

*Status: Point in time view as at 02/07/2013.*

*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

### [<sup>F1</sup>SCHEDULE 4

#### LOCAL GOVERNMENT BOUNDARIES COMMISSIONER

**F1** Schedule 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 “a Commissioner” means a Local Government Boundaries Commissioner.

##### *Appointment*

- 2 —
- (1) Section 18(2) of the Interpretation Act (Northern Ireland) 1954 applies to the appointment of a Commissioner, with the omission of paragraph (b)(iii).
- (2) A Commissioner shall be appointed on such terms and conditions as the Department, with the approval of the Department of Finance and Personnel, may determine.
- (3) The appointment of a Commissioner shall terminate on such date after he submits his final report under section 50(6) as the Department may determine.

##### *Assistant Commissioners and assessors*

- 3 —
- (1) The Department may, at the request of a Commissioner, appoint one or more Assistant Commissioners on such terms and conditions as the Department, with the approval of the Department of Finance and Personnel, may determine.
- (2) The following shall be assessors to a Commissioner—
- (a) the Registrar General for Northern Ireland;
  - (b) the Commissioner of Valuation for Northern Ireland;
  - [<sup>F2</sup>(c) the Chief Survey Officer of Land and Property Services; and]
  - (d) the Chief Electoral Officer for Northern Ireland.

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**F2** Sch. 4 para. 3(2)(c) substituted (23.5.2008) by [Local Government \(Boundaries\) Act \(Northern Ireland\) 2008 \(c. 7\)](#), ss. 2(3)(a), 5(1)

### *Officers*

- 4        The Department shall appoint—
- (a) a secretary; and
  - (b) such other officers to assist a Commissioner as the Department, with the approval of the Department of Finance and Personnel, may determine.
- (2) The terms and conditions of any appointment under this paragraph shall be such as may be determined by the Department, with the approval of the Department of Finance and Personnel.

### *Remuneration and expenses*

- 5        The remuneration and expenses of a Commissioner, any Assistant Commissioners and the secretary and any officers appointed under paragraph 4 shall be charged on and paid out of the Consolidated Fund.

## PART II

### PROCEDURE

#### *Procedure for Commissioner appointed under section 50(1)(a)*

- 6        —
- (1) This paragraph applies where a Commissioner is appointed under section 50(1)(a).
- (2) As soon as practicable after his appointment, the Commissioner shall make a public announcement to the effect—
- (a) that he has commenced his task; and
  - [<sup>F3</sup>(b) that he will in due course publish provisional recommendations and cause a public hearing to be held in each of the 11 districts mentioned in section 1 of the Local Government (Boundaries) Act (Northern Ireland) 2008.]
- (3) Where the Commissioner has provisionally determined to make recommendations with respect to a district and the wards within a district, he shall publish in at least two newspapers circulating in that district a notice-
- (a) setting out the provisional recommendations or specifying places and times at which copies of the provisional recommendations may be inspected;
  - (b) stating that representations in writing with respect to the provisional recommendations may be made to the Commissioner in such manner and before such date as may be specified in the notice; and
  - (c) stating that the public hearing required to be held by sub-paragraph (4) is to be held —
    - (i) at such place in the district; and
    - (ii) beginning at such date and time;
 as may be so specified.

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- (4) Where a Commissioner has published notice under sub-paragraph (3) in respect of a district, he shall, in accordance with the terms of that notice, cause a public hearing to be held in respect of—
- (a) the boundary and name of the district; and
  - (b) the number, boundaries and names of the wards within that district.
- (5) The Commissioner may cause additional public hearings to be held in such manner as he may direct.
- (6) The Commissioner—
- (a) shall take into consideration the representations, if any, made in accordance with a notice published under sub-paragraph (3) or at a hearing under sub-paragraph (4) or (5); and
  - (b) may revise any provisional recommendations.
- (7) Where the Commissioner revises any provisional recommendations with respect to a district or the wards within a district, he may if he thinks fit publish in at least two newspapers circulating in that district a notice—
- (a) setting out the revised recommendations or specifying places and times at which copies of the revised recommendations may be inspected; and
  - (b) stating that representations in writing with respect to the revised recommendations may, within the relevant period, be made to the Commissioner in the manner specified in the notice;
- and, if the Commissioner does so, he shall take into consideration any representations made in accordance with the notice.

**F3** Sch. 4 para. 6(2)(b) substituted (23.5.2008) by [Local Government \(Boundaries\) Act \(Northern Ireland\) 2008 \(c. 7\)](#), ss. **2(3)(b)**, 5(1)

*Procedure for Commissioner appointed under section 50(1)(b)*

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- (1) This paragraph applies where a Commissioner is appointed under section 50(1)(b).
- (2) As soon as practicable after his appointment, the Commissioner shall—
- (a) make a public announcement to the effect that he has commenced his task; and
  - (b) invite proposals from councils, political parties, associations, organisations and individual members of the public.
- (3) Where the Commissioner has provisionally determined to make recommendations with respect to a district or the wards within a district, he shall publish in at least two newspapers circulating in the district a notice—
- (a) setting out the provisional recommendations or specifying places and times at which copies of the provisional recommendations may be inspected; and
  - (b) stating that representations in writing with respect to the provisional recommendations may, within the relevant period, be made to the Commissioner in the manner specified in the notice.

