SUPPLIED FOR THE PUBLIC SERVICE



CHAPTER 6.

An Act to provide for the holding of elections of members or officers of certain bodies in cases where elections have been postponed under the Chartered and Other Bodies (Temporary Provisions) Acts, 1939 and 1941; for validating elections held after such postponement; for amending the said Acts and removing doubts arising thereon; and for purposes connected with the matters aforesaid. [10th December 1945.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Power to enable postponed elections of statutory bodies to be held notwithstanding abnormal conditions. 2 & 3 Geo. 6. c. 119.

1.—(1) Where an Order in Council has been made under section two of the Chartered and Other Bodies (Temporary Provisions) Act, 1939, postponing elections of new members or officers of any corporation or body of persons, and it appears to His Majesty that—

(*a*) elections ought to be held without further postponement;

(*b*) if elections were so held, a substantial proportion of the persons who would, but for abnormal conditions arising out of the war, be qualified under the special Act as electors or candidates for election, or as electors or candidates of a particular class, would not be so qualified; and

(*c*) for that reason the holding of elections in accordance with the special Act at the end of the period of postponement would be impracticable or unsatisfactory:

His Majesty may by Order in Council make such modifications in the provisions of the special Act, including in particular provisions relating to the qualifications of electors or candidates for election, as appear to him to be necessary or expedient for the purpose of

enabling satisfactory elections, having regard to the abnormal conditions, to be held at the end of the said period, and any such Order in Council may contain such incidental and consequential provisions as appear to His Majesty to be necessary or expedient.

(2) An Order in Council made under the foregoing subsection shall, subject as hereinafter provided, only apply to the elections held at the end of the period of postponement as aforesaid, and to any election held for the purpose of filling a casual vacancy occurring between the said elections and the next elections held otherwise than for the said purpose :

Provided that if it appears to His Majesty that owing to the continuance of the abnormal conditions it is necessary or expedient to extend the operation of any Order in Council made under the foregoing subsection, he may from time to time by Order in Council provide that the said Order shall apply, with any necessary variations, to such further elections as he may specify.

(3) Where an Order in Council made under this section provides for the holding of elections in a year in which elections would not normally be held under the special Act, the Order in Council may provide that persons elected at those elections shall hold office for a period ending on the appropriate date in the next year in which elections would normally be held under the special Act.

Removal of doubts arising on s. 2 of the Chartered and Other Bodies (Temporary Provisions) Act, 1939.

2.—(1) It is hereby declared for the removal of doubt that an Order in Council made under section two of the Chartered and Other Bodies (Temporary Provisions) Act, 1939, postponing elections of new members or officers of any corporation or body of persons, may—

(*a*) provide for the holding of such elections at the end of the period of postponement, notwithstanding that they will be held in a year in which such elections would not normally be held under the special Act ;

(*b*) provide that the persons elected at those elections shall hold office for a period ending on the appropriate date in the next year in which elections would normally be held under the special Act ; and

(*c*) may make such consequential modifications of the special Act as appear to His Majesty to be necessary or expedient.

Any Order in Council providing for the matter specified in paragraph (*b*) of this subsection shall remain in force until the end of the period specified in that paragraph, notwithstanding the previous expiry of the Chartered and Other Bodies (Temporary Provisions) Act, 1939.

(2) It is hereby declared for the removal of doubt that, where any corporation or body of persons entitled to apply under the said section two for an Order in Council postponing elections of

new members or officers of that corporation or body have failed to apply before the date when those elections were required to be held, a subsequent application for such an Order having retrospective effect may be made by or on behalf of the persons who were members of the said corporation or body immediately before the said date, and such an application shall be deemed, for the purposes of the said section two, to be a valid application made on behalf of the said corporation or body.

Validation of elections held under abnormal conditions.

3. Where an Order in Council has been made under section two of the Chartered and Other Bodies (Temporary Provisions) Act, 1939, postponing elections of new members or officers of any corporation or body of persons, and elections of such members or officers have been held at the end of the period of postponement and before the passing of this Act, and it appears to His Majesty that—

(*a*) owing to abnormal conditions arising out of the war the elections were not held in all respects in accordance with the provisions of the special Act; and

(*b*) that nevertheless the corporation or body ought in all the circumstances of the case to be treated as validly constituted;

he may by Order in Council declare that corporation or body to be, and to have been, validly constituted as from the date when the said elections were held until such date as the corporation or body can be validly reconstituted by elections held in accordance with the provisions of the special Act or in accordance with those provisions as modified by an Order in Council made under section one of this Act.

Provisions as to Orders in Council.

4.—(1) Any Order in Council made under this Act may be varied or revoked by a subsequent Order made in like manner.

(2) Every Order in Council made under this Act shall be laid before Parliament as soon as may be after it is made, and if an Address is presented to His Majesty by either House of Parliament within the period of forty days beginning with the day on which any such Order is laid before it, praying that the Order be annulled, His Majesty in Council may annul the Order and it shall thenceforth become void, but without prejudice to the validity of anything previously done thereunder or to the making of a new Order.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(3) Section one of the Rules Publication Act, 1893, shall not apply to any such Order in Council as aforesaid. 56 & 57 Vict. c. 66.

Short title, interpretation, and extent.

5.—(1) This Act may be cited as the Chartered and Other Bodies (Resumption of Elections) Act, 1945.

(2) In this Act the expression " the special Act " means, in relation to any corporation or body of persons, any Act of Parliament, Order in Council, order, regulation or Royal Charter relating to the constitution of that corporation or body, and the expression " the war " means any war in which His Majesty has been engaged since the third day of September, nineteen hundred and thirty-nine.

(3) References in this Act to an Order in Council under section two of the Chartered and Other Bodies (Temporary Provisions) Act, 1939, shall include references to an Order in Council under the said section two as amended by the Chartered and Other Bodies (Temporary Provisions) Act, 1941.

4 & 5 Geo. 6. c. 19.

(4) It is hereby declared that this Act, so far as it affects any corporation or body of persons by which functions are exercisable in Northern Ireland as well as in Great Britain, extends to Northern Ireland.

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