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STATUTORY INSTRUMENTS

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**2010 No. 998**

**The Exeter and Devon (Structural Changes) Order 2010**

**PART 5**

**ELECTORAL MATTERS**

**Elections to Exeter City Council in 2011 and terms of office of councillors**

**10.**—(1) Subject to the following provisions of this article, elections of councillors for wards of Exeter City Council shall be by thirds<sup>(1)</sup>.

(2) A whole council election of councillors of Exeter City Council shall be held on the 2011 election day.

(3) The election held on the 2011 election day shall be conducted on the basis of the existing wards of the city<sup>(2)</sup>.

(4) The proper officer of Exeter City Council shall take such steps as are necessary or appropriate to prepare for the election on the 2011 election day, including the making of all necessary alterations in the electoral register.

(5) The order and date of retirement of councillors elected in 2011 shall be as set out in the Schedule.

(6) Of the councillors elected in 2011 for any ward of the city—

(a) the first to retire shall, subject to paragraphs (7) and (8) below, 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.

(7) 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.

(8) 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.

(9) Except as otherwise provided in 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 in the year of retirement and the newly elected councillors shall come into office on the day on which their predecessors retire.

**Cancellation of elections**

**11.**—(1) Notwithstanding section 7(8) and (9) of the 1972 Act (elections of councillors)—

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(1) The City of Exeter (Electoral Changes) Order 1999 (S.I. 1999/2468) provides for elections for wards of the city to be by thirds.

(2) See S.I. 1999/2468 article 2.

- (a) elections shall not be held on the ordinary day of election of councillors in 2010 for the return of councillors to Exeter City Council; and
  - (b) the term of office of all councillors elected to Exeter City Council before the 2011 election day shall end on the fourth day after the 2011 election day.
- (2) Nothing in section 89 of the 1972 Act (filling of casual vacancies in case of councillors) shall authorise the holding of an election to fill a casual vacancy in any of the Exeter county electoral divisions where that vacancy arises after 30th September 2010 and before 1st April 2011.

**Amendment of the City of Exeter (Electoral Changes) Order 1999**

**12.** On 1st April 2011 the City of Exeter (Electoral Changes) Order 1999<sup>(3)</sup> is amended by the omission of article 3 (elections of the council of Exeter).

**Amendment of the County of Devon (Electoral Changes) Order 2004**

- 13.** On 1st April 2011 the County of Devon (Electoral Changes) Order 2004<sup>(4)</sup> is amended—
- (a) in article 3(2) (electoral divisions of the county of Devon) for “sixty-two” substitute “fifty-three”; and
  - (b) in the Schedule omit the heading “In the city of Exeter” and all entries under that heading.

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<sup>(3)</sup> S.I.1999/2468.  
<sup>(4)</sup> S.I. 2004/2812.