

2015 No. 125

LOCAL GOVERNMENT

**The Local Government (Transitional, Incidental, Consequential
and Supplemental Provisions) Regulations (Northern Ireland)
2015**

Made - - - - 5th March 2015

Coming into operation - 9th March 2015

The Department of the Environment makes the following Regulations, in exercise of the powers conferred by section 124 of the Local Government Act (Northern Ireland) 2014(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Government (Transitional, Incidental, Consequential and Supplemental Provisions) Regulations (Northern Ireland) 2015, and shall come into operation on 9th March 2015.

(2) In these Regulations—

“1972 Act” means the Local Government Act (Northern Ireland) 1972;

“2014 Act” means the Local Government Act (Northern Ireland) 2014;

“district” means a local government district established in pursuance of section 1 of the Local Government (Boundaries) Act (Northern Ireland) 2008(b);

“new council” means a district council constituted under section 1 of the Local Government Act (Northern Ireland) 1972 as amended by section 3(1) of the Local Government (Boundaries) Act (Northern Ireland) 2008;

“local government legislation” means—

(a) the 1972 Act;

(b) the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 2002(c);

(c) Part 2 of the Local Government (Northern Ireland) Order 2005(d);

(d) Chapter 2 of Part 2 of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010(e);

(e) the Local Government Finance Act (Northern Ireland) 2011(f);

(f) the 2014 Act; and

(a) 2014 c. 8 (N.I.).

(b) 2008 c. 7 (N.I.).

(c) S.I. 2002/3149.

(d) S.I. 2005/1968.

(e) 2010 c. 7 (N.I.) as amended by 2011 c. 10 (N.I.).

(f) 2011 c. 10 (N.I.).

(g) any regulations or orders made under any of the immediately preceding statutory provisions.

“operative date” is 1st October 2016;

“casual vacancy” has the meaning given by section 11 of the Electoral Law Act (Northern Ireland) 1962(a).

Boroughs

2. Where, before the operative date, a new council is granted a charter designating its district a borough under section 2 of the 1972 Act and the whole or major part of any other borough has existed in the district before that date, the roll of honorary freemen of that other borough shall become and form part of the roll of honorary freemen of the borough designated by the charter.

Charters

3.—(1) On the operative date the charter of the corporation of every borough in existence before 1st April 2015, other than a county borough, the borough of Lisburn or a borough to which paragraph (3)(c) applies, shall be annulled.

(2) The new council for a district which includes the whole or the major part of a borough other than a county borough or the borough of Lisburn may, before the operative date, resolve that the charter of the corporation of the borough shall have effect in relation to the district; and, if the borough bears a name other than the name of the district, the resolution shall provide for the name of the corporation of the borough to be changed to correspond to the name of the district.

(3) After 31st March 2015 the charter of—

- (a) the corporation of each county borough;
- (b) the corporation of the borough of Lisburn; and
- (c) a borough in respect of the charter of which a resolution has been passed under paragraph (2);

shall, subject to these Regulations, have effect in relation to the district which includes the whole or major part of the borough as existing immediately before that date.

(4) In the case of the charter of the borough of Lisburn, after 31st March 2015, the name of the corporation of the borough shall be the name of the district.

(5) The corporation established or regulated by a charter to which paragraph (3) applies shall continue to bear the name it bore immediately before the operative date or, where a resolution passed under this paragraph provides for a change of its name, shall on and after that date bear the name specified in the resolution.

(6) The chairman of the council mentioned in paragraph (5), and the councillors of that council who are designated as aldermen in accordance with the charter, shall be respectively the mayor (or, as the case may be, the lord mayor) and the aldermen of the borough to which the charter relates.

(7) Where a freemen’s roll is in existence immediately prior to the operative date in a county borough or other borough to which these Regulations apply, that freemen’s roll shall, on the operative date, become and form part of the roll of honorary freemen of the borough designated by a charter to which paragraph (3) applies.

(8) Without prejudice to any provision of the charter for the conferment of the freedom of the borough, the local electors of a district in relation to which a charter to which paragraph (3) applies shall, for the purposes of the charter, be the burgesses (or, as the case may be, the citizens) of the borough.

(9) When a new council passes a resolution under subsection (2) it shall publish notice of the resolution in the Belfast Gazette.

(a) 1962 c. 14.

Designation of aldermen

4.—(1) Notwithstanding any provision in a charter or statutory provision which (immediately prior to the operative date) provides for the designation of aldermen, where, in accordance with its charter, a council designates aldermen, it shall designate aldermen on or after that date in accordance with the following paragraphs of this regulation.

(2) In this regulation—

- (a) the word “quota” means the number of all voting papers divided by a number exceeding by one the number of aldermen to be elected with the addition of one to the result obtained from such division;
- (b) the words “surplus votes” shall mean the number of votes by which the total number of votes cast for any candidate at any stage of counting exceeds the quota; and
- (c) “special resolution” has the meaning given by section 148 of the 1972 Act.

