



NICHOLS

Mayor

A Common Council holden in the Guildhall of the City of London on Thursday, the 10th September, in the year of Our Lord One Thousand Nine hundred and Ninety-eight, and in the 47th year of the reign of Elizabeth the Second, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith, before the Right Honourable Lord Mayor, Sir Richard Nichols, Sir Peter Gadsden, GBE, AC, MA, DSc, FEng, Sir Christopher Leaver, GBE, DMus, Sir David Rowe-Ham, GBE, DLitt, Sir Alexander Graham, GBE, DCL, Sir Paul Newall, TD, DL, MA, DLitt, Sir Christopher Walford, MA, DCL, Sir Roger Cork, Lord Levene of Portsoken, KBE, Gavyn Farr Arther, MA, Clive Haydn Martin, OBE, TD, DL, Robert Gerard Finch, Esq, Peter Anthony Bull, Esq, Richard Devenish Agutter, Esq, Michael Berry Savory, Esq, David William Brewer, Esq, Frederick Michael Everard, Esq, CBE, BA, DSc, John Stephen Hughesdon, Esq, and David Howarth Seymour Howard, Esq, Alderman and one of the Sheriffs of the said City and the greater part of the Commons of the said City in the said Common Council then and there assembled.

**An Act of Common Council to make further provision for the qualification of candidates for the office of Alderman of the City of London and amend further for such purpose an Act of Common Council made and passed on the 14th day of July 1960 relating to the election of Aldermen; provide for the approval of persons elected to that office; abolish fines and penalties upon Aldermen and disapply provisions of an Act of Common Council made on the 17th day of April 1812; provide for the governance of precedence or seniority of Aldermen and to amend an Act of Common Council made and passed on the 21<sup>st</sup> day of July 1932 relating to the nomination and election of Sheriffs of the City of London; and make further provision for vacancies among and the numbers of Common Councilmen.**

**WHEREAS** from time immemorial there has existed and still exists in the City of London a Common Council consisting of the Lord Mayor and Aldermen of the said City and certain Citizens being Freemen of the said City and called the Commons and the said Mayor, Aldermen and Commons in Common Council assembled have made, passed, ordained and established divers Acts, Ordinances, Rules, Orders and Regulations for the regulation and good government of the said City and its Liberties as to them from time to time has been found necessary and expedient;

**And Whereas** it is desirable to make changes to the Electoral Franchise of the said City by making it a qualification for Election to the office of Alderman that Candidates for that office would be justices of the peace (including Aldermen surrendering their Office who may intend to submit themselves for re-election for their Ward or otherwise for election as Aldermen) or persons suitable for appointment as justices of the peace for the City bench;

**And Whereas** Members of the Court of Lord Mayor and Aldermen have resolved that individual Aldermen should offer to surrender their Office as such on or before the expiry of a term of six years (or any subsequent such term) albeit as respects any of them with the intention of submitting themselves for re-election or election otherwise as Aldermen as hereinbefore recited;

**And Whereas** by an Act of Common Council made and passed on the 14th day of July 1960 as amended by Acts of Common Council made and passed on the 9th day of February 1978 and the 17th day of May 1979 further provision was made governing the election of Aldermen of the City of London;

**And Whereas** it is necessary for the purposes hereinbefore recited to amend further the said Act made and passed on the 14th day of July 1960 and to insert provisions therein;

**And Whereas** it is consequential upon the said purposes and desirable that provision be made in relation to the approval of persons qualified to be elected to the office of Alderman and so elected;

**And Whereas** it is desirable to abolish fines and penalties upon Aldermen as having fallen into disuse and accordingly to disapply provisions of an Act of Common Council made on the 17th day of April 1812;

**And Whereas** it is desirable and in accordance with the purposes hereinbefore recited that provision be made in relation to the precedence or seniority of Aldermen and accordingly to amend an Act of Common Council made and passed on the 21<sup>st</sup> day of January 1932 relating to the Nomination and Election of Sheriffs of the City of London;

**And Whereas** it is desirable to make further provision for vacancies among and the numbers of Common Councilmen of the said City;

**And Whereas** His late Majesty King Edward the Third by his Charter made and granted to the said 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 said City before that time obtained and used were in any part hard or defective or any things in the said City newly arising in which no remedy has been ordained should need amendment the Mayor and Aldermen of the said City and their successors with the assent of the Commonalty of the said City might put and ordain thereunto 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 said City and agreeable also to reason and good faith;

**Be it therefore enacted**, 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 by the authority of the same as follows:-

## PART I – INTERPRETATION AND COMMENCEMENT

### Interpretation

[1. In this Act –

“bankruptcy restrictions interim order” means a bankruptcy restrictions interim order under paragraph 5 of Schedule 4A to the Insolvency Act 1986 or any re-enactment thereof;

