

*Status: Point in time view as at 02/06/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 2014, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 6(3).

#### POSITIONS OF RESPONSIBILITY

##### Modifications etc. (not altering text)

- C1** Sch. 1 applied (28.5.2014) by [The Local Government \(Transitional, Supplementary, Incidental Provisions and Modifications\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/148\)](#), regs. 1(1), **6(2)**

### PART 1

#### FILLING POSITIONS OF RESPONSIBILITY BY NOMINATION

##### *Application of this Part*

**1** The following provisions of this Part apply unless at the first annual meeting after a local general election the council by resolution passed by a qualified majority decides that Part 2 applies.

##### Commencement Information

- II** Sch. 1 para. 1 in operation at 2.6.2014 for specified purposes by [S.R. 2014/153](#), art. 3, **Sch. 2**

##### *Selection of positions of responsibility etc. by nominating officers*

**2.—(1)** At the first annual meeting of a council after a local general election the nominating officer of the party for which the formula in paragraph 3 gives the highest figure may select—

- (a) a position of responsibility; and
- (b) a term for which it may be held.

(2) The term selected must be a term beginning before the date of the next local general election and if the nominating officer selects the term beginning with the date of the meeting, the nominating officer must also nominate to hold the selected position of responsibility for the selected term a member of the council who stood in the name of the nominating officer's party when elected.

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(3) If—

- (a) the nominating officer does not exercise any function conferred by sub-paragraph (1) or (2) within a period specified in standing orders; or
- (b) the person nominated under sub-paragraph (2) does not take up the selected position of responsibility within that period,

that function becomes exercisable by the nominating officer of the party for which the formula in paragraph 3 gives the next highest figure.

(4) Sub-paragraphs (1) to (3) must be applied as many times as may be necessary to secure that every position of responsibility has been selected (treating the holding of a position of responsibility for each term as a separate position of responsibility and disregarding any selection where sub-paragraph (3)(b) applies).

**Commencement Information**

**I2** Sch. 1 para. 2 in operation at 2.6.2014 for specified purposes by [S.R. 2014/153, art. 3, Sch. 2](#)

*The formula*

3.—(1) Subject to sub-paragraphs (2) and (3), the formula is—

$$\frac{S}{1 + M}$$

where—

S the number of members of the council who stood in the name of the party when elected;

M the number of positions of responsibility (if any) which are held by such members of the council (treating the holding of a position of responsibility for each term as a separate position of responsibility).

(2) If at the first annual meeting after a local general election the council by resolution passed by a qualified majority so decides, the formula in sub-paragraph (1) has effect as if M were doubled.

(3) Where the figures given by the formula for two or more parties are equal, each of those figures shall be recalculated with S being equal to the number of first preference votes cast for the party at the last local general election.

**Commencement Information**

**I3** Sch. 1 para. 3 in operation at 2.6.2014 for specified purposes by [S.R. 2014/153, art. 3, Sch. 2](#)

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### *Vacancies*

4.—(1) Where a position of responsibility becomes vacant before the end of the term for which it is held, the nominating officer of the party on whose behalf the previous incumbent was nominated may nominate to hold the position of responsibility for the remainder of the term a member of the council who stood in the name of the party when elected.

(2) If—

- (a) the nominating officer does not exercise the power conferred by sub-paragraph (1) within a period specified in standing orders; or
- (b) a person nominated under sub-paragraph (1) does not take up the position of responsibility within that period,

the vacancy must be filled by applying paragraphs 2 and 3 within a period specified in standing orders.

#### **Commencement Information**

**I4** Sch. 1 para. 4 in operation at 2.6.2014 for specified purposes by [S.R. 2014/153](#), art. 3, [Sch. 2](#)

### *Selection of members at subsequent annual meetings*

5.—(1) At each subsequent annual meeting each nominating officer of a party must select a member of the council who stood in the name of that party when elected to hold for the next term each position of responsibility selected by the nominating officer of that party under paragraph 2.

(2) In this paragraph—

“next term”, in relation to a subsequent annual meeting, means the term beginning with that meeting;

“subsequent annual meeting” means an annual meeting of the council after the annual meeting mentioned in paragraph 2(1) but before the next local general election.

(3) This paragraph does not apply in relation to a position of responsibility specified at section 6(1)(e) (member of a cabinet-style executive of the council) or section 6(1)(f) (external representative of the council).

#### **Commencement Information**

**I5** Sch. 1 para. 5 in operation at 2.6.2014 for specified purposes by [S.R. 2014/153](#), art. 3, [Sch. 2](#)

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### *New positions of responsibility*

6.—(1) Where a new position of responsibility arises after the annual meeting mentioned in paragraph 2(1), then at the next meeting of the council (which need not be an annual meeting) the nominating officer of the party for which the formula in paragraph 3 gives the highest figure may select a term beginning before the date of the next local general election for which the new position of responsibility may be held.

