

Report – Policy and Resources Committee

Bill for an Act of Common Council – Aldermanic Qualifications (Foreign Convictions)

To be presented on Thursday, 9th March 2023

*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 regularise the position in respect of Aldermanic qualification in respect of certain convictions. It is currently the case that a candidate convicted of certain offences in the UK, Channel Islands or Isle of Man would be disqualified from standing for election; however, due to the existing terms of the relevant Act of Common Council, those convicted of the same offences in the Republic of Ireland would not be disqualified. The Bill presented for your consideration here introduces consistency to the position by extending the disqualification to those convicted in the Republic of Ireland.

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 January 2023. 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 and second readings and, if approved, would be presented for a third and final reading in April, so as to take effect for any Aldermanic elections from then onwards.

RECOMMENDATION(s)

Approval be given to:-

1. Proposals to make consistent the qualification requirements for Aldermen in relation to foreign convictions.
2. 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. In the context of Aldermanic elections, consideration has been given to the issue of foreign convictions, principally the risk of a scenario arising whereby a candidate is elected who has a foreign conviction which, had it been a UK conviction, would have rendered them unqualified for election.
2. By way of example, a candidate convicted of relevant offences in Derry, in Northern Ireland, would be disqualified; meanwhile, a candidate convicted of precisely the same offences in Kerry, in the Republic of Ireland, would not be disqualified.
3. The General Purposes Committee of Aldermen discussed various options and instructed the City Solicitor to present a report to the Policy and Resources Committee, requesting that it recommend to the Court of Common Council the passing of an Act of Common Council to implement the preferred option, which was to include relevant convictions in the Republic of Ireland. The Policy and Resources Committee endorsed this approach and the approval of the Court of Common Council is now sought.
4. It should be noted that, whilst the City Corporation has the power to alter the qualification requirements for Aldermen by an Act of Common Council, it does not have the power to alter the disqualification rules for incumbents. The potential arrangements discussed below would therefore only provide protection before election/re-election and not during an Alderman's term of office. For matters which arise during a term of office, the position on disqualification would remain subject to the statutory provisions under s.9 of the City of London Municipal Elections Act 1849.

Current Qualifications

5. There are currently two ways in which an Alderman may be qualified. The first is that they are a Justice of the Peace (JP) at the date of nomination and the date of the Poll. Under this ground, any criminal convictions will have been taken into account by the Lord Chancellor. While there is no automatic bar for a conviction, they are taken into account and "the Lord Chancellor will not appoint a person in whom the public would be unlikely to have confidence" (Lord Chancellor's Guidance for Advisory Committees). The issue of criminal convictions is effectively left to the Lord Chancellor to determine and if a person is deemed fit and is appointed to be a JP they are qualified to be an Alderman.
6. The second route, introduced in 2013 is that they have never been convicted of an imprisonable offence in the UK, Channel Islands or the Isle of Man (even if they were not actually imprisoned or the conviction has been spent). This qualification is derived from and is identical to provisions relating to Police and Crime Commissioners. There are also provisions in relation to bankruptcy which are not relevant for present purposes.
7. The Court of Alderman is unique in that, because the qualifications for election as Aldermen are not legislated for, they fall within the Court of Common Council's

powers to legislate to manage its own affairs where it considers a custom is hard or defective.

8. In exercising this power, it has long been the policy of the Court of Aldermen and the Court of Common Council to minimise the risks of perceived subjectivity in relation to Aldermanic elections, at both the qualification and approval stage, by removing the exercise of discretion. A person is either a JP or is not, and they either have no relevant convictions or they have.
9. Furthermore, notwithstanding the extant power of the Court of Aldermen post-election to examine and determine whether or not any person returned as Alderman Elect is a fit and proper person and qualified for the office, reaffirmed by the Court of Appeal in *R v City of London Corporation, ex parte Matson* [1997] subject to a duty to give reasons, the Corporation subsequently decided to go further than was required by this judgment and introduced section 5 of the Act of Common Council of 10 September 1998 which states that:-

“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.”
10. Whilst this takes away from the Court of Aldermen any subjective assessment of whether an Alderman Elect is a fit and proper person, it leaves it open to the Court of Aldermen to determine on objective and reasoned grounds that an Alderman Elect is not qualified to be elected to the office.

