



CHAPTER x

An Act to make further provision with respect to ward elections in the city of London to confer further powers on the corporation of London with respect to the provision of garaging and parking accommodation for vehicles and for other purposes.

[6th June 1957.]

WHEREAS it is expedient that—

- (1) the enactments regulating the qualification of candidates for election as common councilmen of the city of London the qualification of voters at ward elections and the preparation of the lists of such voters should be re-enacted with amendments and that further provisions should be enacted relating to the manner of voting at such elections :
- (2) further powers should be conferred upon the corporation of London with respect to the provision of garaging and parking accommodation for vehicles by means of multi-storeyed buildings or otherwise :
- (3) the other provisions in this Act contained should be enacted :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal

and Commons in this present Parliament assembled and by the authority of the same as follows :—

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the City of London (Various Powers) Act 1957.

Division of Act into Parts.

2. This Act is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Ward elections.

Part III.—Miscellaneous.

Interpretation.

3.—(1) In this Act unless there be something in the subject or context repugnant to such construction—

“ city ” means the city of London ;

“ common council ” means the mayor aldermen and commons of the city in common council assembled ;

“ Corporation ” means the mayor and commonalty and citizens of the city acting by the common council.

(2) Unless otherwise expressly stated any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

WARD ELECTIONS

Interpretation of Part II.

4.—(1) In this Part of this Act unless there be something in the subject or context repugnant to such construction—

“ Act of 1949 ” means the Representation of the People Act 1949 ;

“ local elections rules ” means the local elections rules set out in the Second Schedule to the Act of 1949 as applied and modified by virtue of subsection (4) of section 8 (Manner of voting at ward elections) of this Act ;

“ qualifying date ” means the date determined in accordance with subsection (2) of section 6 (Qualification of voters at ward elections) of this Act ;

“ rateable ” means liable for the time being to be rated to the poor rate of the city ;

“ regulations of 1950 ” means the Representation of the People Regulations 1950 or any other regulations from time to time amending or replacing those regulations ;

“ secondary ” means the secondary of the city and includes any person duly appointed to discharge temporarily the duties of that officer ;

“ ward election ” means an election for alderman or common councilman for any ward of the city ;

“ ward list ” means the list of persons entitled to vote at any ward election prepared in accordance with section 7 (Ward lists) of this Act.

(2) For the purposes of this Part of this Act subsections (3) and (4) and paragraph (a) of subsection (5) of section 5 of the Act of 1949 (which contain provisions relating to the yearly value of lands and premises and to cases of joint occupation thereof) shall with any necessary modifications apply to and in respect of ward elections.

5.—(1) A person shall unless disqualified by virtue of any enactment be qualified for election to the common council as a common councilman if at the date of nomination and at the date of election he is a freeman of the city and is registered in the ward list for the ward in which he is a candidate for election and is occupying as owner or tenant any rateable land or premises in that ward of the yearly value of not less than ten pounds.

Qualification of candidate for election to common council.

(2) A person shall not be qualified for election to the common council as a common councilman otherwise than in accordance with this section.

6.—(1) The persons entitled to vote in any ward of the city as electors at a ward election shall be those who on the qualifying date are of full age and—

Qualification of voters at ward elections.

(a) are occupying as owner or tenant any rateable land or premises in that ward of the yearly value of not less than ten pounds ; or

(b) are resident in that ward ;

and who on that date and on the date of the poll are not subject to any legal incapacity to vote and are either British subjects or citizens of the Republic of Ireland :

Provided that a person shall not be entitled to vote as an elector at a ward election unless registered in the ward list for that ward to be used at that election.

(2) The qualifying date for a ward election to be held during the period of twelve months immediately following the fifteenth day of November in the year nineteen hundred and fifty-seven and in each subsequent year shall be the fifteenth day of June in that year.

7.—(1) It shall be the duty of the secondary to prepare and publish with respect to each ward of the city a ward list of all persons entitled to vote in that ward as electors at a ward election.

Ward lists.

