CHAPTER xiv

An Act to make provision with respect to ward elections in the city of London and for other purposes.

[14th July 1949.]

WHEREAS by reason of the Representation of the People Act 1948 it is expedient to modify the enactments regulating the qualification of voters at elections of common councilmen of the city of London and the qualification of candidates at such elections and the preparation of the lists of such voters: 11 & 12 Geo. 6. c. 65.

And whereas it is expedient that the other provisions in this Act contained should be enacted:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and 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 (that is to say):—

PART I

INTRODUCTORY

1. This Act may be cited as the City of London (Various Powers) Act 1949. Short title.

2. This Act is divided into Parts as follows:— Act divided into Parts.

Part I.—Introductory.

Part II.—Ward elections.

Part III.—Miscellaneous.

PART I —*cont.*

Interpretation.

3. In this Act unless there be something in the subject or context repugnant to such construction—

"The city" means the city of London;

"The Corporation" means the mayor and commonalty and citizens of the city acting by the mayor aldermen and commons of the city in common council assembled;

"The common council" means the mayor aldermen and commons of the city in common council assembled;

"Rateable" means liable for the time being to be rated to the poor rate of the city;

"Ward election" means an election for alderman or common councilman for any ward of the city;

"Ward list" means the list of persons entitled to vote at any election for alderman or common councilman for any ward of the city prepared in accordance with section 5 (Ward lists) of this Act.

PART II

WARD ELECTIONS

Qualification of voters at ward elections.

4.—(1) The persons entitled to vote in any ward of the city as electors at a ward election shall be those who—

(*a*) on the qualifying date are occupying as owner or tenant any rateable land or premises in that ward of the yearly value of not less than ten pounds and are British subjects of full age and not subject to any legal incapacity to vote; or

(*b*) are by virtue of residence in that ward registered in the autumn register of parliamentary electors prepared under the Representation of the People Act 1948:

Provided that a person shall not be entitled to vote as an elector at a ward election unless registered in the ward list for that ward to be used at that election.

(2) The qualifying date for a ward election to be held during the period of twelve months immediately following the thirtieth day of November shall be the fifteenth day of June next preceding the said thirtieth day of November or such other day as may be substituted for the said fifteenth day of June as the qualifying date for parliamentary elections under the Representation of the People Act 1948 or any Act amending that Act:

Provided that the qualifying date for a ward election to be held during the twelve months immediately following the thirtieth day of November nineteen hundred and forty-nine shall be the tenth day of June nineteen hundred and forty-nine.

PART II —*cont.*

Ward lists.

5.—(1) It shall be the duty of the Secondary of the City to prepare and publish with respect to each ward of the city a list of all persons entitled to vote in that ward as electors at a ward election.

(2) On or before the fifteenth day of September in each year the secondary shall prepare and publish provisional lists showing the persons appearing to him to be so entitled and such lists shall be made available for inspection and shall remain open for inspection between the date of publication and the first day of October in that year.

(3) On or before the said first day of October any person whose name does not appear in any such provisional list may submit a claim to the secondary for his name to be included in a ward list and any person appearing from any provisional list to be entitled to have his own name included in a ward list may submit an objection to the secondary to the inclusion of the name of any other person included in any such provisional list and the secondary shall determine any such claim or objection in accordance with the regulations so far as material made under the Representation of the People Act 1948 as if those regulations with any necessary adaptations applied to ward lists.

(4) On or before the thirtieth day of November in each year ward lists shall be published and such lists shall be the lists of all persons entitled to vote as electors at ward elections to be held between the said thirtieth day of November and the first day of December in the following year The ward lists shall be made available for inspection and shall remain open for inspection between the date of publication and the first day of December in the following year.

(5) The provisional lists and the ward lists may be inspected by any person without payment at all reasonable hours at the offices of the secondary and copies of the ward lists shall be purchasable at a price of one shilling for each list.

(6) The secondary shall supply to each ward clerk a copy of the ward list relating to his ward as soon as such list is made available for inspection.

Appeals relating to ward lists.

6.—(1) An appeal shall lie to the Mayor's and City of London Court from any decision under this Part of this Act of the secondary on any claim by any person for his name to be included in a ward list or any objection by another person made to and considered by him.

(2) No appeal shall lie from the decision of the Court of Appeal on appeal from a decision of the Mayor's and City of London Court under this section.

PART II —*cont.*

(3) Notice shall be sent to the secondary in manner provided by rules of court of the decision of the Mayor's and City of London Court or of the Court of Appeal on any appeal by virtue of this section and the secondary shall make such alteration in the ward lists as may be required to give effect to the decision.

(4) The regulations and rules of court relating to appeals made in pursuance of the Representation of the People Act 1948 shall with any necessary adaptations apply to appeals brought by virtue of this section.

Expenses of secondary.

7. The expenses incurred by the secondary in connection with his duties under this Part of this Act shall be paid by the Corporation out of the general rate of the city.

Qualification of candidates for election to common council.

8.—(1) A person shall (unless disqualified by virtue of any enactment) be qualified for election to the common council as a common councilman if at the date of nomination and at the date of election he is a freeman of the city; and

(*a*) is registered in the ward list for the ward in which he is a candidate for election and is occupying as owner or tenant any rateable land or premises in that ward of the yearly value of not less than ten pounds; or

(*b*) in the case of a war-damaged ward within the meaning of section 5 (Suspension of ward elections in war-damaged wards) of the City of London (Various Powers) Act 1946 was on the register of electors for parliamentary elections which came into force on the fifteenth day of November one thousand nine hundred and thirty-nine in respect of the occupancy of premises in that ward and was also on the ward list made out and signed in the year one thousand nine hundred and forty.

