

LOCAL GOVERNMENT (BOUNDARIES) (NORTHERN IRELAND) ORDER 2006

S.I. 2006 No. 1253 (N.I. 8)

EXPLANATORY MEMORANDUM

INTRODUCTION

1. The Local Government (Boundaries) (Northern Ireland) Order 2006 (S.I. 1253 (N.I.8)) (“the Order”) was made on 9 May 2006.
2. This Explanatory Memorandum has been prepared by the Department of the Environment (“the Department”) to assist the reader in understanding the Order. It does not form part of the Order.
3. The Order replaces the Local Government (Boundaries) Act (Northern Ireland) 1971 and substitutes a new section 50 of and Schedule 4 to the Local Government Act (NI) 1972.

BACKGROUND AND POLICY OBJECTIVES

4. The Order sets the context for a review of local government boundaries by establishing the broad boundaries of 7 new local government districts in Northern Ireland. The Order provides for the appointment of a Local Government Boundaries Commissioner to recommend the boundaries and names of the 7 districts and the number, boundaries and names of the wards into which each district is to be divided.

CONSULTATION

5. As part of the Review of Public Administration (RPA) in Northern Ireland, an initial consultation on the various models of public administration, including proposals to reduce the number of district councils, was carried out between October 2003 and January 2004. 170 written responses were received from a range of public service users and providers.
6. A further, more detailed consultation was conducted between March and September 2005 to which 1032 responses were received. The consultation put forward various options for the optimum number of councils in Northern Ireland including a 7-council model, an 11-council model and a 15-council model. Of those consultees who expressed a preference for a number or range of councils 62% said 7, 71% preferred 11 or less and 18% expressed a preference for 15.

MAIN ELEMENTS OF THE ORDER

7. The Order has 5 Articles and 2 Schedules.

COMMENTARY ON ARTICLES

8. A commentary on the provisions follows below (comments are not given where the wording is self-explanatory).

Article 3 – Local government districts and wards

9. This Article makes provision for the establishment of 7 new local government districts in Northern Ireland by reference to the current 26 local government districts and for the districts to be divided into wards. These new districts will be the starting point for the review of local government boundaries.

Article 4 – Local Government Boundaries Commissioner

10. This Article substitutes a new section 50 to the Local Government Act (Northern Ireland) 1972 (“the 1972 Act”) to provide that a Local Government Boundaries Commissioner shall be appointed in 2006 and, following this initial review of local government boundaries, a Commissioner shall be appointed 8-12 years from the date when the previous Commissioner submits his final report. Article 50, as substituted, sets out the functions of a Commissioner and provides that the Commissioner shall submit his final report within such period as the Department may direct. It also provides that the Commissioner shall regulate his procedure and make his recommendations in accordance with Schedule 4 to the 1972 Act.

Schedule 1 – Schedule 4 to the Principal Act, as substituted

11. This Schedule substitutes a new Schedule 4 to the 1972 Act. It makes provision about the appointment of a Local Government Boundaries Commissioner, Assistant Commissioners and assessors and sets out the procedures to be followed by a Commissioner in carrying out the initial review of local government boundaries, subsequent periodic reviews of boundaries and reviews to consider proposals by councils or the Department. Schedule 4, as substituted, also sets out the rules in accordance with which a Commissioner should make his recommendations and, in particular, provides that a local government district should be divided into 60 wards. It also gives the Commissioner flexibility to divide a district into between 55 – 65 wards, if he considers it desirable, taking account of the size, population and physical diversity of the district and the representation of the rural and urban electorate within the district.

COMMENCEMENT

12. The Order will come into operation one week after the date on which it is made for the purpose of enabling the Department to appoint a Local Government Boundaries Commissioner and for the Commissioner to carry out a review of the boundaries of the 7 new local government districts and the wards into which they are to be divided.
13. The Order will be brought into operation for other purposes on a day or days to be appointed by commencement order.