(2) With a view to the preparation of such ward lists the secondary shall have a house to house or other sufficient inquiry made as to the persons entitled to vote as electors at a ward election.

(3) On or before the first day of September in each year the secondary shall prepare and publish provisional lists showing the persons appearing to him to be so entitled and such lists shall be made available for inspection and shall remain open for inspection until the date of publication of the ward lists.

(4) On or before the fifteenth day of September in each year any person whose name does not appear in any such provisional list may submit a claim to the secondary for his name to be included in a ward list and any person appearing from any provisional list to be entitled to have his own name included in a ward list may submit an objection to the secondary to the inclusion in such ward list of the name of any other person included in the provisional list relating thereto and the secondary shall determine any such claim or objection in accordance with regulations 8 to 15 of the regulations of 1950 so far as material as if those regulations with any necessary modifications (including modifications of dates) applied to ward lists.

(5) On or before the fifteenth day of November in each year ward lists shall be published and such lists shall be the lists of all persons entitled to vote as electors at ward elections to be held between the said fifteenth day of November and the sixteenth day of November in the following year. The ward lists shall be made available for inspection and shall remain open for inspection between the date of publication and the sixteenth day of November in the following year.

(6) The provisional lists and the ward lists may be inspected by any person without payment at all reasonable hours at the offices of the secondary and copies of the ward lists may be purchased thereat at a price of one shilling for each list.

(7) The secondary shall supply to each ward clerk a copy of the ward list relating to his ward as soon as such list is made available for inspection.

(8) For the purposes of this section regulations 22 and 70 of the regulations of 1950 shall so far as they are applicable for such purposes apply and have effect with any necessary modifications including the substitution of the words "the secondary" for the words "the registration officer" where they occur therein.

8.—(1) Subject as hereinafter provided the following provisions of the Act of 1949 shall in addition to the provisions which apply by virtue of section 167 of that Act apply to and in respect of ward elections :—

Section 10 (Service qualification) ;

Section 23 (Place and manner of voting as local government elector) ;

Section 24 (Absent voters at local government elections) ;

Section 25 (Proxies at local government elections) ;

Section 33 (Voting at local government elections) ;

Section 46 (Supplemental provisions as to members of the forces and service voters).

(2) The said section 23 of the Act of 1949 as so applied shall have effect as if for the words "at the polling station allotted to them under the local elections rules" in subsection (1) thereof there were substituted the words "at the polling station provided by the returning officer".

(3) The said section 25 of the Act of 1949 as so applied shall have effect as if for the words "at the elector's polling station" in subsection (4) thereof there were substituted the words "at the polling station provided by the returning officer".

(4) For the purposes of the said provisions of the Act of 1949 as applied to and in respect of ward elections by virtue of subsection (1) of this section the local elections rules and the regulations of 1950 shall so far as the same are applicable for such purposes apply and have effect with any necessary modifications :

Provided that—

- (i) for the purposes of rule 21 of the local elections rules the Secondary shall act instead of the returning officer ;
- (ii) for the purposes of regulations 36 to 48 of the regulations of 1950 the functions of the returning officer shall be performed by the secondary and subsection (1) of regulation 38 thereof shall have effect as if the persons referred to therein included the secondary ; and
- (iii) regulation 49 of the said regulations shall have effect as if for subsection (1) thereof there were substituted the following subsections :—

" (1) When the postal voters' ballot box has been opened the secondary shall count and note the number of covering envelopes. He shall then make up separate sealed packages containing the covering envelopes relating to each ward and shall deliver each such sealed package to the returning officer of the appropriate ward so that it shall be received by him before the count.

(1A) The returning officer shall on receipt of the package containing the covering envelopes relating to his ward open each covering envelope separately."