“bankruptcy restrictions order” means a bankruptcy restrictions order under paragraph 1 of Schedule 4A to the Insolvency Act 1986 or any re-enactment thereof;

“debt relief restrictions order” means a debt relief restrictions order under paragraph 1 of Schedule 4ZB to the Insolvency Act 1986 or any re-enactment thereof;

“debt relief restrictions undertaking” means a debt relief restrictions undertaking under paragraph 7 of Schedule 4ZB to the Insolvency Act 1986 or any re-enactment thereof;

“imprisonable offence” means an offence –

- (a) for which a person who has attained the age of 18 years may be sentenced to a term of imprisonment, or
- (b) for which, in the case of such a person, the sentence is fixed by law as life imprisonment;

“interim debt relief restrictions order” means an interim debt relief restrictions order under paragraph 5 of Schedule 4ZB to the Insolvency Act 1986 or any re-enactment thereof; and

“Town Clerk” shall have the meaning set out in section 4 (Amendment to Procedures for the Election of Aldermen, etc.).]<sup>1</sup>

## Commencement

2. This Act shall come into force on such date or dates as the Court of Common Council may by resolution determine and the said Court may determine different dates for different provisions of this Act.

## PART II – ALDERMEN

### Candidature for the Office of Alderman

- [3. (1) Without prejudice to the provisions of an Act of Common Council made on the fifteenth day of April 1714 (which provide that candidates for the office of Alderman must be of full age, British subjects, able and sufficient Citizens and Freemen of the City and not already Aldermen but are modified by subsection (6) below), such candidates shall at the time of their nomination and election satisfy the requirements of either subsection (2) or subsection (3) below, or both.
- (2) Candidates shall satisfy the requirements of this subsection if they are justices of the peace.
- (3) Candidates shall satisfy the requirements of this subsection if they –

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<sup>1</sup> Substituted by section 4 of the Act of Common Council of 16 May 2013

- (a) are not the subject of a debt relief restrictions order, an interim debt relief restrictions order, a bankruptcy restrictions order, a bankruptcy restrictions interim order or a debt relief restrictions undertaking, and
  - (b) have not been convicted in the United Kingdom, the Channel Islands or the Isle of Man, of any imprisonable offence (whether or not sentenced to a term of imprisonment in respect of the offence).
- (4) Candidates shall, on the request of the Town Clerk, produce such evidence as is necessary to establish to his satisfaction that the condition stated in subsection (1) is met.
- (5) The Town Clerk may disclose for any purposes related to the nomination or election of a candidate for the office of Alderman whether he has seen evidence of the kind to which subsection (4) relates.
- (6) The Act of Common Council made on the fifteenth day of April 1714 referred to in subsection (1) shall apply to Aldermen to whom section 3A(1) of an Act of Common Council made on the 14th day of July 1960 (as amended) relates as if they were not already Aldermen.]<sup>2</sup>

#### Amendment to Procedures for the Election of Aldermen, etc

4. The Act of Common Council made and passed on the fourteenth day of July 1960 and entitled “An Act of Common Council to Repeal the Acts of Common Council made and passed on the 2<sup>nd</sup> day of December 1920 and the nineteenth day of September 1957 respectively; to amend the Act of Common Council made on the tenth day of October 1663; and to make further and better provision governing the election of Aldermen, Common Councilmen and Ward Beadles of the City of London” as amended by Acts of Common Council made and passed on the ninth day of February 1978 and the seventeenth day of May 1979 shall have effect subject to the following modifications –

- (i) In Section 1 (Interpretation) there shall be inserted –

[...] <sup>3</sup>

“the Town Clerk” means the Town Clerk of the City of London from time to time.

- (ii) After section 3 (Alderman – Report of death, resignation or disqualification) as substituted by [section 1] <sup>4</sup> of the Act of Common Council, made and passed on the seventeenth day of May 1979 hereinbefore referred to, there shall be inserted –

#### “Provision as to Surrender of Office by Aldermen

- 3A. (1) An Alderman may offer to surrender his Office of Alderman in terms which also specify an intention by him to seek election at the wardmote for which section 4 of this Act provides.

(2) [...] <sup>5</sup>

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<sup>2</sup> Substituted by section 2 of the Act of Common Council of 16 May 2013

<sup>3</sup> Omitted by section 3 of the Act of Common Council of 16 May 2013

<sup>4</sup> This is what the Act says, although it was actually section 2

(3) Subsection (2) shall not be taken into account in relation to the operation of sections 4 and 4A of this Act.”

(iii) [...] <sup>6</sup>

(iv) [...] <sup>7</sup>

[...] <sup>8</sup>

#### Approval of Persons elected to the Office of Alderman

5. The Court of Lord Mayor and Aldermen is deemed to have approved any person qualified to be elected to the office of Alderman under section 3 and so elected.

