
STATUTORY INSTRUMENTS

1996 No. 1875

The Essex (Boroughs of Colchester, Southend-on-Sea and Thurrock and District of Tendring) (Structural, Boundary and Electoral Changes) Order 1996

PART III

TRANSITIONAL PROVISION

Election of councillors in Southend in 1997 and subsequent years

7. The Borough of Southend-on-Sea (Electoral Arrangements) Order 1975⁽¹⁾ shall be amended by the substitution of the following article for article 9 —

“9.—(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 in 1997 for any ward of the borough —

- (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,
- (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) In each year in which a councillor for a ward in the borough retires in accordance with paragraphs (3) to (6) above an election of a councillor for that ward shall be held on 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.

(8) 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

(1) S.I.1975/1698.

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.”.

Election of councillors in Thurrock in 1997 and subsequent years

8.—(1) The Borough of Thurrock (Electoral Arrangements) Order 1976(2) shall be amended in accordance with the following paragraphs of this article.

(2) The following shall be substituted for article 9 —

“**9.—**(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) The order of retirement of the councillors shall be as set out in Schedule 2 to this Order.

(4) Where the number of councillors elected in 1997 for any ward of the borough is two, the first to retire shall be, subject to paragraphs (6) and (7) below, the councillor elected by the smaller number of votes.

(5) Where the number of councillors elected in 1997 for any ward of the borough is three —

- (a) one-third shall retire in 1999 being, subject to paragraphs (6) and (7) 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,
- (c) the remaining councillor shall retire in 2001.

(6) 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.

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

(8) 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.

(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 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.”.

(3) The following shall be substituted for Schedule 2 —

“SCHEDULE 2

Article 9(3)

ORDER OF RETIREMENT OF COUNCILLORS

<i>Name of ward</i>	<i>Number of councillors to retire in 1999</i>	<i>Number of councillors to retire in 2000</i>	<i>Number of councillors to retire in 2001</i>
Aveley	1	1	1
Belhus	1	1	1
Chadwell St Mary	1	1	1
Corringham and Fobbing	1	1	1
East Tilbury	1	0	1
Grays Thurrock North	1	0	0
Grays Thurrock Town	1	1	1
Little Thurrock	1	1	1
Ockendon	1	1	1
Orsett	0	1	1
Stanford-le-Hope	1	1	1
Stifford	1	1	1
The Homesteads	1	1	1
Tilbury	1	1	1
West Thurrock	1	1	1”.

Retirement of councillors and casual vacancies

9.—(1) The ordinary election of councillors in 1997 for the electoral divisions of Essex comprised in Southend and Thurrock⁽³⁾ 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 a transferee authority 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 Essex comprised in Southend and Thurrock shall cease to be electoral divisions on the reorganisation date.

(3) The electoral divisions of the county of Essex are those described in the Schedule to the County of Essex (Electoral Arrangements) Order 1981 (S.I. 1981/141).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