(5) For the purposes of the provisions of the Act of 1949 as applied to and in respect of ward elections by virtue of subsection (1) of this section and for the purposes of the local elections rules and the regulations of 1950 as so applied by virtue of subsection (4) of this section the following expressions shall have the following meanings :—

- " day of election " means the day of the ward-mote ;
- " electoral area " means any ward in the city ;
- " local government area " means the city ;
- " local government election " includes a ward election ;

“qualifying address” means the address specified in respect of each person in the ward list ;

“qualifying date” has the same meaning as in this Part of this Act ;

“registration officer” means the secondary ;

“returning officer” means the alderman of the ward in which the ward election is held ;

“vote” does not include voting otherwise than on a poll.

Appeals relating to ward lists.

9.—(1) An appeal shall lie to the Mayor’s and City of London Court from any decision of the secondary under this Part of this Act or under any provision applied by virtue of this Part of this Act on any claim by any person for his name to be included in a ward list or in any special list prepared by the secondary in accordance with the local elections rules or on any objection by another person made to and considered by the secondary.

(2) No appeal shall lie from the decision of the Court of Appeal on appeal from a decision of the Mayor’s and City of London Court under this section.

(3) Notice shall be sent to the secondary in manner provided by the rules of court of the decision of the Mayor’s and City of London Court or of the Court of Appeal on any appeal by virtue of this section and the secondary shall make such alteration in the ward lists or the special lists (as the case may be) as may be required to give effect to the decision.

(4) The regulations and rules of court relating to appeals made in pursuance of the Act of 1949 shall with any necessary adaptations apply to appeals brought by virtue of this section.

Expenses of secondary.

10.—The expenses incurred by the secondary in connection with his duties under this Part of this Act shall be paid by the Corporation out of the general rate of the city.

Repeal and amendment of enactments.

11.—(1) Part II (Ward elections) of the city of London (Various Powers) Act 1949 is hereby repealed and section 3 (Interpretation) of the said Act shall have effect as if the words therein after the words “in common council assembled” where those words secondly occur to the end of the section were omitted.

(2) Section 5 (Days and times for opening and closing the poll) of the City of London Ballot Act 1887 shall have effect in relation to ward elections—

(i) as if for the words “hour of ten in the forenoon” there were substituted the words “hour of eight in the forenoon” ; and

(ii) as if for the words “hour of six in the afternoon” there were substituted the words “hour of eight in the afternoon”.

PART III
MISCELLANEOUS

12.—(1) The Corporation shall under the provisions of the Restriction of Ribbon Development (Power to provide Parking Places) London Order 1936 (which confers upon the Corporation powers with respect to the provision of parking places for the purpose of relieving or preventing congestion of traffic under section 68 of the Public Health Act 1925 as amended by section 16 of the Restriction of Ribbon Development Act 1935) and this section have power to provide equip maintain and manage garaging and parking accommodation for vehicles whether by means of multi-storeyed buildings or otherwise together with all such conveniences and facilities for use in relation thereto as the Corporation think fit and in the said section 68 and the said section 16 as incorporated in the said Order of 1936 the expression “ parking places ” shall be construed accordingly as including such accommodation conveniences and facilities as may be so provided.

Power to provide garaging and parking accommodation for vehicles.

(2) The Corporation may in connection with the provision of such accommodation provide such shops offices and other premises for use for any commercial purpose as they think fit together with all such other premises or accommodation as they are from time to time empowered to provide under any other enactment and may maintain and let on hire or lease such shops offices and other premises on such terms and conditions as they may determine.

(3) The Corporation may in connection with any such accommodation or premises provide such services as they may consider to be necessary or convenient and may make such reasonable charges therefor as they may determine.

(4) Subsections (2) and (3) of section 68 of the Public Health Act 1925 shall not apply in relation to the provision by the Corporation of such garaging and parking accommodation as is referred to in subsection (1) of this section.

(5) Notwithstanding anything in subsection (4) of section 16 of the Restriction of Ribbon Development Act 1935 or in the Transfer of Functions (Secretary of State and Minister of Health) Order 1946 the confirming authority for byelaws made by the Corporation under subsection (6) of section 68 of the Public Health Act 1925 as amended by the said section 16 and incorporated in the Restriction of Ribbon Development (Power to provide Parking Places) London Order 1936 shall be the Minister of Transport and Civil Aviation.