(2) The first term begins with the date of the meeting and if the nominating officer selects that term, the nominating officer must also nominate to hold the new position of responsibility for that term a member of the council who stood in the name of the nominating officer's party when elected.

(3) If—

- (a) the nominating officer does not exercise any function conferred by sub-paragraph (1) or (2) within a period specified in standing orders; or
- (b) the person nominated under sub-paragraph (2) does not take up the new position of responsibility within that period,

that function becomes exercisable by the nominating officer of the party for which the formula in paragraph 3 gives the next highest figure.

(4) Sub-paragraphs (1) to (3) must be applied as many times as may be necessary to secure that—

- (a) each term has been selected for that position of responsibility; and
- (b) in relation to the term beginning with the date of the meeting a person has taken up that position of responsibility.

#### **Commencement Information**

**I6** Sch. 1 para. 6 in operation at 2.6.2014 for specified purposes by [S.R. 2014/153](#), art. 3, [Sch. 2](#)

## **PART 2**

### **FILLING POSITIONS OF RESPONSIBILITY BY ELECTION**

#### *Application of this Part*

7 This Part applies only if the council so decides as mentioned in paragraph 1.

#### **Commencement Information**

**I7** Sch. 1 para. 7 in operation at 2.6.2014 for specified purposes by [S.R. 2014/153](#), art. 3, [Sch. 2](#)

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### *Election to positions of responsibility*

**8** At the first annual meeting of a council after a local general election the council must for each term elect a member of the council to hold each position of responsibility.

#### **Commencement Information**

**I8** Sch. 1 para. 8 in operation at 2.6.2014 for specified purposes by [S.R. 2014/153](#), [art. 3](#), [Sch. 2](#)

### *Vacancies*

**9** Where a position of responsibility becomes vacant before the end of the term for which it is held, then, unless standing orders otherwise provide, the council must at the next meeting of the council elect a member of the council to hold the position of responsibility for the remainder of the term.

#### **Commencement Information**

**I9** Sch. 1 para. 9 in operation at 2.6.2014 for specified purposes by [S.R. 2014/153](#), [art. 3](#), [Sch. 2](#)

### *New positions of responsibility*

**10** Where a new position of responsibility arises after the annual meeting mentioned in paragraph 8, the council must for each term elect a member of the council to hold that position of responsibility.

#### **Commencement Information**

**I10** Sch. 1 para. 10 in operation at 2.6.2014 for specified purposes by [S.R. 2014/153](#), [art. 3](#), [Sch. 2](#)

### *Method of election*

- 11.**—(1) Elections under this Part must be by single transferable vote.
- (2) A single transferable vote is a vote—
- (a) capable of being given so as to indicate the voter's order of preference for the candidates; and
  - (b) capable of being transferred to the next choice when the vote is not needed to give a prior choice the necessary quota of votes or when a prior choice is eliminated from the list of candidates because of a deficiency in the number of votes given for that person.

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(3) The Department may by order make provision about elections under this Part or any matter relating to them.

**Commencement Information**

**I11** Sch. 1 para. 11 in operation at 2.6.2014 for specified purposes by [S.R. 2014/153](#), art. 3, [Sch. 2](#)

## PART 3

### CHAIRS AND DEPUTY CHAIRS

*Chairs and deputy chairs of council and committees*

**12.—**(1) In relation to each council there must be—

- (a) a chair of the council; and
- (b) if the council so determines, a deputy chair of the council.

(2) Neither the chair nor the deputy chair of a council may hold any other position of responsibility while chair or deputy chair unless the position of responsibility falls within section 6(1)(f).

(3) In relation to each committee of a council there must be—

- (a) a chair of the committee; and
- (b) if the council so determines, a deputy chair of the committee.

(4) In sub-paragraph (3) “committee” includes “sub-committee”.

**Commencement Information**

**I12** Sch. 1 para. 12 in operation at 2.6.2014 for specified purposes by [S.R. 2014/153](#), art. 3, [Sch. 2](#)

*Chair of council continues until successor takes up office*

**13.—**(1) Until a successor takes up office the chair of a council continues—

- (a) to hold office as chair of the council; and
- (b) to be a member of the council, notwithstanding section 11(2)(c) of the 1962 Act (members of council retire on day after election day) if that provision would otherwise apply.

(2) Sub-paragraph (1) ceases to apply if the chair of the council resigns or is disqualified.

