

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1972, SCHEDULE 4. (See end of Document for details)

SCHEDULES

^{F1}SCHEDULE 4

Section 50.

LOCAL GOVERNMENT BOUNDARIES COMMISSIONER

F1 Sch. 4 substituted (17.5.2006) by Local Government (Boundaries) (Northern Ireland) Order 2006 (S.I. 2006/1253 (N.I. 8)), arts. 1(2), 4(2), Sch. 1

PART I

APPOINTMENT, ETC.

INTERPRETATION

- 1 In this Schedule “the Commissioner” means a Local Government Boundaries Commissioner.

APPOINTMENT

- 2 Section 18(2) of the Interpretation Act (Northern Ireland) 1954 shall apply to the appointment of the Commissioner, with the omission of paragraph (b)(iii) of that section.
- 3 The Commissioner shall be appointed on such terms and conditions as the Ministry, with the approval of the Ministry of Finance^{F2}, determines before his appointment.

F2 SR 1976/281

- 4 The appointment of the Commissioner shall terminate on such date after he submits his report under section 50(4) as the Ministry determines.

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ASSISTANT COMMISSIONERS AND ASSESSORS

- 5 (1) The Ministry may, at the request of the Commissioner, appoint one or more Assistant Commissioners on such terms and conditions as the Ministry, with the approval of the Ministry of Finance^{F3}, determines before the appointment.
- (2) The Registrar General of Births, Deaths and Marriages for Northern Ireland, the Commissioner of Valuation^{F4}, the Chief Survey Officer of Ordnance Survey for Northern Ireland and the Chief Electoral Officer for Northern Ireland] shall be assessors to the Commissioner.

F3 SR 1976/281

F4 [1992 NI 6](#)

OFFICERS

- 6 The Ministry shall appoint a secretary and such other officers to assist the Commissioner as it, with the approval of the Ministry of Finance^{F5}, may determine and the terms and conditions of any such appointment shall be such as may be so determined.

F5 SR 1976/281

REMUNERATION AND EXPENSES

- 7 The remuneration and expenses of the Commissioner, Assistant Commissioners and the secretary and any staff appointed under paragraph 6 shall be charged on and paid out of the Consolidated Fund.

INTERIM REPORTS

- 8 The Commissioner may, if he thinks fit, submit interim reports to the Minister before making his final report under section 50(4).

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PART II

PROCEDURE

- 1 As soon as possible after his appointment the Commissioner shall—
- (a) make a public announcement to the effect that he has commenced his task; and
 - (b) invite proposals (including, where he is appointed under section 50(2), proposals for modifying the proposals he has been appointed to consider) from councils, political parties, associations, organisations and individual members of the public.
- 2 Where the Commissioner has been appointed under section 50(1) and has provisionally determined to make recommendations with respect to a district or the wards within a district, or where he has been appointed under section 50(2) to consider any proposals affecting a district or such wards he shall publish in at least two newspapers circulating in the district a notice—
- (a) setting out the provisional recommendations or the proposals or specifying places and times at which copies of the provisional recommendations or the proposals may be inspected; and
 - (b) stating that representations in writing with respect to the provisional recommendations or the proposals may within one month^{F6}, or such longer period as the Commissioner may determine, being a period not exceeding 2 months,] from the date of the last publication of the notice be made to the Commissioner in the manner specified in the notice;
- and the Commissioner shall take into consideration any representations made in accordance with that notice.

F6 1992 NI 6

- 3 (1) Where a notice under paragraph 2 has been published with respect to any district and the period specified in that notice for the receipt of representations has elapsed the Commissioner may, after giving public notice thereof, cause to be held in that district a public hearing in respect of the boundary and name of the district and the number, boundaries and names of the wards within that district (or such of those matters as are affected by the review or proposals in question).
- (2) Where, on publication of a notice under paragraph 2 with respect to any district, the Commissioner receives any representations duly made in accordance with the notice objecting to the recommendations he has provisionally determined to make or, as the case may be, the proposals he has been appointed to consider—
- (a) from the council of the district, or
 - (b) from not less than one hundred local electors registered by virtue of a qualifying address in the district,
- the Commissioner shall not make the recommendations or recommend the implementation of the proposals, unless, since the publication of the notice, a public hearing such as is mentioned in sub-paragraph (1) has been held in the district.

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- 4 The Commissioner may cause additional hearings to be held in such manner as he directs.
- 5 The Commissioner may direct any hearing under paragraph 3 or 4 to be held before an Assistant Commissioner.
- 6 The Commissioner, after taking into consideration the representations, if any, made in accordance with a notice published under paragraph 2 or made at a hearing under paragraph 3 or 4, may revise any provisional recommendations or, where he has been appointed to consider any proposals, may provisionally determine to recommend modifications of the proposals, and where he does so he shall comply again with paragraph 2 but shall not be required to hold a public hearing following any representations he may receive with respect to those recommendations as revised or proposals as provisionally modified.
- 7 Subject to the foregoing provisions of this Part, the Commissioner shall have power to regulate his own procedure.
- 8 Every document purporting to be an instrument made or issued by the Commissioner and to be signed by the secretary or any person authorised by the Commissioner to act in that behalf shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Commissioner.

PART III

RULES IN ACCORDANCE WITH WHICH RECOMMENDATIONS OF THE COMMISSIONER ARE TO BE MADE

- 1 Regard shall be had to the desirability of determining district and ward boundaries which are readily identifiable.
- 2 A townland shall not, except where in the opinion of the Commissioner it is unavoidable, be included partly in one district or ward and partly in another.
- 3 As far as practicable a district shall not be wholly or substantially severed by the boundary of another district and shall not be wholly or substantially encompassed within the boundary of another district.
- 4 In determining the number and boundaries of wards within a district regard shall be had to—
- (a) the size, population and physical diversity of the district; and
 - (b) the desirability that there should be a proper representation of the rural and urban electorate within the district.

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- 5 It shall be taken that each ward shall return one member to the council of the district in which it is situated.
- 6 (1) In each district, except the City of Belfast, the number of wards shall be fifteen but—
- (a) where having regard to either paragraph 4(*a*) or 4(*b*) the Commissioner considers it desirable that the number of wards in any district should be more than fifteen the number of wards in that district may be increased to not more than twenty-five;
 - (b) where having regard to both paragraphs 4(*a*) and 4(*b*) the Commissioner considers it desirable that the number of wards in any district should be more than twenty-five the number of wards in that district may be increased to not more than thirty.
- (2) In the City of Belfast the number of wards shall be not less than forty and not more than sixty.
- 7 (1) Within any one district there shall, as far as is reasonably practicable having regard to paragraph 4, be substantially the same number of local electors in each ward.
- (2) For the purposes of sub-paragraph (1) it shall be taken that the electors in each ward are the persons registered as local electors, by virtue of a qualifying address within that ward, in the register of electors last published before the making of the announcement mentioned in paragraph 1 of Part II.

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