

2006 No. 245

LOCAL GOVERNMENT, ENGLAND

**The District of Broadland (Whole Council Elections) Order
2006**

Made - - - - *6th February 2006*

Coming into force - - *17th February 2006*

By a resolution of 3rd November 2004 the Council of the District of Broadland have, under section 7(4)(a) of the Local Government Act 1972(a) (“the Act”), requested the Secretary of State to provide for a system of whole council elections.

Accordingly, the Secretary of State makes the following order in exercise of the powers conferred by section 7(6) of the Act and sections 17(3) and (4) and 26 of the Local Government Act 1992(b)—

Citation and commencement

1. This Order may be cited as the District of Broadland (Whole Council Elections) Order 2006 and shall come into force on 17th February 2006.

Elections of the Council of the District of Broadland

2.—(1) Elections of all councillors for all the wards of the District of Broadland (“the District”) shall be held simultaneously on the ordinary day of election of councillors in 2007 and every fourth year after 2007.

(2) The councillors holding office for any ward of the District immediately before the fourth day after the ordinary day of election of councillors in 2007 shall retire on that date and the newly elected councillors for those wards shall come into office on that date.

(3) The term of office of all councillors elected in accordance with paragraph (1) shall be four years; and they shall retire on the fourth day after the ordinary day of election of councillors and the newly elected councillors shall come into office on the day on which their predecessors retire.

(4) The ordinary election of councillors in 2006 for the wards of the District specified in paragraph (5) shall not take place; and any councillor for such a ward holding office immediately before the fourth day after the ordinary day of such election 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 the fourth day after the ordinary day of election of councillors in 2007.

(5) The wards are—

(a) Aylsham;

(a) 1972 c. 70.

(b) 1992 c. 19. Section 7(6) of the Act was amended by paragraph 7 of Schedule 3 to the Local Government Act 1992.

- (b) Blofield with South Walsham;
- (c) Brundall;
- (d) Hellesdon North West;
- (e) Hellesdon South East;
- (f) Horsford and Felthorpe;
- (g) Old Catton and Sprowston West;
- (h) Spixworth with St Faiths;
- (i) Sprowston Central;
- (j) Sprowston East;
- (k) Taverham North;
- (l) Taverham South;
- (m) Thorpe St Andrew North West;
- (n) Thorpe St Andrew South East; and
- (o) Wroxham.

Parish elections

3.—(1) Elections of all parish councillors for any parish specified in paragraph (2) shall be held simultaneously on the ordinary day of election of councillors in 2007 and every fourth year after 2007.

(2) The parishes are—

- (a) Aylsham;
- (b) Blickling;
- (c) Blofield;
- (d) Brundall;
- (e) Cantley;
- (f) Cawston;
- (g) Felthorpe;
- (h) Foulsham;
- (i) Hellesdon;
- (j) Hemblington;
- (k) Horsford;
- (l) Horsham St Faith and Newton St Faith;
- (m) Marsham;
- (n) Old Catton,
- (o) Oulton;
- (p) Postwick with Witton;
- (q) Rackheath;
- (r) Salhouse;
- (s) South Walsham;
- (t) Spixworth;
- (u) Strumpshaw;
- (v) Taverham;
- (w) Thorpe St Andrew;
- (x) Upton with Fishley;

- (y) Woodbastwick;
- (z) Wood Dalling; and
- (aa) Wroxham.

(3) The parish councillors for those parishes holding office immediately before the fourth day after the ordinary day of election of councillors in 2007 shall retire on that date and the newly elected councillors for those parishes shall come into office on that date.

(4) The term of office of all parish councillors elected in accordance with paragraph (1) shall be four years; and they shall retire on the fourth day after the ordinary day of election of councillors and the newly elected parish councillors shall come into office on the day on which their predecessors retire.

(5) The ordinary election of parish councillors in 2006 for the parishes specified in paragraph (2) (a) to (c), (j) to (m), (o), (s) to (u), (x) and (y) and (aa) shall not take place; and any councillor for such a parish holding office immediately before the fourth day after the ordinary day of such election 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 the fourth day after the ordinary day of elections in 2007.

(6) Rule 8 of the Local Elections (Parishes and Communities) Rules 1986(a)(filling of casual vacancies) shall have effect in the case of a casual vacancy occurring before the ordinary day of election of councillors in 2007 in the parishes specified in paragraph (2) (a) to (c), (j), (l) and (m), (o), (t) and (aa), 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 the fourth day after the ordinary day of election of councillors in 2007.

Revocation

4.—(1) Articles 5 and 6 of the District of Broadland (Electoral Arrangements) Order 1977(b) are revoked.

(2) In the District of Broadland (Electoral Changes) Order 2003(c)—

- (a) Article 4, paragraph (1), (2), (4), (6), (7) and (9) of article 10, and Schedule 2 are revoked; and
- (b) In paragraph (8) of article 10, for, “paragraphs (5), (6) and (7) above”, there shall be substituted “paragraph (5)”.

Signed by authority of the First Secretary of State

6th February 2006

Phil Woolas
Minister of State
Office of the Deputy Prime Minister

(a) S.I. 1986/2215, to which there are amendments not relevant to this Order.
(b) S.I. 1977/1390. Articles 5 and 6 of this Order provides for elections by thirds. The remaining provisions of that Order were revoked by the District of Broadland (Electoral Changes) Order 2003.
(c) S.I. 2003/157. This Order provides for whole council elections in 2004 and for a reversion to elections by thirds in subsequent years. See article 4 of, and Schedule 2 to the Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to a request by Broadland District Council for a system of whole council elections under the provisions of section 7(4)(a) of the Local Government Act 1972. This system provides for the holding of the ordinary elections of all the councillors of the district simultaneously. The previous system of elections by thirds is therefore replaced.

Article 2 provides that elections of all councillors for every ward in the District are to be held in 2007 and subsequently every four years, with their term of office being for four years.

The ordinary elections of councillors of those wards of the District listed in paragraph (5) that would ordinarily have taken place in 2006, will take place in 2007 instead.

Article 3 provides that elections of all parish councillors of the parishes specified in this article are to be held in 2007 and subsequently every four years, with their term of office being for four years.

The ordinary elections of parish councillors of those parishes listed in paragraph (2) that would ordinarily have taken place in 2006 and 2008 respectively, will take place in 2007 instead. Paragraph (6) makes provision for the filling of casual vacancies in the case of those parishes specified in paragraph (2) whose parish councillors have had their term of office extended from four to five years as a consequence of elections taking place in 2007 instead of 2006.

Article 4 revokes the remaining provisions of the District of Broadland (Electoral arrangements) Order 1977. It also amends and revokes those provisions of the District of Broadland (Electoral Changes) Order 2003 that have been superseded by the provisions of this Order.

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