9 & 10 Geo. 6. c. xxix.

(2) Subsection (6) of section 5 (Suspension of ward elections in war-damaged wards) of the City of London (Various Powers) Act 1946 shall be read and have effect as if the ward list referred to in the expression "ward list then in force" meant a ward list as defined by this Act.

(3) A person shall not be qualified for election to the common council as a common councilman otherwise than in accordance with this section.

As to yearly value and joint occupation. 19 & 20 Geo. 5. c. 17. 7 & 8 Geo. 5. c. 64.

9. In this Part of this Act—

(*a*) the yearly value of any land or premises shall be determined in accordance with section 80 of the Local Government Act 1929 which provides for determining it for the purposes of the Representation of the People Act 1918; and

PART II —*cont.*

(*b*) in the case of a joint occupation of any land or premises in a ward in the city each of the joint occupiers shall be treated as occupying land or premises therein of the yearly value of not less than ten pounds if the aggregate yearly value of the land or premises is not less than the amount produced by multiplying ten pounds by the number of joint occupiers.

Amendment of 47 & 48 Vict. c. 70.

10. Subsection (8) of section 35 of the Municipal Elections (Corrupt and Illegal Practices) Act 1884 shall be read and have effect as follows:—

"(8) The town clerk shall send the corrupt and illegal practices list when made out by him to the secondary not less than fourteen days before the day on which the list of persons entitled to vote in each ward is required to be published and the secondary shall omit from such last-mentioned list the names of all persons mentioned in the corrupt and illegal practices list and the corrupt and illegal practices list shall be printed and appended to every copy of the list of persons entitled to vote in each ward."

Repeal.

11. The following enactments are hereby repealed:—

The Act 12 & 13 Vict. c. xciv— 12 & 13 Vict. c. xciv.

Section III (An alphabetical list of voters to be made out on 1st November of every year which shall be open to inspection);

Section V (Qualification of common councilmen):

The City of London Municipal Elections Amendment Act 1867— 30 & 31 Vict. c. i.

Section 2 (Right of voting for aldermen common councilmen and ward officers extended to all persons rated at ten pounds per annum);

Section 3 (Right of voting &c. extended to all occupiers on the register of voters for Members of Parliament);

Section 4 (Right of voting &c. extended to all persons who would be entitled to be on the register of voters as occupiers if resident);

Section 5 (An alphabetical list of voters to be made out in December of every year and to be open to inspection):

City of London (Various Powers) Act 1911— 1 & 2 Geo. 5. c. lxxxiv.

Section 23 (Amendment of section 5 of London Municipal Elections Amendment Act 1867):

City of London (Various Powers) Act 1946—

Section 9 (Qualification of candidates in war-damaged wards for election to common council).

PART III

MISCELLANEOUS

Power to appropriate land.

12.—(1) Any land within the administrative county of London belonging to the Corporation and not required for the purposes for which it was acquired or has been subsequently appropriated may be appropriated either permanently or temporarily for any other purpose for which the Corporation is authorised to acquire land.

(2) In the case of an appropriation under this section of land acquired under any enactment (including any enactment in this Act) or statutory order incorporating the Lands Clauses Acts any work executed on the land after the appropriation has been effected shall for the purposes of section sixty-eight of the Lands Clauses Consolidation Act 1845 be deemed to have been authorised by the enactment or statutory order under which the land was acquired.

8 & 9 Vict. c. 18.

(3) On an appropriation under this section of land belonging to the Corporation such adjustment shall be made in the accounts of the Corporation as may be necessary.

(4) The powers of this section shall not be exercised in relation to any land used as an open space as defined in section 8 (Interpretation) of the Acquisition of Land (Authorisation Procedure) Act 1946.

9 & 10 Geo. 6. c. 49.

(5) Nothing in this section shall affect any provisions relating to the appropriation of land by the Corporation contained in—

2 & 3 Geo. 6. c. 40.

(*a*) any of the enactments set out in the Fifth Schedule to the London Government Act 1939; or

7 & 8 Geo. 6. c. 47.

(*b*) the Town and Country Planning Act 1944 and the Town and Country Planning Act 1947; or

10 & 11 Geo. 6. c. 51.

(*c*) any enactment replacing any of those enactments; or

(*d*) any order rule or regulation made under any such enactment;

or in so far as any such enactment order rule or regulation contains provisions relating to the appropriation of land empower the Corporation to effect otherwise than in accordance with those provisions any appropriation which might be effected thereunder.

As to transfer of certain trust lands.

13.—(1) The beneficial interest in any land within the administrative county of London held by the mayor and commonalty and citizens of the city trustees of the Bridge House estates may be transferred to the Corporation by resolution of the common council.

(2) The amount of the consideration for a transfer under this section shall be the fair value of such beneficial interest as

ascertained and certified by an independent valuer to be appointed by the lord mayor of the city. PART III —*cont.*

(3) On a transfer under this section such adjustment shall be made in the accounts of the Corporation as may be necessary.

(4) For the purposes of section 12 of the Finance Act 1895 (which relates to stamp duty on the vesting of property by virtue of an Act of Parliament) the date of the final ascertainment of the amount of the consideration for a transfer under this section shall be treated as the date of vesting. 58 & 59 Vict. c. 16.

14. The expression " local authority " defined in subsection (7) of section 132 of the Local Government Act 1948 relating to the provision of entertainments shall be deemed to include the Corporation. As to powers of Corporation with respect to entertainments. 11 & 12 Geo. 6. c. 26.

15. The costs charges and expenses preliminary to and of and incidental to the preparing obtaining and passing of this Act shall be paid by the Corporation out of the general rate of the city. Costs of Act.

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