
STATUTORY INSTRUMENTS

1996 No. 1865

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

PART III

TRANSITIONAL PROVISION

Election of councillors in 1997 and subsequent years

7.—(1) The City of Plymouth (Electoral Arrangements) Order 1978⁽¹⁾ and the Borough of Torbay (Electoral Arrangements) Order 1979⁽²⁾ shall have effect subject to the provisions of this article.

(2) Elections of all councillors of the Plymouth Council and the Torbay Council shall be held simultaneously on the ordinary day of election of councillors in 1997, 2000 and 2003 and every fourth year after 2003⁽³⁾.

(3) The term of office of any councillor so elected shall be, in the case of the councillors elected in 1997 and 2000, three years and, in any other case, four years.

(4) On the fourth day after any such elections—

- (a) the persons who were councillors immediately before those elections shall retire; and
- (b) the newly elected councillors shall come into office.

(5) The Borough of Torbay (Electoral Arrangements) Order 1987⁽⁴⁾ is hereby revoked.

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⁽⁵⁾ 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

(1) [S.I.1978/1793](#).

(2) [S.I.1979/1496](#).

(3) For the ordinary day of election of councillors of local government areas, see section 37 of the Representation of the People Act 1983 (c. 2), amended by section 18(2) of the Representation of the People Act 1985 (c. 50).

(4) [S.I.1987/1626](#).

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (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.