

Report – Policy and Resources Committee

Nationality Requirements for Aldermen – Bill for an Act of Common Council

To be presented on Thursday, 10th March 2022

*To the Right Honourable The Lord Mayor, Aldermen and Commons
of the City of London in Common Council assembled.*

SUMMARY

The accompanying Bill is intended to clarify the nationality requirement for Aldermen by removing the erroneous reference in Acts of Common Council suggesting that there is a pre-existing requirement for Aldermen to be British subjects. For the avoidance of doubt, the Bill also makes it clear that Aldermanic candidates must either be British, Irish, or citizens of a Commonwealth country, which is the current position.

In order to effect the proposed change, a Bill for an Act of Common Council is required. In accordance with Standing Order No. 46, the terms of the Bill must be considered by the appropriate Committee(s) and must be submitted to the Recorder of London for settling prior to its submission to the Court of Common Council for its first, second and third reading.

Your Policy and Resources Committee agreed to progress this matter at its meeting in February 2022. The draft Bill at Appendix 1 was finalised by the Comptroller & City Solicitor in accordance with the Committee's direction following the meeting and has since been settled by the Recorder. It is now presented for its first reading and second reading and, if approved, would be presented for a third and final reading in April, so as to take effect and provide welcome clarification ahead of any Aldermanic elections from May onwards.

RECOMMENDATION(s)

Approval be given to:-

- Proposals to clarify the nationality requirement for Aldermen in existing Acts of Common Council.
- The draft Bill for an Act of Common Council to effect these changes, as set out in Appendix 1 to this report.

MAIN REPORT

Background

1. The nationality requirement for Aldermen has been the subject of some debate over recent months. The Law Officers set out the position in their Opinion dated 15 June 2021. The Wardmote Book (including the relevant electoral forms) was subsequently updated to clarify that an Alderman may be a Commonwealth citizen or a citizen of the Republic of Ireland and to more accurately explain the legislative basis for this.
2. The nationality requirement arises from section 3 of the Act of Settlement of 1701, as modified by Schedule 7 of the British Nationality Act 1981, and this is not therefore something that the Court of Common Council can remove. The term Commonwealth citizen includes any person who is a British citizen, British overseas territories citizen, British National (Overseas), British Overseas citizen or British subject and a citizen of a Commonwealth country as listed in Schedule 3 of the British Nationality Act 1981.
3. There is no additional requirement in the Act of Common Council of 15 April 1714 that Aldermen must be British subjects, despite references to the contrary in Acts of Common Council from 1998 onwards. This retrospective interpretation was probably based on the separate requirement to be a freeman. The freedom 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. It is worth noting that 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. Whilst the Law Officers concluded that the reference in Acts of Common Council from 1998 onwards to there being a pre-existing requirement for Aldermen to be British subjects had no legal effect, this reference has understandably caused some confusion and the Policy and Resources Committee therefore asked for the position to be put beyond doubt through a new Act of Common Council. The original proposal was simply to remove the reference to British subjects from section 3(1) of the Act of Common Council of 10 September 1998 (at Appendix 2).

Power to legislate

6. When a draft Bill was initially taken to the Policy and Resources Committee on 16 December 2021 it was queried whether the Court of Common Council has the power to legislate on the nationality issue. Officers were therefore requested to revert in due course with a further report providing clarification on this aspect.
7. As subsequently reported to the Policy and Resources Committee on 17 February 2022, the Remembrancer and the City Solicitor are of the opinion that a new Act of Common Council is not strictly necessary in the circumstances, but both the Policy and Resources Committee and the General Purposes Committee of the Court of Aldermen have expressed the view that they would wish the matter to be

confirmed through a new Act rather than the position being left to stand solely on the basis of the Law Officers' Opinion.

8. A translation of the Charter of King Edward the Third provides 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 said 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."
9. In modern administrative law terms, the Charter is a broad power of general competence which allows the Corporation to govern and amend its own affairs within the bounds of Parliamentary sovereignty. This power is limited only by specific statutory requirements or limitations and nor may it be used for an improper purpose to seek to evade a statutory scheme. Subject to these restrictions it is a wide power which may be used to "fill in the gaps" left by Parliament in relation to the governance and powers of the City.
10. Municipal Elections in the City are a prime example of Parliament making a limited intervention in City affairs resulting in a complex mosaic of powers and duties rather than a single statutory scheme. Thus, Municipal elections are governed by some parts of the national scheme e.g., elements of the Representation of the People Act 1983; City specific local legislation e.g., the City of London (Various Powers) Act 1957; and numerous Acts of Common Council dating back centuries.
11. Furthermore, where Parliament has intervened, it has not treated Aldermen and Common Councilmen in the same manner. For example, section 5 of the City of London (Various Powers) Act 1957 makes provision for the qualification of candidates for election to the Common Council and specifically states that a person shall not be qualified for election as a Common Councilman otherwise than in accordance with this section. There is no corresponding Parliamentary provision for the election of Aldermen. The Common Council, therefore, retains the power to change the qualifications to be an Alderman through Acts of Common Council and did so most recently in 2013.
12. Section 3 of the Act of Settlement of 1701, by contrast, is a general provision that applies to a very wide range of civic and other offices. It is considered that this provision would not prevent the Common Council from imposing a more restrictive nationality requirement for Aldermen, if this was deemed appropriate. In any event, it must be right that the Common Council can remove a provision (or as in this case, an erroneous reference) that was included in a previous Act of Common Council.
13. In all the circumstances, the Remembrancer and the City Solicitor are of the opinion that:
 - (i) for the reasons set out in the Law Officers' Opinion dated 15 June 2021 a Commonwealth citizen or a citizen of the Republic of Ireland will satisfy the nationality qualification for Aldermanic office;