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**Commencement Information**

**I13** Sch. 1 para. 13 in operation at 2.6.2014 for specified purposes by [S.R. 2014/153](#), art. 3, [Sch. 2](#)

*Chair of council ceases to hold office if absent from district*

**14.—(1)** The chair of a council who is continuously absent from the district of the council, except in case of illness, for a period exceeding three months, ceases as from the expiration of that period to hold office as chair.

(2) Where a person ceases to be chair of a council under sub-paragraph (1), the council must forthwith declare the office of chair vacant and publish a notice to that effect.

(3) The notice must be signed by the clerk of the council.

**Commencement Information**

**I14** Sch. 1 para. 14 in operation at 2.6.2014 for specified purposes by [S.R. 2014/153](#), art. 3, [Sch. 2](#)

*Deputy chair of council*

**15.—(1)** Subject to any standing orders made by the council, anything authorised or required to be done by, to or before the chair in relation to the business of the council may be done by, to or before the deputy chair.

(2) Notwithstanding anything in section 18(3)(a) of the Interpretation Act (Northern Ireland) 1954, no function is exercisable by or in relation to a deputy mayor or a deputy lord mayor that is not exercisable by or in relation to any other deputy chair of a council.

**Commencement Information**

**I15** Sch. 1 para. 15 in operation at 2.6.2014 for specified purposes by [S.R. 2014/153](#), art. 3, [Sch. 2](#)

**PART 4**

**GENERAL**

*Interpretation*

**16.—(1)** In this Schedule—

“1962 Act” means the Electoral Law Act (Northern Ireland) 1962;

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“2000 Act” means the Political Parties, Elections and Referendums Act 2000;

“local general election” has the same meaning as in the 1962 Act;

“nominating officer”, in relation to a party, means—

- (a) the person registered under the 2000 Act as the party's nominating officer; or
- (b) a member of the council nominated by that person for the purposes of this Schedule;

“party” means a party registered under the 2000 Act in the Northern Ireland register (within the meaning of that Act);

“position of responsibility” means a position of responsibility mentioned in section 6(1);

“term” means the period between one annual meeting and another, subject to sub-paragraphs (6) to (8).

(2) References in this Part to a person who stood—

- (a) in the name of a party; or
- (b) in the name of two or more parties; or
- (c) as an independent,

when elected have the same meaning as in Part 3 of the 1962 Act by virtue of section 11 of that Act, subject to sub-paragraph (4).

(3) In this Part, in the case of a person who stood in the name of two or more parties when elected (“A”)—

- (a) references to the nominating officer are to be taken as references to the nominating officers of each of the parties acting jointly; and
- (b) for the purposes of references to a person having stood in the name of a party when elected, A is to be treated as having stood in the name of a separate party, which is neither of the parties in whose name the person stood when elected.

(4) A person who stood as an independent when elected is to be treated for the purposes of this Schedule—

- (a) as having stood in the name of a party when elected; and
- (b) as being the nominating officer of that party and the sole member of the council who stood in the name of that party when elected.

(5) In paragraph 3(3), in relation to a person who—

- (a) is a member of the council by virtue of having filled a casual vacancy in the seat of a member of the council; and
- (b) is treated by virtue of sub-paragraph (3)(b) or (4)(b) as having stood in the name of a party which is different from the party in whose name the



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person (“X”) elected to that seat at the last local general election stood (or is treated as having stood),

S is to be treated as equal to the number of first preference votes cast for the party in whose name X stood (or is treated as having stood) at the last local general election.

(6) If during a term all the members of the council retire by virtue of section 11(2)(c) of the 1962 Act, the term ends when the members of the council so retire.

(7) In this Schedule “term”, in relation to a member of a cabinet-style executive of the council, means the period beginning with the date of the meeting at which the member is nominated or elected, as the case may be, and ending when the members of the council retire by virtue of section 11(2)(c) of the 1962 Act.

(8) Subject to sub-paragraph (6), in this Schedule “term”, in relation to an external representative of the council, means the period for which that representative is nominated or elected to serve.

#### Commencement Information

**I16** Sch. 1 para. 16 in operation at 2.6.2014 for specified purposes by [S.R. 2014/153, art. 3, Sch. 2](#)

#### *Cases where persons cease to hold positions of responsibility*

- 17.—(1) A person ceases to hold a position of responsibility if that person—
- (a) resigns by notice in writing to the clerk of the council;
  - (b) ceases to be a member of the council otherwise than by virtue of section 11(2)(c) of the 1962 Act; or
  - (c) is dismissed by the nominating officer of the party in whose name the person stood when elected and the clerk of the council is notified of the dismissal.
- (2) Paragraph 16(4)(b) does not apply for the purposes of sub-paragraph (1)(c).

#### Commencement Information

**I17** Sch. 1 para. 17 in operation at 2.6.2014 for specified purposes by [S.R. 2014/153, art. 3, Sch. 2](#)

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