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STATUTORY INSTRUMENTS

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**1996 No. 1865**

**The Devon (City of Plymouth and Borough of Torbay) (Structural Change) Order 1996**

**PART III**

**TRANSITIONAL PROVISION**

**Suspension of elections and retirement of councillors**

**8.—(1)** The ordinary election of councillors in 1997 for the electoral divisions of Devon comprised in Plymouth and Torbay<sup>(1)</sup> shall not take place; and any councillor for such a division holding office immediately before the relevant date 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 reorganisation date.

(2) 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 Plymouth Council or the Torbay Council before 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 (1) above, as if that reference in that subsection were a reference to the reorganisation date.

(3) The electoral divisions of Devon comprised in Plymouth and Torbay shall cease to be electoral divisions on the reorganisation date.

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(1) The electoral divisions of the county of Devon are constituted by the County of Devon (Electoral Arrangements) Order 1981 (S.I.1981/1748).