(6) Nothing in this section shall empower the Corporation—

- (a) to sell or supply motor vehicles or fuel lubricants accessories spare parts or equipment for motor vehicles ;
or.
- (b) to carry on the business of maintaining or repairing motor vehicles.

Travelling
and subsis-
tence
allowances
and expenses
of certain
meetings.

13.—(1) The Corporation may out of the general rate of the city make payments in respect of reasonable expenditure on travelling or on subsistence at rates not exceeding in any case in which the rates which would be payable under subsection (1) of section 113 of the Local Government Act 1948 by a body to which Part VI of that Act applies are prescribed by the Minister of Housing and Local Government the rates so prescribed to any person who in the course of a duty to the Corporation necessarily incurs such expenditure in the performance outside the City of the following duties :—

- (a) attendance at meetings of any committee or sub-committee of the Common Council ;
- (b) attendance as a representative of the Corporation at any conference or meeting being a conference or meeting of such nature that a body referred to in paragraph (a) of subsection (1) of section 111 of the Local Government Act 1948 would be entitled or enabled to make payments in respect of the attendance of their members thereat ; and
- (c) the doing of any such other thing whatsoever as may from time to time be approved by the common council for the purpose of or in connection with the discharge of the functions of the Corporation or any such committee or sub-committee or the discharge of the functions of any body being a body to which Part VI of the Local Government Act 1948 applies to which that person has been appointed or nominated as a representative of the Corporation.

(2) The Corporation may out of the general rate of the city make reasonable payments for or in connection with the reception and entertainment of persons attending any conference or meeting connected with local government held in the city.

Appointments
of additional
judges of
Mayor's and
City of
London
Court.

14.—(1) Appointments of persons to be additional judges of the Mayor's and City of London Court shall be made by Her Majesty.

(2) Any such appointment shall be of a person recommended to Her Majesty by the Lord Chancellor.

(3) Accordingly section 2 of the Mayor's and City of London Court Act 1920 shall have effect—

- (a) as if in subsection (1) thereof for the words " one additional judge or if it appears to the Lord Chancellor necessary two additional judges appointed by the Lord Chancellor " there were substituted the words " one additional judge or two additional judges appointed by Her Majesty " ; and

(b) as if for proviso (a) to the said subsection (1) there were substituted the following proviso :—

“ (a) Her Majesty shall not be advised to appoint a second additional judge unless the Lord Chancellor is satisfied that the appointment is necessary ”.

(4) Every additional judge of the Mayor's and City of London Court appointed after the passing of this Act shall take in the presence of the Lord Chancellor the oath of allegiance and judicial oath and the Promissory Oaths Act 1868 shall have effect as if the officers named in the second Part of the schedule to that Act included additional judges so appointed.

(5) In this section and in the Mayor's and City of London Court Act 1920 the expression “ the Lord Chancellor ” includes the First Commissioner for the custody of the Great Seal.

15. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act. Saving for town and country planning.

16. The costs charges and expenses preliminary to and of and incidental to the preparing obtaining and passing of this Act shall be paid by the Corporation out of the general rate of the city. Costs of Act.

Table of Statutes referred to in this Act

Short title	Session and chapter
Promissory Oaths Act 1868	31 & 32 Vict. c. 72
City of London Ballot Act 1887	50 & 51 Vict. c. xiii
Mayor's and City of London Court Act 1920 ...	10 & 11 Geo. 5 c. cxxxiv
Public Health Act 1925	15 & 16 Geo. 5 c. 71
Restriction of Ribbon Development Act 1935...	25 & 26 Geo. 5 c. 47
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51
Local Government Act 1948	11 & 12 Geo. 6 c. 26
Representation of the People Act 1949 ...	12 13 & 14 Geo. 6 c. 68
City of London (Various Powers) Act 1949 ...	12 13 & 14 Geo. 6 c. xiv.

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