

2003 No. 3091

LOCAL GOVERNMENT, ENGLAND

The Borough of Kirklees (Electoral Changes) Order 2003

Made - - - - *28th November 2003*

Coming into force in accordance with article 1(2) and 1(3)

Whereas the Boundary Committee for England(a), acting pursuant to section 15(4) of the Local Government Act 1992(b), has submitted to the Electoral Commission(c) recommendations dated July 2003 on its review of the borough(d) of Kirklees:

And whereas the Electoral Commission have decided to give effect to those recommendations:

And whereas a period of not less than six weeks has expired since the receipt of those recommendations:

Now, therefore, the Electoral Commission, in exercise of the powers conferred on them by sections 17(e) and 26(f) of the Local Government Act 1992, and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

- 1.—(1) This Order may be cited as the Borough of Kirklees (Electoral Changes) Order 2003.
- (2) This Order, with the exception of articles 5 and 6, shall come into force —
 - (a) for the purpose of proceedings preliminary or relating to any election to be held on the ordinary day of election of councillors in 2004, on the day after that on which it is made;
 - (b) for all other purposes, on the ordinary day of election of councillors in 2004.
- (3) Articles 5 and 6 shall come into force —
 - (a) for the purpose of proceedings preliminary or relating to the election of a parish councillor for the parishes of Holme Valley and Kirkburton to be held on the ordinary day of elections in 2007, on 15th October 2006;
 - (b) for all other purposes, on the ordinary day of elections in 2007.

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- (a) The Boundary Committee for England is a committee of the Electoral Commission, established by the Electoral Commission in accordance with section 14 of the Political Parties, Elections and Referendums Act 2000 (c.41). The Local Government Commission for England (Transfer of Functions) Order 2001 (S.I. 2001/3962) transferred to the Electoral Commission the functions of the Local Government Commission for England.
 - (b) 1992 c.19. This section has been amended by S.I. 2001/3962.
 - (c) The Electoral Commission was established by the Political Parties, Elections and Referendums Act 2000 (c.41). The functions of the Secretary of State, under sections 13 to 15 and 17 of the Local Government Act 1992 (c.19), to the extent that they relate to electoral changes within the meaning of that Act, were transferred with modifications to the Electoral Commission on 1st April 2002 (S.I. 2001/3962).
 - (d) The metropolitan district of Kirklees has the status of a borough.
 - (e) This section has been amended by S.I. 2001/3962 and also otherwise in ways not relevant to this Order.
 - (f) This section has been amended by S.I. 2001/3962.

Interpretation

2. In this Order —

“borough” means the borough of Kirklees;

“existing”, in relation to a ward, means the ward as it exists on the date this Order is made;

any reference to the map is a reference to the map marked “Map referred to in the Borough of Kirklees (Electoral Changes) Order 2003”, of which prints are available for inspection at —

- (a) the principal office of the Electoral Commission; and
- (b) the offices of Kirklees Metropolitan Borough Council; and

any reference to a numbered sheet is a reference to the sheet of the map which bears that number.

Wards of the borough of Kirklees

3.—(1) The existing wards of the borough(a) shall be abolished.

(2) The borough shall be divided into twenty-three wards which shall bear the names set out in the Schedule.

(3) Each ward shall comprise the area designated on the map by reference to the name of the ward and demarcated by red lines; and the number of councillors to be elected for each ward shall be three.

(4) Where a boundary is shown on the map as running along a road, railway line, footway, watercourse or similar geographical feature, it shall be treated as running along the centre line of the feature.

Elections of the council of the borough of Kirklees

4.—(1) Elections of all councillors for all wards of the borough shall be held simultaneously on the ordinary day of election of councillors in 2004(b)(c).

(2) The councillors holding office for any ward of the borough immediately before the fourth day after the ordinary day of election of councillors in 2004 shall retire on that date and the newly elected councillors for those wards shall come into office on that date.

(3) Of the councillors elected in 2004 for any ward of the borough one shall retire in 2006, one in 2007 and one in 2008.

(4) Of the councillors elected in 2004 for any ward of the borough—

- (a) the first to retire shall, subject to paragraphs (6) and (7), be the councillor elected by the smallest number of votes; and
- (b) the second to retire shall, subject to those paragraphs, be the councillor elected by the next smallest 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 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 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.

(a) See the Borough of Kirklees (Electoral Arrangements) Order 1980 (S.I. 1980/1463).

