

To be considered at the Court of Common Council

2022

A BILL

For an Act of Common Council to –

Clarify the nationality requirement for Aldermen.

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 15th 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) 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.

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.

Commencement

3. 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

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