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- (4) Where the period specified in a notice under paragraph (3) in relation to a district has elapsed, the Commissioner may, after giving public notice thereof, cause a public hearing to be held in that district in respect of—
  - (a) the boundary and name of the district, and the number, boundaries and names of the wards within that district; or
  - (b) such of those matters as are affected by the recommendations in question.
- (5) Where the Commissioner receives any representations duly made in accordance with the notice under sub-paragraph (3) objecting to the recommendations he has provisionally determined to make—
  - (a) from the council of the district, or
  - (b) from not less than 100 local electors registered by virtue of a qualifying address in the district,the Commissioner shall not make the recommendations unless, since the publication of the notice, a public hearing such as is mentioned in sub-paragraph (4) has been held in the district.
- (6) The Commissioner may cause additional public hearings to be held in such manner as he may direct.
- (7) The Commissioner—
  - (a) shall take into consideration the representations, if any, made in accordance with a notice published under sub-paragraph (3) or at a hearing under sub-paragraph (4) or (6); and
  - (b) may revise any provisional recommendations.
- (8) Where the Commissioner revises any provisional recommendations with respect to a district or the wards within a district, he may if he thinks fit publish in at least two newspapers circulating in that district a notice—
  - (a) setting out the revised recommendations or specifying places and times at which copies of the revised recommendations may be inspected; and
  - (b) stating that representations in writing with respect to the revised recommendations may, within the relevant period, be made to the Commissioner in the manner specified in the notice;and, if the Commissioner does so, he shall take into consideration any representations made in accordance with the notice.

*Procedure for Commissioner appointed under section 50(4)*

- (1) This paragraph applies where a Commissioner is appointed under section 50(4).
- (2) As soon as practicable 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 proposals for modifying the proposals he has been appointed to consider, from councils, political parties, associations, organisations and individual members of the public.
- (3) The Commissioner shall also publish in at least two newspapers circulating in the district a notice—

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- (a) setting out the proposals he has been appointed to consider or specifying places and times at which copies of the proposals may be inspected; and
  - (b) stating that representations in writing with respect to the proposals may, within the relevant period, be made to the Commissioner in the manner specified in the notice.
- (4) Where the period specified in a notice under paragraph (3) in relation to a district has elapsed, the Commissioner may, after giving public notice thereof, cause a public hearing to be held in that district in respect of the proposals in question.
- (5) Where the Commissioner receives any representations duly made in accordance with the notice under sub-paragraph (3) objecting to the proposals he has been appointed to consider—
  - (a) from the council of the district, or
  - (b) from not less than 100 local electors registered by virtue of a qualifying address in the district,the Commissioner shall not recommend the implementation of the proposals, unless, since the publication of the notice, a public hearing such as is mentioned in sub-paragraph (4) has been held in the district.
- (6) The Commissioner may cause additional public hearings to be held in such manner as he may direct.
- (7) The Commissioner—
  - (a) shall take into consideration the representations, if any, made in accordance with a notice published under sub-paragraph (3) or at a hearing under sub-paragraph (4) or (6); and
  - (b) may provisionally determine to recommend modification of the proposals.
- (8) Where the Commissioner provisionally determines to recommend modification of the proposals with respect to a district or the wards within a district, he may if he thinks fit publish in at least two newspapers circulating in that district a notice—
  - (a) setting out the revised proposals or specifying places and times at which copies of the revised proposals may be inspected; and
  - (b) stating that representations in writing with respect to the revised proposals may, within the relevant period, be made to the Commissioner in the manner specified in the notice;and, if the Commissioner does so, he shall take into consideration any representations made in accordance with the notice.

*Commissioner's procedure - general*

- 9 In relation to a notice published by a Commissioner under paragraph 6(7), 7(3) or (8) or 8(3) or (8) “the relevant period” is one month, or such longer period not exceeding two months, as the Commissioner may determine, from the date of the last publication of the notice.
- 10 A Commissioner may direct any hearing under this Schedule to be held before an Assistant Commissioner.
- 11 A Commissioner may, if he thinks fit, submit interim reports to the Department before making his final report under section 50(6).
- 12 Subject to paragraphs 7 to 11, a Commissioner may regulate his own procedure.

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- 13 Every document purporting to be an instrument made or issued by a 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 a Commissioner.

### PART III

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

- 14 Regard shall be had to the desirability of determining district and ward boundaries which are readily identifiable.
- 15 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.
- 16 As far as practicable—
- (a) a district shall not be wholly or substantially severed by the boundary of another district; and
  - (b) a district shall not be wholly or substantially encompassed within the boundary of another district.
- 17 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.
- [<sup>F4</sup>18 (1) Subject to sub-paragraphs (2) and (3)—
- (a) in the district of Belfast the number of wards shall be 60;
  - (b) in each other district the number of wards shall be 40.
- (2) Where, having regard to the matters mentioned in paragraph 17, the Commissioner considers it desirable that the number of wards in any district should be more than that specified in sub-paragraph (1), the number of wards in that district may be increased by not more than 5.
- (3) Where, having regard to the matters mentioned in paragraph 17, the Commissioner considers it desirable that the number of wards in any district should be fewer than that specified in sub-paragraph (1), the number of wards in that district may be decreased by not more than 5.]

<b>F4</b> Sch. 4 para. 18 substituted (23.5.2008) by <a href="#">Local Government (Boundaries) Act (Northern Ireland) 2008 (c. 7), ss. 2(3)(c), 5(1)</a>
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- (1) Within any one district there shall, as far as is reasonably practicable having regard to paragraph 17, 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 6(2), 7(2) or 8(2) (as the case may be).]

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