- (ii) any misunderstanding in a pre-existing Act of Common Council may be rectified, as is considered desirable, through a new Act of Common Council; and
- (iii) such a correction is within the Common Council's powers under the Charter of King Edward the Third as it does not override or evade legislation or any statutory scheme.

Proposal

14. Your Policy and Resources Committee, having considered the matter, has determined that it would be desirable to progress a Bill for an Act of Common Council to provide helpful clarity. Members additionally considered that there should be a specific reference to the current nationality requirement for Aldermanic candidates in the Act of Common Council, notwithstanding that this is already provided for more generally in Acts of Parliament. Members also favoured splitting the definition of "Commonwealth citizen", used in the national legislation, into "British" and citizens of a "Commonwealth country". The wording of the Bill, which appears at Appendix 1, was finalised under delegated authority. The Bill substitutes an alternative section 3(1) into the Act of Common Council of 10 September 1998, at Appendix 2, together with the necessary definitions.
15. In accordance with Standing Order No. 46, the Bill must be considered and approved by the appropriate Committee(s) and submitted to the Recorder of London for settling before it can be considered by the Court of Common Council.
16. Therefore, the draft Bill has since been settled by the Recorder and is hereby presented to the Court for its first and second reading. Subject to the Court's approval, it will then be presented for a third reading and made an Act of Common Council, if approved, on 21 April 2022. It will then be in force in time for the resumption of Aldermanic elections from May.

Conclusion

17. The accompanying Bill has been drafted at the behest of your Policy and Resources Committee, to clarify the nationality requirement for Aldermen. The Remembrancer and the City Solicitor are of the opinion that this action is within the Common Council's powers. The Bill is now submitted to the Court of Common Council for approval. If made and passed as an Act of Common Council, it will be in force for the resumption of Aldermanic elections in May 2022.

Appendices

- Appendix 1: Draft Bill for an Act of Common Council
- Appendix 2: Act of Common Council of 10 September 1998 (as amended)

All of which we submit to the judgement of this Honourable Court.

DATED this 17th day of February 2022.

SIGNED on behalf of the Committee.

Deputy Catherine McGuinness
Chair, Policy and Resources Committee

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 this is not in fact the case;
- (3) 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;
- (4) 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;
- (5) 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;
- (6) 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. Section 3(1) of the Act of 1998, as substituted by section 2 of the Act of 2013, shall be omitted and substituted by the following –

“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, able and sufficient Citizens and Freemen of the City and not already Aldermen but are modified by subsection (6) below), such candidates shall either be British, Irish, or citizens of a Commonwealth country and at the time of their nomination and election shall satisfy the requirements of either subsection (2) or subsection (3) below, or both.”

Minor, incidental and consequential amendments

3. The following definitions shall be included at the appropriate point in section 1 of the Act of 1998 –

““British” means a British citizen, a British overseas territories citizen, a British National (Overseas), a British Overseas citizen or a British subject under the British Nationality Acts 1981 and 1983 or the British Overseas Territories Act 2002;

“Commonwealth country” means any country mentioned in Schedule 3 of the British Nationality Act 1981;

“Irish” means a citizen of the Republic of Ireland;”

Commencement

4. 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

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

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 21st 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 21st 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.).]¹

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 –

¹ 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.]²

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 2nd 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 –

[...] ³

“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] ⁴ 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

² Substituted by section 2 of the Act of Common Council of 16 May 2013

³ Omitted by section 3 of the Act of Common Council of 16 May 2013

⁴ This is what the Act says, although it was actually section 2

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) [...] ⁵

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

(iii) [...] ⁶

(iv) [...] ⁷

[...] ⁸

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.

⁵ Disapplied by section 3(3) of the Act of Common Council of 4 June 2001

⁶ Disapplied by section 4(2) of the Act of Common Council of 4 June 2001

⁷ 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

⁸ 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

PART III – THE SHRIEVALTY

Amendment to Provisions relating to the Nomination and Election of Sheriffs

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.]⁹

⁹ Substituted by section 5 of the Act of Common Council of 4 June 2001