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STATUTORY INSTRUMENTS

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**2010 No. 1178**

**The Electoral Law Act (Northern Ireland) 1962 (Amendment) Order 2010**

**Casual vacancies in district councils**

2.—(1) Section 11 of the 1962 Act<sup>(1)</sup> (election and term of office of members of district councils) is amended as follows.

(2) In subsection (4), in the words following paragraph (c), for “occurs” substitute “arises”.

(3) In subsection (4A), for paragraphs (a) and (b) substitute “by a person returned or elected in accordance with sections 11D to 11K.”.

(4) After that subsection insert—

“(4AA) Any person returned as mentioned in subsection (4A) shall be deemed for all purposes to have been duly elected as a member of the council.

(4AB) The clerk of a district council must as soon as practicable after a casual vacancy arises notify the Chief Electoral Officer—

(a) that a casual vacancy has arisen in the council, and

(b) of the name of the member of the council whose seat has become vacant (in this Act referred to as the “previous member”).

(4AC) The clerk of a district council must, within 7 days from any other matter concerning a casual vacancy coming to the clerk’s knowledge, report it to the Chief Electoral Officer.”.

(5) Omit subsections (4B) and (4C).

(6) In subsection (5)—

(a) after “deemed” insert “for the purposes of rule 1(3) of the Local Elections Rules<sup>(2)</sup>”,

(b) in paragraph (a), for “the vacancy exists” substitute “an election must be held to fill the vacancy in accordance with section 11D, 11E, 11F, 11G or 11H”, and

(c) omit the words following paragraph (b).

(7) In subsection (6)—

(a) for “occurring” substitute “arising”, and

(b) for “member whom he has succeeded” substitute “previous member”.

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(1) Section 11(1) was amended by [S.I. 1972/1998 \(N.I. 21\)](#) and [S.I. 2009/225](#); section 11(1A) was inserted by [S.I. 1985/454](#) and amended by [S.I. 2005/862](#) and [S.I. 1992/810 \(N.I. 6\)](#) and by virtue of [S.I. 2009/225](#) does not apply to the local general election to be held in 2011; section 11(3) was amended by [S.I. 1985/454](#); subsections (4A) to (4B) were inserted by [S.I. 1985/1208 \(N.I. 15\)](#) and amended by the Elected Authorities (Northern Ireland) Act 1989 (c. 3); and section 11(5) was amended by [S.I. 1992/810 \(N.I. 6\)](#).

(2) The Local Elections Rules are contained in Schedule 5 to the 1962 Act. They were substituted in their entirety by Schedule 1 to the Local Elections (Northern Ireland) Order 1985 ([S.I. 1985/454](#)) and have been amended on a number of occasions since then. No amendments have been made to rule 1.