

## **EXPLANATORY MEMORANDUM TO**

### **THE DISTRICT ELECTORAL AREAS COMMISSIONER (NORTHERN IRELAND) (AMENDMENT) ORDER 2009**

**2009 No.**

1. This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**

2.1 The District Electoral Areas Commissioner (DEAC) is responsible for making recommendations to the Secretary of State for Northern Ireland on grouping wards into electoral areas for the purposes of local government elections in Northern Ireland. The District Electoral Areas Commissioner (Northern Ireland) Order 1984 (the 1984 Order) sets out procedures that the DEAC must follow when conducting a review. This Order makes amendments to some of those procedures, in particular in relation to how the DEAC should publish notice of provisional recommendations and when, and by whom, representations in respect of those provisional recommendations may be made.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Context**

4.1 The 1984 Order makes provision for the appointment and functions of the DEAC. By virtue of that Order the DEAC recommends to the Secretary of State how wards should be grouped together to form electoral areas. Schedule 2 to the 1984 Order contains the procedure that the DEAC must follow in order to make those recommendations and in particular includes provision for: the publication of provisional recommendations; when representations should be made in respect of them; and when local inquiries should be held.

4.2 This Order seeks to update the DEAC's procedures, which have not changed since 1984. In particular, it increases the period within which representations in respect of provisional recommendations may be made from one month to eight weeks. It also removes the requirement that the DEAC must both publish the provisional recommendations and make them available for inspection. Instead the DEAC may now do either or both. This reflects the fact that the provisional recommendations may be very detailed and it could be both very costly and unwieldy to have to publish them in local newspapers.

4.3 Representations made by a district council in respect of the grouping together of wards in that district will compel a local inquiry. However, following the reduction in local government districts in Northern Ireland from 26 to 11, by virtue of the Local Government (Boundaries) Act (Northern Ireland) 2008, the 1984 Order needs to be amended to clarify which district council can now compel a local inquiry in respect of a particular district.

## **5. Territorial Extent and Application**

5.1 This instrument applies to Northern Ireland only.

## **6. European Convention on Human Rights**

6.1 The Minister of State for Northern Ireland, Paul Goggins, has made the following statement regarding Human Rights:

‘In my view the provisions of the District Electoral Areas Commissioner (Northern Ireland) (Amendment) Order 2009 are compatible with the Convention rights.’

## **7. Policy background**

7.1 Following a Review of Public Administration in Northern Ireland, the number of district councils there was reduced from 26 to 11. As a result of this, local government wards and their boundaries are currently being reviewed and the Local Government Boundaries Commissioner has recently submitted his final recommendations to the Minister of the Environment in the Northern Ireland Executive. Legislation in the Northern Ireland Assembly will be required to give effect to the new local government boundaries and the DEAC will then be required to submit recommendations to the Secretary of State for Northern Ireland on the grouping of wards within electoral areas for the purposes of local government elections in Northern Ireland.

7.2 Before the final recommendations are submitted to the Secretary of State, the DEAC must publish provisional recommendations and hold public inquiries in respect of them if representations are received by either 100 electors or a district council.

7.3 Currently the DEAC is only obliged to allow a period of one month for such representations to be received. This Order extends this period to 8 weeks, which is in line with the procedure followed by the Local Government Boundaries Commissioner.

7.4 The DEAC is also required to publish notice of his provisional recommendations in local newspapers and specify where they may be inspected in full. As the provisional recommendations may be very detailed, it could be both very costly and unwieldy to have to publish the full recommendations in local newspapers on every occasion. For this reason, this

Order provides for the DEAC to have the option of publishing the provisional recommendations in local newspapers or to simply publish notice of where they may be inspected or both. This again is in line with procedure followed by the Local Government Boundaries Commissioner.

7.5 Finally, as the number and boundaries of councils are due to change, it is important to ensure that those councils most affected may object to the provisional recommendations and compel a local inquiry. This Order therefore provides that any council which will in whole or in part be incorporated by, or incorporate, the successor council may make such objections.

## **8. Consultation outcome**

8.1 The Northern Ireland Office consulted the DEAC when drafting this Order. A draft of this Order has also been shared with the Electoral Commission as is required under the Political Parties, Elections and Referendums Act 2000.

## **9. Guidance**

9.1 This Order is not accompanied by any guidance. The DEAC will provide relevant guidance at the appropriate time on the procedures to be followed when making representations in respect of provisional recommendations.

## **10. Impact**

10.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 The Northern Ireland Office will review the effectiveness of the legislation after the completion of the DEAC's current review.

## **13. Contact**

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Northern Ireland Office  
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