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STATUTORY INSTRUMENTS

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**1995 No. 493**

**The Avon (Structural Change) Order 1995**

**PART IV**

**ELECTORAL ARRANGEMENTS**

**Elections for the City of Bristol**

**8.** For article 9 of the City of Bristol (Electoral Arrangements) Order 1980<sup>(1)</sup> there shall be substituted:

“**9.**—(1) The whole number of councillors shall be elected at the ordinary elections of councillors in 1995.

(2) The councillors holding office for any ward of the city immediately before 8th May 1995 shall retire on that date and the newly elected councillors for any such ward shall come into office on that date.

(3) The order of retirement of the councillors elected in 1995 shall be as set out in the Table in Schedule 2 to this Order, except that in the first column, “1997” shall be substituted for “1984”, in the second column, “1998” shall be substituted for “1986” and in the third column “1999” shall be substituted for “1987”.

(4) Of the councillors elected in 1995 for any ward of the city, 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.

(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 each such 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) The term of office of councillors elected in 1997 shall be three years.

(9) 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.”

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<sup>(1)</sup> S.I. 1980/297.

### **Elections in Bath and North East Somerset and South Gloucestershire**

9.—(1) The ordinary election of councillors of the district councils of Bath and North East Somerset and South Gloucestershire shall be held in 1995 and in every fourth year thereafter.

(2) Bath and North East Somerset shall be represented by 65 councillors and divided into 36 wards, as set out in Schedule 1 to this Order.

(3) South Gloucestershire shall be represented by 70 councillors and divided into 38 wards, as set out in Schedule 2 to this Order.

(4) The term of office of such councillors shall be four years and all councillors shall retire on the fourth day after the day of the ordinary election of councillors in the year of retirement, and the newly elected councillors shall come into office on the day on which their predecessors retire.

(5) At the ordinary election in 1995—

(a) the returning officer for the election to Bath and North East Somerset District Council shall be the returning officer appointed by Wansdyke District Council for the existing district of Wansdyke; and

(b) the returning officer for the election to South Gloucestershire District Council shall be the returning officer appointed by Northavon District Council for the existing district of Northavon.

(6) Section 36(4) of the Representation of the People Act 1983 (“the 1983 Act”)(2) (payment of election expenses) shall not apply to that election.

(7) All expenditure properly incurred by the returning officer in relation to the holding of the election to Bath and North East Somerset District Council shall be paid by the councils of the districts of Bath and Wansdyke in such proportions as may be agreed between them or, failing such agreement, as may be determined by the Secretary of State.

(8) All expenditure properly incurred by the returning officer in relation to the holding of the election to South Gloucestershire District Council shall be paid by the councils of the districts of Kingswood and Northavon in such proportions as may be agreed between them or, failing such agreement, as may be determined by the Secretary of State.

(9) In relation to those elections, “the appropriate officer”, in Parts II and III of the 1983 Act does not have the meaning given by section 67(7) of that Act but means the returning officer for that election.

### **Suspension of elections and retirement of councillors**

10.—(1) The ordinary election of councillors in 1995 to the transferor authorities shall be cancelled.

(2) Any councillor of a transferor authority holding office immediately before 8th May 1995 who would, but for the provisions of this Order, have retired on that date shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office until the reorganisation date.

(3) Where a vacancy for a councillor of a transferor authority occurs within the six months before the reorganisation date, an election shall not be held unless on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies) the total number of unfilled vacancies in the membership of the transferor authority exceeds one third of the whole number of members.

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(2) 1983 c. 2.