(3) Aldermen shall be designated in accordance with the following rules—

- (a) the number of aldermen shall be such number as the council may determine but shall not exceed one quarter of the whole number of the councillors;
- (b) if the number of councillors nominated as a candidate for the position of alderman does not exceed the number determined by the council in accordance with subparagraph (a) and the council so agrees, those nominated councillors may be deemed to be elected to the position of alderman;
- (c) if subparagraph (b) does not apply, an alderman shall be elected by the council from among the councillors;
- (d) except in the case of an election of an alderman to fill a casual vacancy, the ordinary election of aldermen shall be held in every fourth year, being an election year;
- (e) subject to sub-paragraphs (r) and (s), the ordinary election of aldermen shall be held at the annual meeting of the council;
- (f) every councillor of the council shall be entitled to vote at the election of an alderman, including in the case of an election to fill a casual vacancy, a councillor who is an alderman;
- (g) a councillor shall be a candidate for election as an alderman if—
 - (i) he is nominated as a candidate by one other councillor as proposer and another as seconder; and
 - (ii) he assents to the nomination.

Any nomination may be made, and any assent may be given, either in the course of the meeting or by a document signed by the councillor or councillors in question and delivered to the clerk of the council before the beginning of the meeting;

- (h) a councillor entitled to vote at a contested election of an alderman shall do so by signing and delivering at the meeting to the clerk of the council a voting paper containing in order of preference the full names of the candidate or candidates for whom he votes;
- (i) the clerk of the council shall, as soon as all the voting papers have been delivered to him, proceed to ascertain the result of the voting and shall state the number of votes given to each candidate at each stage of the counting of votes;
- (j) where at any stage of the council of votes the votes recorded for any candidate are equal to or greater than the quota, that candidate shall be deemed to be elected;
- (k) at each stage of the counting of votes the transfer of the surplus votes cast for any candidate shall be effected by the transfer of such surplus votes in proportion to the number of the next available preference votes expressed for other candidates in the voting papers of a successful candidate. If at any stage of the counting of votes two or more candidates have surplus votes, the largest surplus shall be transferred first;

- (l) if the quota is not achieved after the transfer of all surpluses (if any), the candidate or candidates with the highest number of votes shall be elected to fill the remaining vacancies;
- (m) in the case of an equality of votes for any candidates, the person presiding at the meeting may give a casting vote, whether or not he voted in the first instance, or if the person presiding declines to give a casting vote the matter shall be decided by lot;
- (n) in the case of a contested election the person presiding at the meeting shall declare to be elected as many candidates as there are vacancies to be filled, and in cases where fewer nominations are received than there are vacancies shall declare to be elected all the candidates nominated;
- (o) the minutes of proceedings of the meeting, in addition to recording the names of the councillors becoming aldermen, shall in the case of a contested election include the full names of the candidates to whom votes were given and a complete record of the number of votes recorded for each;
- (p) an alderman may resign his office of alderman without ceasing to be a councillor;
- (q) where a councillor, who has been elected an alderman (including a councillor elected an alderman to fill a casual vacancy), ceases for any reason to be a councillor, then that person shall also cease to be an alderman;
- (r) on a casual vacancy occurring in the office of alderman, that vacancy shall be filled by an election at the next annual meeting of the council;
- (s) the first ordinary election of aldermen shall be held at the annual meeting of the council held in accordance with regulation 6(5) of the Local Government (Transitional, Supplementary, Incidental Provisions and Modifications) Regulations (Northern Ireland) 2014^(a) or, before 1 October 2016, at the first meeting of the council after it receives a borough charter (whether under the provisions of these Regulations or the grant of a new charter under section 2 of the 1972 Act);
- (t) any questions or matters arising concerning the counting of votes shall be determined by the clerk of the council.

Freedom of the borough

5. Persons shall be admitted to the freedom of the borough in accordance with the following rules—

- (a) no person shall be admitted a freeman of the borough by gift or purchase;
- (b) the council of the borough may, in pursuance of a special resolution of the council, admit any person to be an honorary freeman of the borough;
- (c) the admission of a person to be an honorary freeman of the borough shall not confer the right of sharing in the benefit of any assets of the council, or of any assets held in whole or in part for any charitable use or trust;
- (d) the clerk of the council shall keep a list, called the freemen's roll, of all persons upon whom the freedom of the borough has been conferred.

Revocation

6. The Local Government (Modification of Borough Charters) Order (Northern Ireland) 1973^(b) is revoked.

(a) S.R. 2014 No. 148.

(b) S.R.&O. (N.I.) 1973 No. 207.

Sealed with the Official Seal of the Department of the Environment on 5th March 2015.



Linda MacHugh
A senior officer of the Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make certain provisions in relation to borough charters of existing councils and their continuation in relation to a new council.

The Regulations also specify how a borough council may designate aldermen and admit persons to the freedom of the borough.