districts and wards under section 50(1)(a), (b) or (4) of the Local Government Act (Northern Ireland) 1972 as amended by the Local Government (Boundaries)(Northern Ireland) Order 2006. His recommendations are given effect by means of an order made under section 50(10) of the 1972 Act. Under the District Electoral Areas Commissioner (Northern Ireland) Order 1984, the District Electoral Areas Commissioner can only be appointed once the order giving effect to the Local Government Boundaries Commissioner's recommendations has been made. Articles 3 and 4 of this Order substitute articles 2 and 3 of the 1984 Order to allow the Secretary of State to appoint the District Electoral Areas Commissioner as soon as practicable after the appointment of the Local Government Boundaries Commissioner. This will enable the Commissioner to be appointed at an earlier stage of the process. However, the District Electoral Areas Commissioner shall not *report* to the Secretary of State until an order implementing the

recommendations of the Local Government Boundaries Commissioner has been made.

5. Extent

5.1. This instrument applies in Northern Ireland only.

6. European Convention on Human Rights

6.1. David Hanson has stated that this instrument is compatible with the European Convention on Human Rights.

7. Policy Background

7.1. Following the Review of Public Administration in Northern Ireland, the Government announced that the number of local government districts in Northern Ireland would be reduced from 26 to seven, and that an Independent Boundary Commissioner would decide the exact boundaries of the districts, Legislative provision has been made for this in the Local Government Boundaries (Northern Ireland) Order 2006 and provides for the Local Government Boundaries Commissioner to decide the boundaries and names of the local government districts.

7.2. A Local Government Boundary Commissioner has been appointed and is carrying out a review of boundaries and wards of the local government districts. Following this, a District Electoral Areas Commissioner will group together the new wards into District Electoral Areas. District Electoral Areas (“DEAs”) are groups of five, six or seven wards, grouped together for the purpose of electing local representatives (councillors) to district councils using the Proportional Representation single transferable method of voting. There are currently 101 DEAs in Northern Ireland.

7.3. This instrument enables the appointment of the District Electoral Areas Commissioner to take place before the Local Government Boundaries Commissioner’s final recommendations have been given effect in legislation. This is necessary in order for the District Electoral Areas Commissioner to carry out his work and make final recommendations within the necessary timeframe for elections to the seven new district councils to take place.

7.4. The instrument also adds the Chief Survey Officer of Ordnance Survey for Northern Ireland to the list of assessors to the District Electoral Areas Commissioner and enables the Commissioner to combine public inquiries into the proposed grouping of wards in cases where he has proposed to hold inquiries in adjacent districts.

7.5. The Electoral Commission have been consulted on the draft instrument.

8. Impact

8.1. A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on the public sector, businesses, charities or voluntary bodies.

9. Contact

9.1. Ruth Sloan at the Northern Ireland Office (tel: 020 7210 6569 or e-mail: ruth.sloan@nio.x.gsi.gov.uk) can answer any queries regarding the instrument.