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STATUTORY INSTRUMENTS

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**1995 No. 1773**

**The Derbyshire (City of Derby)(Structural Change) Order 1995**

**PART III**

**TRANSITIONAL PROVISION**

**Election of councillors in 1996 and subsequent years**

**9.—**(1) The City of Derby (Electoral Arrangements) Order 1978<sup>(1)</sup> shall be amended in accordance with the following paragraphs of this article.

(2) The following shall be substituted for article 9—

“**9.—**(1) The whole number of councillors shall be elected at the ordinary day of elections of councillors in 1996.

(2) The order of retirement of the councillors elected in 1996 shall be as set out in Schedule 2 to this Order.

(3) Where the number of councillors elected in 1996 for any ward of the city is two, the first to retire in that ward shall be, subject to paragraphs (5) and (6) below, the councillor elected by the smaller number of votes.

(4) Where the number of councillors elected in 1996 for any ward of the city is three—

(a) one shall retire in 1998 being, subject to paragraphs (5) and (6) below, the councillor elected by the smallest number of votes;

(b) one shall retire in 1999 being, subject as aforesaid, the councillor elected by the next smallest number of votes;

(c) the remaining councillor shall retire in 2000.

(5) In the case of an equality of votes between any persons elected which makes it uncertain which of them is to retire in any such year, the person to retire in that year shall be determined by lot.

(6) If an election of councillors for any ward is not contested, the person to retire in that year shall be determined by lot.

(7) Where under this article any question is to be determined by lot, the lot shall be drawn at the next practicable meeting of the council after the question has arisen, and the drawing shall be conducted under the direction of the person presiding at the meeting.

(8) Except as otherwise provided in the foregoing paragraphs of this article, the term of office of councillors shall be four years, and all councillors shall retire on the fourth day after the ordinary day of election of councillors for the city in the year of retirement and the newly elected councillors shall come into office on the day on which their predecessors retire.”.

(3) The following shall be substituted for Schedule 2—

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(1) S.I. 1978/1613.

## “SCHEDULE 2

Article 9(2)

## ORDER OF RETIREMENT OF COUNCILLORS

Name of ward	Number of councillors to retire in 1998	Number of councillors to retire in 1999	Number of councillors to retire in 2000
Abbey	1	1	1
Allestree	1	1	0
Alvaston	1	1	0
Babington	1	1	1
Blagreaves	1	1	0
Boulton	1	1	0
Breadsall	1	1	0
Chaddesden	1	0	1
Chellaston	1	0	1
Darley	1	1	1
Derwent	1	0	1
Kingsway	1	0	1
Litchurch	1	0	1
Littleover	0	1	1
Mackworth	0	1	1
Mickleover	0	1	1
Normanton	0	1	1
Osmaston	0	1	1
Sinfin	0	1	1
Spondon	1	1	1.”.

**Retirement of councillors and casual vacancies**

**10.**—(1) The councillors holding office for any ward in the city immediately before the relevant date shall retire on that date and the newly elected councillors for any such ward shall come into office on that date.

(2) The electoral divisions of Derbyshire comprised in Derby shall cease to be electoral divisions on the reorganisation date; and any person holding office, immediately before that date, as a councillor for such a division shall retire on that date<sup>(2)</sup>.

(3) Section 89 of the 1972 Act (filling of casual vacancies in case of councillors) shall have effect—

- (a) in the case of a casual vacancy occurring in the office of councillor of the Derby Council during the period beginning with the date on which this article comes into force and ending

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(2) The electoral divisions of the county of Derbyshire are those described in the Schedule to the County of Derbyshire (Electoral Arrangements) Order 1980 (S.I. 1980/1985).

with the relevant date, as if the reference in subsection (3) of that section to the day on which the councillor whose office is vacant would regularly have retired were a reference to the relevant date; and

- (b) in the case of a casual vacancy occurring in the office of councillor for any electoral division referred to in paragraph (2) above, as if that reference in that subsection were a reference to the reorganisation date.