

Draft Order laid before Parliament under section 84(4) of the Northern Ireland Act 1998(c.47), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2006 No. (N.I.)

NORTHERN IRELAND

**The District Electoral Areas Commissioner
(Northern Ireland)(Amendment) Order 2006**

Made - - - - 2006
Coming into force - - 2006

At the Court at Buckingham Palace, the *** day of *** 2006

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 7(3) of the Political Parties, Elections and Referendums Act 2000(1), the Electoral Commission has been consulted prior to laying this Order before Parliament.

A draft of this Order was laid before Parliament in accordance with section 84(4) of the Northern Ireland Act 1998 (2) and approved by a resolution of each House of Parliament.

Accordingly, Her Majesty, in exercise of the powers conferred on Her by section 84(1) of the Northern Ireland Act 1998, is pleased, by and with the advice of Her Privy Council, to order as follows:

Title, commencement and interpretation

1.—(1) This Order may be cited as the District Electoral Areas Commissioner (Northern Ireland) (Amendment) Order 2006 and shall come into force on the expiry of fourteen days beginning with the day on which the Order was made.

(2) In this Order “the 1984 Order” means the District Electoral Areas Commissioner (Northern Ireland) Order 1984(3).

(1) 2000 c.41.

(2) 1998 c.47.

(3) S.I.1984/360. The 1984 Order was made under section 38(1)(a) of the Northern Ireland Constitution Act 1973 (c.36). Section 84 of the Northern Ireland Act 1998 (c.47) re-enacts this provision and, in reliance on section 17(2)(a) of the Interpretation Act 1978 (c.30), is used to amend the 1984 Order.

Amendment to the 1984 Order

2. In Article 1(3) of the 1984 Order after “below” insert

“; “the 1972 Act” means the Local Government Act (Northern Ireland) 1972(4).”

3. For Article 2 of the 1984 Order substitute—

“2.—(1) As soon as practicable after the appointment of the Local Government Boundaries Commissioner under section 50(1)(a) or (b) of the 1972 Act(5), the Secretary of State shall appoint a Commissioner who shall carry out the function conferred on him by this Article.

(2) The Commissioner shall, as soon as practicable after an order has been made under section 50(10) of the 1972 Act giving effect (whether with or without modifications) to recommendations made under subsections (2) or (3) of that section, submit to the Secretary of State a report setting out, in respect of each local government district in Northern Ireland, his recommendations for the grouping together of the wards, as constituted by the order, into electoral areas for the purpose of local government elections in each of those districts.”

4. For Article 3 of the 1984 Order substitute—

“3.—(1) As soon as practicable after the appointment of the Local Government Boundaries Commissioner under section 50(4) of the 1972 Act, the Secretary of State shall appoint a Commissioner who shall carry out the function conferred on him by this Article.

(2) The Commissioner shall, as soon as practicable after an order has been made under section 50(10) of the 1972 Act giving effect (whether with or without modifications) to recommendations made under subsection (4) of that section, submit to the Secretary of State a report setting out, in respect of each local government district whose wards are affected by the order, his recommendations for the grouping together of the wards, as constituted by that order, into electoral areas for the purpose of local government elections in each such district.”

5. In paragraph 2 of Schedule 1 to the 1984 Order for the words “The Registrar General of Births, Deaths and Marriages for Northern Ireland” substitute “The Registrar General of Births and Deaths in Northern Ireland, the Chief Survey Officer of Ordnance Survey for Northern Ireland”.

6. In paragraph 7 of Schedule 2 to the 1984 Order for “Article 2(1)” substitute “Article 2(2)” and for “Article 3(1)” substitute “Article 3(2)”.

Clerk of the Privy Council

(4) 1972 c.9 (N.I.).

(5) Section 50 was substituted by article 4 of the Local Government (Boundaries) (Northern Ireland) Order 2006 (S.I.2006/1253 (N.I.8)).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the District Electoral Areas Commissioner (Northern Ireland) Order 1984 (S.I.1984/360) (“1984 Order”).

The boundaries and names of local government districts and their wards can be altered by an Order made under section 50(10) of the [Local Government Act \(Northern Ireland\) 1972 \(c.9 \(N.I.\)\)](#) (“1972 Act”) following the recommendations of the Local Government Boundaries Commissioner. Under the 1984 Order, the District Electoral Areas Commissioner (“Commissioner”) could only be appointed after such an Order had been made. Articles 3 and 4 of this Order substitute articles 2 and 3 of the 1984 Order to enable the Secretary of State to appoint the Commissioner as soon as practicable after the appointment of the Local Government Boundaries Commissioner under the 1972 Act. This enables the Commissioner to be appointed at an earlier stage of the process. The Commissioner is required to make recommendations to the Secretary of State for the grouping of wards into district electoral areas as soon as practicable after an Order giving effect to the Local Government Boundaries Commissioner’s recommendations has been made (article 2(2) and 3(2) of the 1984 Order as substituted by this Order).

Article 5 adds the Chief Survey Officer of Ordnance Survey for Northern Ireland to the list of assessors to the Commissioner in paragraph 2 of Schedule 1 to the 1984 Order.