
STATUTORY INSTRUMENTS

1996 No. 1879

The Berkshire (Structural Change) Order 1996

PART IV

TRANSITIONAL PROVISION

Elections in Bracknell Forest and Windsor and Maidenhead in 1997 and subsequent years

11.—(1) The District of Bracknell (Electoral Arrangements) Order 1977(1) and the Royal Borough of Windsor and Maidenhead (Electoral Arrangements) Order 1980(2) shall have effect subject to the provisions of this article.

(2) Elections of all councillors of the councils of the borough of Bracknell Forest and the Royal Borough of Windsor and Maidenhead shall be held simultaneously on the ordinary day of election of councillors in 1997, 2000, 2003 and every fourth year after 2003.

(3) The term of office of any councillor so elected shall be, in the case of the councillors elected in 1997 and 2000, three years and, in any other case, four years.

(4) On the fourth day after any such elections—

- (a) the persons who were councillors immediately before those elections shall retire; and
- (b) the newly-elected councillors shall come into office.

Elections in Reading in 1997 and subsequent years

12. The Borough of Reading (Electoral Arrangements) Order 1979(3) shall be amended by the substitution of the following 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 of 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 at the ordinary election of councillors 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;

(1) S.I.1977/1273; see also the Bracknell (Parishes) Order 1983 (S.I. 1983/1843). By virtue of a resolution under section 74(1) of the Local Government Act 1972 the name of the district was changed to “Bracknell Forest”. The change came into effect in May 1988, at the time the district took on borough status (granted on a petition presented by the district council under section 245 of the Local Government Act 1972 (c. 70)).

(2) S.I. 1980/733.

(3) S.I. 1979/1346.

(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 after the ordinary day of election of councillors for the borough in the year of retirement and the newly elected councillors shall come into office on the day on which their predecessors retire.”.

Elections in Slough in 1997 and subsequent years

13. The Borough of Slough (Electoral Arrangements) Order 1980(4) shall be amended by the substitution of the following for article 9—

“**9.**—(1) Elections of all councillors 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 of 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 at the ordinary election of councillors in 1997 for any ward of the borough, other than Colnbrook and Poyle—

(a) one-third shall retire in 1999 being, subject to paragraphs (5) and (6) 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) Of the councillors elected at the ordinary election of councillors in 1997 for Colnbrook and Poyle ward—

(a) one shall retire in 2000 being, subject to paragraphs (5) and (6) below, the councillor elected by the smaller number of votes,

(b) the remaining councillor shall retire in 2001.

(5) 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.

(4) S.I. 1980/429; see also the Berkshire, Buckinghamshire and Surrey (County Boundaries) Order 1994 (S.I. 1994/330), and article 10 of this Order.

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

(7) 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.

(8) In each year in which a councillor for a ward in the borough retires in accordance with paragraphs (3) to (7) 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.

(9) 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 for the borough in the year of retirement and the newly elected councillors shall come into office on the day on which their predecessors retire.”.

Elections in Wokingham in 1997 and subsequent years

14.—(1) The District of Wokingham (Electoral Arrangements) Order 1978⁽⁵⁾ shall be amended in accordance with the following paragraphs of this article.

(2) The following shall be substituted for article 6—

“**6.**—(1) Elections of all councillors for wards of the district shall be held simultaneously on the ordinary day of election of councillors in 1997.

(2) The councillors holding office for any ward in the district 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 elected in 1997 shall be as set out in Schedule 2 to this Order.

(4) Where the number of councillors elected at the ordinary election of councillors in 1997 for any ward of the district is two, the first to retire in that ward 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 at the ordinary election of councillors in 1997 for any ward of the district 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.

(5) S.I. 1978/1640.

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(9) In each year in which a councillor for a ward in the district 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 for the district 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 6(3)

ORDER OF RETIREMENT OF COUNCILLORS

Name of ward	Number of councillors to retire in 1999	Number of councillors to retire in 2000	Number of councillors to retire in 2001
Arborfield	1	0	0
Barkham	0	1	0
Bulmershe	1	0	1
Charvil	0	0	1
Coronation	1	1	1
Emmbrook	1	1	1
Evendons	1	1	1
Finchampstead North	1	0	1
Finchampstead South	1	1	0
Hurst	0	0	1
Little Hungerford	1	1	1
Loddon	1	1	1
Norreys	1	1	1
Redhatch	1	1	1
Remenham and Wargrave	1	1	0
Shinfield	1	1	1
Sonning	0	1	0
South Lake	1	1	1
Swallowfield	1	0	0
Twyford and Ruscombe	1	1	1
Westcott	0	1	1
Whitegates	0	1	1
Winnersh	1	1	1

Name of ward	Number of councillors to retire in 1999	Number of councillors to retire in 2000	Number of councillors to retire in 2001
Wokingham Without	1	1	1”.

Suspension of elections and casual vacancies

15.—(1) The ordinary election of councillors in 1997 for the County Council shall not take place; and any councillor for that council 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 Berkshire district 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 in Berkshire, as if that reference in that subsection were a reference to the reorganisation date.