(b) Article 4 provides for a single election of all the councillors and for reversion to the system of election by thirds, as established by section 7 of the Local Government Act 1972 (c.70).

(c) 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) and section 17 of, and paragraphs 1 and 5 of Schedule 3 to, the Greater London Authority Act 1999 (c.29).

Wards of the parish of Holme Valley

5.—(1) The existing wards of the parish of Holme Valley shall be abolished.

(2) The parish shall be divided into twelve parish wards which shall bear the names Brockholes, Fulstone, Hepworth, Holmfirth Central, Honley Central and East, Honley South, Honley West, Netherthong, Scholes, Upper Holme Valley, Upperrthong and Wooldale; and the wards shall comprise the areas designated on sheets 4, 5, 7, 8, 9 and 11 by reference to the name of the ward and demarcated by orange lines.

(3) The number of councillors to be elected for each of the Honley Central and East, and Wooldale parish wards shall be three, for each of the Fulstone, Holmfirth Central, Honley West, Netherthong, Scholes, Upper Holme Valley and Upperrthong parish wards shall be two, and for each of the Brockholes, Hepworth and Honley South parish wards shall be one.

Wards of the parish of Kirkburton

6.—(1) The existing wards of the parish of Kirkburton shall be abolished.

(2) The parish shall be divided into eight parish wards which shall bear the names Flockton, Kirkburton, Kirkheaton, Lepton, Lepton and Whitley Upper, Shelley, Shepley, and Thurstonland and Farnley Tyas; and the wards shall comprise the areas designated on sheets 5, 6, 9 and 10 by reference to the name of the ward and demarcated by orange lines.

(3) The number of councillors to be elected for each of the Kirkburton and Lepton parish wards shall be five, for the Kirkheaton parish ward shall be four, for the Shepley parish ward shall be three, and for each of the Flockton, Lepton and Whitley Upper, Shelley, and Thurstonland and Farnley Tyas parish wards shall be two.

Maps

7. Kirklees Metropolitan Borough Council shall make a print of the map marked “Map referred to in the Borough of Kirklees (Electoral Changes) Order 2003” available for inspection at its offices by any member of the public at any reasonable time.

Electoral registers

8. The Electoral Registration Officer^(a) for the borough shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

Revocation

9. The Borough of Kirklees (Electoral Arrangements) Order 1980^(b) is revoked, save for articles 8 and 9(7).

(a) As to electoral registration officers and the register of local government electors, *see* sections 8 to 13 of the Representation of the People Act 1983 (c.2).

(b) S.I. 1980/1463.

Sealed with the seal of the Electoral Commission on the 28th day of November 2003



28th November 2003

Sam Younger
Chairman of the Commission

28th November 2003

Jacqui Dixon
Secretary to the Commission

SCHEDULE

article 3

NAMES OF WARDS

Almondbury	Dalton	Holme Valley North
Ashbrow	Denby Dale	Holme Valley South
Batley East	Dewsbury East	Kirkburton
Batley West	Dewsbury South	Lindley
Birstall and Birkenshaw	Dewsbury West	Liversedge and Gomersal
Cleckheaton	Golcar	Mirfield
Colne Valley	Greenhead	Newsome
Crosland Moor and Netherton	Heckmondwike	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to recommendations by the Boundary Committee for England, a committee of the Electoral Commission, for electoral changes in the borough of Kirklees.

The changes have effect in relation to local government elections to be held on and after the ordinary day of election of councillors in 2004.

Article 3 abolishes the existing wards of the borough and provides for the creation of 23 new wards. That article and the Schedule also make provision for the names and areas of, and numbers of councillors for, the new wards.

Article 4 makes provision for a whole council election in 2004 and for reversion to the established system of election by thirds in subsequent years.

Articles 5 and 6 make electoral changes in the parishes of Holme Valley and Kirkburton.

Article 8 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

Article 9 revokes the Borough of Kirklees (Electoral Arrangements) Order 1980, with the exception of articles 8 and 9(7).

The areas of the new borough and parish wards are demarcated on the map described in article 2. Prints of the map may be inspected at all reasonable times at the offices of Kirklees Metropolitan Borough Council and at the principal office of the Electoral Commission at Trevelyan House, Great Peter Street, London SW1P 2HW.

STATUTORY INSTRUMENTS

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LOCAL GOVERNMENT, ENGLAND

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