

## **]To be considered at the Court of Common Council**

**2021**

### **A BILL**

For an Act of Common Council to –

Clarify the nationality requirements for Aldermen and to make new arrangements for the presiding officer at a wardmote.

#### **WHEREAS:-**

- (1) From time immemorial there has existed and still exists in the City of London (“the City”) a Common Council consisting of the Lord Mayor, Aldermen and Commons in Common Council assembled and the Common Council have made, passed, ordained and established divers Acts, Ordinances, Rules, Orders and Regulations for the regulation and good government of the City and its Liberties as to them from time to time has been found necessary and expedient;
- (2) Acts of Common Council from 1998 onwards cite an Act of Common Council made and passed on the 15<sup>th</sup> day of April 1714 as providing that candidates for the office of Alderman must be British subjects, but the Law Officers have advised that this is not in fact the case;
- (3) The reference was probably based on the separate requirement to be a Freeman of the City, which was originally limited to British subjects but was opened up to European Union citizens from 1996 and to persons of any nationality from 1999;
- (4) The meaning of the term “British subject” has itself changed over time, with references in legislation passed before the commencement of the British Nationality Act 1981 being synonymous with a Commonwealth citizen, and later references relating only to a small residual class of individuals;
- (5) Section 3 of the Act of Settlement 1701, as modified by Schedule 7 of the British Nationality Act 1981, prevents any person who is not a Commonwealth citizen or a citizen of the Republic of Ireland from assuming the office of Alderman;
- (6) The reference in Acts of Common Council from 1998 onwards to Aldermen having to be British subjects accordingly has no effect but has caused some confusion on the Court of Common Council and more generally;
- (7) At the election of an Alderman the Lord Mayor, or in their absence their locum tenens, acts as presiding officer at the wardmote;
- (8) At the election of a Common Councilman, or Common Councilmen as the case may be, the Alderman of the ward, or in their absence the Lord Mayor or their locum tenens, acts as presiding officer at the wardmote, and the Deputy of a ward can also preside at a wardmote to fill a casual vacancy;

- (9) Under section 2 of the City of London Ballot Act 1887 the presiding officer at an election where a poll is held is also the returning officer for that election, with all of the powers and duties which are conferred and imposed on that position;
- (10) A number of Aldermen have expressed concerns about acting as presiding officer where they have supported a particular candidate for Common Councilman within their own ward;
- (11) It is not possible for the Lord Mayor and their locum tenens, or more than one locum tenens, to be present in the City at the same time and in addition the number of senior Aldermen who can act as Lord Mayor locum tenens is at present fairly limited and is likely to diminish further in the next few years;
- (12) Where by reason of the illness, absence or other incapacity of any Alderman the Lord Mayor is required to take a poll in more than one ward on the same day, each such poll shall be taken on such a day as the Lord Mayor may appoint, in accordance with section 17(3) of the City of London (Various Powers) Act 1954, but it would be beneficial to avoid any delay in the holding of a poll, especially where the ordinary ward elections in relation to the whole number of Common Councilmen are scheduled to be held on the same day;
- (13) His late Majesty King Edward the Third by his Charter made and granted to the City in the fifteenth year of his reign afterwards confirmed and ratified by Parliament did (amongst other things) grant that if any customs in the City before that time obtained and used were in any part hard or defective or any things in the City newly arising in which no remedy had been ordained should need amendment the Mayor and Aldermen of the City and their successors with the assent of the Commonalty of the City might put and ordain thereto fit remedy as often as it should seem expedient to them so that such ordinance should be profitable to the King and to the citizens and to all other liege subjects resorting to the City and agreeable also to reason and good faith.

**BE IT THEREFORE and IT IS HEREBY ENACTED ORDAINED AND ESTABLISHED** by the Right Honourable the Lord Mayor, the Right Worshipful the Aldermen and the Commons of the City of London in Common Council assembled and the authority of the same **AS FOLLOWS:**

### **Interpretation**

1. In this Act –

“Act of 1998” means an Act of Common Council made and passed on the 10th day of September 1998;

“Act of 2013” means an Act of Common Council made and passed on the 16th day of May 2013;

“casual vacancy” means a vacancy in the office of Common Councilman arising from the death, disqualification or resignation of the incumbent;

“Lord Mayor’s Aldermanic Representative” means any Alderman appointed in writing by the Lord Mayor to act as presiding officer at the election in question.

### **Candidature for the Office of Alderman**

2. In section 3(1) of the Act of 1998, as substituted by section 2 of the Act of 2013, the words “British subjects,” shall be omitted.

### **Presiding Officer at the Election of an Alderman**

3. At the election of an Alderman a Lord Mayor’s Aldermanic Representative may act as presiding officer at the wardmote in the absence of the Lord Mayor and their locum tenens.

### **Presiding Officer at the Election of a Common Councilman or Common Councilmen**

4. At the election of a Common Councilman or Common Councilmen a Lord Mayor’s Aldermanic Representative may act as presiding officer at the wardmote in the absence of the Alderman of the ward, the Lord Mayor and their locum tenens, and also in the absence of the Deputy of the ward in the case of an election to fill a casual vacancy.

### **Commencement**

5. The provisions of this Act shall come into force on the day on which it is made and passed as an Act of Common Council.

### **Savings**

6. Save as hereby varied the provisions of the Act of 1998 and the Act of 2013 shall continue in full force and effect.