#### Abolition of Fines and Penalties upon Aldermen

6. (1) The provisions of an Act of Common Council made on the seventeenth day of April 1812 and entitled “An Act concerning the Election and Discharge of Aldermen of this City, and to prevent Expenses at such Elections” for an Alderman elected but refusing to take office to be liable to a fine unless he is discharged from the said office owing to insufficiency of estate shall cease to have effect.
- (2) Without prejudice to subsection (1), no rule, provision or practice shall be made providing for fines or other penalties upon Aldermen, or for their discharge from the office of Aldermen on account of resources at their disposal.

#### Regulation of Precedence or Seniority of Aldermen

7. (1) It is hereby declared for the avoidance of doubt that the Court of Lord Mayor and Aldermen or any committee thereof duly authorised by that Court shall have power from time to time and at their discretion to determine the precedence or seniority of Aldermen in relation to each other in the said Court.
- (2) The effect of any exercise of power contained in subsection (1) may be published in the form of lists of Aldermen or otherwise.
- (3) All instruments, documents, customs and practices which relate to the precedence or seniority of Aldermen shall be construed and determined so as to be in accordance with the exercise of the power to which this section relates.

### PART III – THE SHRIEVALTY

#### Amendment to Provisions relating to the Nomination and Election of Sheriffs

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<sup>5</sup> Disapplied by section 3(3) of the Act of Common Council of 4 June 2001

<sup>6</sup> Disapplied by section 4(2) of the Act of Common Council of 4 June 2001

<sup>7</sup> The provision inserting section 4A into the Act of Common Council of 14 July 1960 was disapplied by section 4(3) of the Act of Common Council of 04 June 2001

<sup>8</sup> The provision inserting section 4B into the Act of Common Council of 14 July 1960 was repealed by section 7 of the Act of Common Council of 16 May 2013

8. Without prejudice to the generality of section 7, an Act of Common Council made and passed on the twenty-first day of January 1932 entitled “An Act of Common Council to consolidate and amend the Law relating to the Nomination and Election of Sheriffs of the City of London” shall have effect subject to the following modifications--
- (i) Section 7 is repealed;
  - (ii) In section 10, for the word “two”, the word “fifteen” shall be inserted;
  - (iii) In section 12, the words “an Alderman or” shall be omitted; and,
  - (iv) In section 13, the words “The Alderman or Aldermen of this City in nomination in accordance with the provisions of Clause 7 hereof, and if more than one, according to their seniority in the said Court of Lord Mayor and Aldermen” shall be omitted.

#### PART IV – COMMON COUNCILMEN

##### Common Councilmen – Vacancies and Numbers

[9. (1) ...

- (2) This section shall apply to all Wards and Sides of Wards of the City and the Common Councilmen for those Wards and Sides of Wards except for the Ward of Farringdon Without and the Common Councilmen for that Ward and Sides thereof.
- (3) Where, apart from the provisions of this subsection, a vacancy would arise by reason of the death, resignation or disqualification of a Common Councilman for a Ward or Side of a Ward, either:-

- (i) during his period of office, or
- (ii) at any time after his election as a Common Councilman but before the Declaration is subscribed by him,

there shall be deemed not to be a vacancy for a Common Councilman for that Ward or Side and with effect from the next annual election for Common Councilmen in that Ward or Side the number of Common Councilmen representing the said Ward or Side shall (subject to the provisions of subsection (6) below as respects the Ward of Bishopsgate) be reduced by one.

- (4) In this subsection “the Declaration” means the declaration of a person elected to the office of Common Councilman as required by the Promissory Oaths Act 1868 or any declaration substituted therefor from time to time, and for the purpose of this section only a person who has been elected as Common Councilman but has not subscribed the Declaration shall be deemed to be a Common Councilman.
- (5) When a Common Councilman for a Ward or Side does not appear as a candidate for re-election in relation to that Ward or Side at a time when it is not possible under the procedures from time to time applicable to Ward elections, to reduce the number of Common Councilmen in accordance with this section, that reduction shall be effected at the next subsequent annual Ward election.

- (6) In relation to the Ward of Bishopgate, subsections (3) and (5) of this section shall have effect in relation to a Ward election so as to reduce the number of Common Councilmen representing that Ward by two (once on two successive occasions when either of those subsections has effect) and when such reduction has taken effect neither subsection shall thereafter apply to that Ward or the Common Councilmen representing it.
- (7) Subject to subsection (6) of this section, subsections (3) and (5) shall have effect in relation to a Ward election so as to reduce the number of Common Councilmen representing a Ward or Side by one, and when such reduction has taken effect in relation to a Ward or Side neither subsection shall thereafter apply to that Ward or Side or the Common Councilmen representing it.]<sup>9</sup>

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<sup>9</sup> Substituted by section 5 of the Act of Common Council of 4 June 2001