Proposal

11. The election of a candidate convicted of offences to the Court of Aldermen would clearly represent a reputational risk to the City of London Corporation. Consideration was given to various options to close this loophole, including the option of simply amending the second qualification to include relevant convictions in the Commonwealth or rest of the world, which would have the advantage of simplicity and objectivity. However, it was recognised that a potential and material disadvantage might occur through this route, as judicial systems across the world do not all share the UK's approach to the rule of law. For instance, whilst ensuring that a “Nick Leeson”-type candidate cannot be elected, this change might also result in a “Nazanin Zaghari-Ratcliffe” also being ineligible. Other options, including subjective assessment of the reliability of foreign convictions and their prospective imposition in the UK, or restoring the Court of Aldermen's historic power to determine whether an Alderman is a fit and proper person to hold office, were dismissed as being inappropriate or impracticable to implement.
12. It is, therefore, proposed to add the words “Republic of Ireland” to the existing references in Acts of Common Council (which currently refer only to the UK, Channel Islands and the Isle of Man) in respect of not having been convicted of an imprisonable offence.
13. This would remove the “Kerry/Derry” paradox whereby a candidate with a relevant conviction in Northern Ireland would not be qualified, but one with an equivalent conviction in the Republic of Ireland would. It would avoid the difficult question of Commonwealth convictions which Parliament itself has not chosen to address in relation to General and local government elections. This option is

favoured by the Court of Aldermen and 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 address this issue. A draft Bill for an Act of Common Council which would give effect to this proposal is included at Appendix 1. The Bill should be read in conjunction with the current Act of Common Council of 10 September 1998, as amended, which is included at Appendix 2.

14. 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.
15. 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 27 April 2023. It will then be in force in time for any Aldermanic elections thereafter.

Conclusion

16. Relevant foreign convictions do not apply to Aldermen, Common Councillors, Local authority members, Police and Crime Commissioners and MP's (unless detained in the UK). As explained above such convictions could be included in the second Aldermanic qualification (only) were it to be considered necessary, having balanced the risks. Such a change would need to be effected by an Act of Common Council.
17. Having carefully considered the matters set out above, the General Purposes Committee and the Court of Aldermen considered that the option to include relevant convictions in the Republic of Ireland in the non-Magistracy qualification route would be the most appropriate course of action as it would remove a potential inconsistency whilst retaining the same approach to other relevant foreign convictions adopted in Parliamentary and local government elections.
18. Having concurred with the Court of Aldermen, the accompanying Bill has been drafted at the behest of your Policy and Resources Committee and is presented for its first and second readings.

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 19th day of January 2023.

SIGNED on behalf of the Committee.

Deputy Christopher Michael Hayward
Chairman, Policy and Resources Committee

To be considered at the Court of Common Council

2023

A BILL

For an Act of Common Council to –

Make further provision for the qualification of candidates for the office of Alderman.

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) Section 3 of the Act of Common Council made and passed on the 10th day of September 1998, as amended by Acts of Common Council made and passed on the 16th day of May 2013 and the 21st day of April 2022, made provision as to candidature for the office of Alderman;
- (3) One of the qualification routes for election to the office of Alderman requires a candidate not to have been convicted of any imprisonable offence in the United Kingdom, the Channel Islands or the Isle of Man and it is desirable to also require such a candidate not to have been convicted of any imprisonable offence in the Republic of Ireland;
- (4) 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(3)(b) of the Act of 1998, as substituted by section 2 of the Act of 2013, is omitted and substituted by the following –

“(b) have not been convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, of any imprisonable offence (whether or not sentenced to a term of imprisonment in respect of the offence).”

Commencement

3. (1) Subject to subsection (2) below, the provisions of this Act will come into force on the day on which it is made and passed as an Act of Common Council (“the commencement date”).

(2) The provisions of this Act will not apply to any Aldermanic election for which a precept has been issued at the commencement date, but instead any such election will be conducted as if this Act had not been 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 will 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;]¹

[“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 to the British Nationality Act 1981;]²

[“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;]³

[“Irish” means a citizen of the Republic of Ireland;]⁴ [and

“Town Clerk” shall have the meaning set out in section 4 (Amendment to Procedures for the Election of Aldermen, etc.).]⁵

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

¹ Substituted by section 4 of the Act of Common Council of 16 May 2013

² Inserted by section 3 of the Act of Common Council of 21 April 2022

³ Substituted by section 4 of the Act of Common Council of 16 May 2013

⁴ Inserted by section 3 of the Act of Common Council of 21 April 2022

⁵ Substituted by section 4 of the Act of Common Council of 16 May 2013

[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.]⁶

[(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 –

(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.]⁷

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 –

⁶ Substituted by section 2 of the Act of Common Council of 21 April 2022

⁷ Substituted by section 2 of the Act of Common Council of 16 May 2013

[...] ⁸

“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] ⁹ 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) [...] ¹⁰

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

(iii) [...] ¹¹

(iv) [...] ¹²

[...] ¹³

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

⁸ Omitted by section 3 of the Act of Common Council of 16 May 2013

⁹ This is what the Act says, although it was actually section 2

¹⁰ Disapplied by section 3(3) of the Act of Common Council of 4 June 2001

¹¹ Disapplied by section 4(2) of the Act of Common Council of 4 June 2001

¹² 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

¹³ 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

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

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 Bishopsgate, 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.]¹⁴

¹⁴ Substituted by section 5 of the Act of Common Council of 4 June 2001