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STATUTORY INSTRUMENTS

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**1997 No. 782**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Borough of Blackburn (Parishes  
and Electoral Changes) Order 1997**

*Made - - - - 21st February 1997*

*Coming into force in accordance with article 1*

Whereas the Local Government Commission for England, acting pursuant to section 15(4) of the Local Government Act 1992<sup>(1)</sup>, has submitted to the Secretary of State a report on its review of the borough of Blackburn<sup>(2)</sup> together with its recommendations:

And whereas the Secretary of State has decided to give effect to those recommendations:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 17<sup>(3)</sup> and 26 of the Local Government Act 1992, and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Borough of Blackburn (Parishes and Electoral Changes) Order 1997.

(2) This Order shall come into force—

- (a) for the purposes of article 2 on 1st April 1997; and
- (b) for all other purposes on 1st May 1997,

except that for the purpose of all proceedings preliminary or relating to an election to be held on or after 1st May 1997 this Order shall come into force on the day after the day on which it is made.

(3) In this Order—

“the borough” means the borough of Blackburn;

“existing”, in relation to a ward, means the ward as it exists on the date this Order is made;

any reference to the map is a reference to the map prepared by the Department of the Environment, marked “Map of the Borough of Blackburn (Parishes and Electoral Changes)

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(1) 1992 c. 19.

(2) The non-metropolitan district of Blackburn has the status of a borough.

(3) Section 17 is amended by section 39(4) and (5) of the Police and Magistrates’ Courts Act 1994 (c. 29).

Order 1997”, and deposited in accordance with regulation 27 of the Local Government Changes for England Regulations 1994(4); and

any reference to a numbered sheet is a reference to the sheet of the map which bears that number.

### **Transfers between parishes in Blackburn**

2.—(1) The area marked A1 on sheet 4 shall cease to form part of the parish of Eccleshill and shall become an unparished area of the borough.

(2) The unparished area of the borough marked A2 on sheet 4 shall become part of the parish of Eccleshill.

(3) The unparished area of the borough marked B on sheets 2 and 4 shall become part of the parish of Yate and Pickup Bank.

(4) The area marked C on sheet 3 shall be transferred from the parish of Livesey to the parish of Tockholes.

### **Wards of Blackburn**

3.—(1) The existing wards of the borough(5) shall be abolished.

(2) The borough shall be divided into twenty-two wards which shall bear the names set out in column (1) of Schedule 1 and the number of councillors to be elected for each ward shall be the number specified in respect of the ward in column (2) of that Schedule.

(3) Each ward shall comprise the area designated on the map by reference to the name of the ward and demarcated by red lines.

(4) Where a boundary is shown on the map as running along a road, railway line, footway, waterway or other similar geographical feature, it shall be treated as running along the centre line of the feature.

### **Elections of the council of Blackburn**

4.—(1) Subject to the following provisions of this article, the election of councillors for wards of the borough shall be by thirds.

(2) Elections of all councillors for wards of the borough shall be held simultaneously on the ordinary day of election of councillors in 1997(6).

(3) 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.

(4) The order of retirement of councillors shall be as set out in Schedule 2.

(5) Where the number of councillors elected in 1997 for any ward of the borough is two, the first to retire shall, subject to paragraphs (7) and (8) below, be the councillor elected by the smaller number of votes.

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

(a) the first to retire shall, subject to paragraphs (7) and (8) below, be the councillor elected by the smallest number of votes; and

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(4) S.I.1994/867, to which there are amendments not relevant to this Order.

(5) *see* The Borough of Blackburn (Electoral Arrangements) Order 1976 (S.I. 1976/1547); amended by article 7 of S.I. 1996/1868.

(6) For the ordinary day of election of councillors of local government areas, see section 37 of the Representation of the People Act 1983 (c. 2), amended by section 18(2) of the Representation of the People Act 1985 (c. 50).

- (b) the second to retire shall, subject to those paragraphs, be the councillor elected by the next smallest number of votes.
- (7) 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.
- (8) If an election of councillors for any ward is not contested, the person to retire in each such year shall be determined by lot.
- (9) 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.
- (10) In each year in which a councillor for a ward in the borough retires in accordance with paragraphs (4) to (9) 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.
- (11) 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 in the year of retirement and the newly elected councillors shall come into office on the day on which their predecessors retire.

### **Parish elections**

- 5.—(1) The ordinary elections of parish councillors for the parishes of North Turton and Tockholes in 1999 shall not take place; and any such parish councillor holding office immediately before 10th May 1999 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 8th May 2000.
- (2) The term of office of any parish councillor elected on the ordinary day of election of councillors in 1999 for the parishes of Eccleshill and Yate and Pickup Bank shall be three years.
- (3) Elections of all parish councillors for the parishes of North Turton and Tockholes shall be held simultaneously on the ordinary day of election of councillors in 2000 and 2003 and every fourth year after 2003.
- (4) Elections of all parish councillors for the parishes of Eccleshill and Yate and Pickup Bank shall be held simultaneously on the ordinary day of election of councillors in 2002 and every fourth year after 2002.
- (5) The term of office of any parish councillor elected at the elections held pursuant to paragraph (3) or (4) above shall be, in the case of the parish councillors elected in 2000, three years and, in any other case, four years.
- (6) On the fourth day after any such election—
- (a) the persons who were parish councillors immediately before those elections shall retire; and
  - (b) the newly elected parish councillors shall come into office.
- (7) Rule 8 of the Local Elections (Parishes and Communities) Rules 1986(7) (filling of casual vacancies) shall have effect, in the case of a casual vacancy occurring before 8th May 2000 in the office of a parish councillor for the parish of North Turton or Tockholes as if the references in paragraphs (1) and (4) of that rule to the day on which that councillor would regularly have retired were a reference to 8th May 2000.

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

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Signed by authority of the Secretary of State

21st February 1997

*David Curry*  
Minister of State,  
Department of the Environment

SCHEDULE 1

Article 3

NAMES OF WARDS AND NUMBERS OF COUNCILLORS

(1) <i>Name of ward</i>	(2) <i>Number of councillors</i>
Audley	3
Bastwell	3
Beardwood with Lammack	3
Corporation Park	3
Earcroft	3
East Rural	1
Ewood	3
Higher Croft	3
Little Harwood with Whitebirk	3
Livesey with Pleasington	3
Marsh House	3
Meadowhead	3
Mill Hill	3
North Turton with Tockholes	2
Queen's Park	3
Roe Lee	3
Shadsworth	3
Shear Brow	3
Sudell	3
Sunnyhurst	3
Wensley Fold	3
Whitehall	2

SCHEDULE 2

Article 4

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>
Audley	1	1	1
Bastwell	1	1	1

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<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>
Beardwood with Lammack	1	1	1
Corporation Park	1	1	1
Earcroft	1	1	1
East Rural	1	0	0
Ewood	1	1	1
Higher Croft	1	1	1
Little Harwood with Whitebirk	1	1	1
Livesey with Pleasington	1	1	1
Marsh House	1	1	1
Meadowhead	1	1	1
Mill Hill	1	1	1
North Turton with Tockholes	0	1	1
Queen's Park	1	1	1
Roe Lee	1	1	1
Shadsworth	1	1	1
Shear Brow	1	1	1
Sudell	1	1	1
Sunnyhurst	1	1	1
Wensley Fold	1	1	1
Whitehall	0	1	1

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order gives effect to recommendations by the Local Government Commission for England for boundary and electoral changes in the borough of Blackburn.

Article 2 makes changes to the boundaries of the parishes of Eccleshill, Yate and Pickup Bank, Livesey and Tockholes.

Article 3 abolishes all of the existing wards of the borough and provides for the creation of 22 new wards. That article and Schedule 1 also make provision for the names and areas of, and numbers of councillors for, the new wards.

Article 4 makes provision for a whole council election in Blackburn in 1997 and for reversion to elections by thirds in subsequent years. Schedule 2 provides for the order of retirement of councillors.

Article 5 makes provision in respect of parish council elections in parishes within district council wards where no district council election is to take place in 1999 or 2003 (both of which are otherwise ordinary years of election for parish councils).

The parish boundary changes are shown, and the areas of the new district wards are demarcated, on the map described in article 1(3). Prints of the map may be inspected at all reasonable times at the offices of the Blackburn Borough Council and at the offices of the Secretary of State for the Environment, which, until May 1997, are located at 2 Marsham Street, London SW1P 3EB and, thereafter, at 2nd Floor, Ashdown House, 123 Victoria Street, London SW1E 6DE.