



# Municipal Corporations Act 1882

## 1882 CHAPTER 50

### PART III

#### PREPARATIONS FOR AND PROCEDURE AT ELECTIONS.

##### *Supplemental and Exceptional Provisions.*

**63 Right of women to vote.**

For all purposes connected with and having reference to the right to vote at municipal elections words in this Act importing the masculine gender include women.

**64 Polling districts.**

The council may divide the borough or any ward into polling districts, and thereupon the overseers shall, as far as practicable, make out the parish burgess lists so as to divide the names in conformity with the polling districts.

**65 Notices as to elections.**

Any notice required to be given in connexion with a municipal election may, as to elective auditors and revising assessors, be comprised in one notice, and may, as to ward elections, comprise matter necessary for several wards.

**66 Time for filling casual vacancies.**

- (1) On a casual vacancy in a corporate office, the election shall be held within fourteen days after notice in writing of the vacancy has been given to the mayor or town clerk by two burgesses.
- (2) Where the office vacant is that of mayor, the notice of the meeting for the election shall be signed by the town clerk.
- (3) In other cases the day of election shall be fixed by the mayor.

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**67 Illness, &c. of mayor or returning officer.**

- (1) If the mayor is dead, or is absent or otherwise incapable of acting in the execution of his powers and duties as to elections under this Act, the council shall forthwith choose an alderman to execute those powers and duties in the place of the mayor.
- (2) In case of the illness, absence, or incapacity to act of the alderman assigned to be returning officer at a ward election, the mayor may appoint to act in his stead another alderman, or, if the number of aldermen does not exceed the number of wards, a councillor not being a councillor for that ward, and not being enrolled in the ward roll for that ward.

**68 Election of councillor in more than one ward.**

If a person is elected councillor in more than one ward, he shall, within three days after notice thereof, choose, by writing signed by him and delivered to the town clerk, or in his default the mayor shall, within three days after the time for choice has expired, declare, for which of those wards he shall serve, and the choice or declaration shall be conclusive.

**69 Elections not in churches.**

A municipal election shall not be held in any church, chapel, or other place of public worship.

**70 Omission to hold election, or election void.**

- (1) If a municipal election is not held on the appointed day or within the appointed time, it may be held on the day next after that day or the expiration of that time.
- (2) If a municipal election is not held on the appointed day or within the appointed time, or on the day next after that day or the expiration of that time, or becomes void, the municipal corporation shall not thereby be dissolved or be disabled from electing, but the High Court may, on motion, grant a mandamus for the election to be held on a day appointed by the court.
- (3) Thereupon public notice of the election shall, by such person as the court directs, be fixed on the town hall, and shall be kept so fixed for at least six days before the day appointed for the election; and in all other respects the election shall be conducted as directed by this Act respecting ordinary elections.

**71 Burgess roll to be in operation until revision of new burgess roll.**

- (1) If a parish burgess list is not made or revised in due time, the corresponding part of the burgess roll in operation before the time appointed for the revision shall be the parish burgess list until a burgess list for the parish has been revised and become part of the burgess roll.
- (2) If a burgess roll is not made in due time, the burgess roll in force before the time appointed for the revision shall continue in force until the new burgess roll is made.

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**72 Non-compliance with rules.**

An election shall not be invalidated by non-compliance with the rules in the Third Schedule, or mistake in the use of the forms in the Eighth Schedule, if it appears to the court having cognisance of the question that the election was conducted in accordance with the principles laid down in the body of this Act.

**73 Election valid unless questioned within twelve months.**

Every municipal election not called in question within twelve months after the election, either by election petition or by information in the nature of a quo warranto, shall be deemed to have been to all intents a good and valid election.

**74 Offences in relation to nomination papers.**

- (1) If any person forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the town clerk any forged nomination paper, knowing it to be forged, he shall be guilty of a misdemeanour, and shall be liable to imprisonment for any term not exceeding six months, with or without hard labour.
- (2) An attempt to commit any such offence shall be punishable as the offence is punishable.

**75 Offences in relation to lists and elections.**

- (1) If a mayor or revising assessor neglects or refuses to revise a parish burgess list, or a mayor or alderman neglects or refuses to conduct or declare an election, as required by this Act, he shall for every such offence be liable to a fine not exceeding one hundred pounds, recoverable by action.
- (2) If—
  - (a) An overseer neglects or refuses to make, sign, or deliver a parish burgess list, as required by this Act; or
  - (b) A town clerk neglects or refuses to receive, print, and publish a parish burgess list or list of claimants or respondents, as required by this Act; or
  - (c) An overseer or town clerk refuses to allow any such list to be inspected by a person having a right thereto ;he shall for every such neglect or refusal be liable to a fine not exceeding fifty pounds, recoverable by action.
- (3) An action under this section shall not lie after three months from the neglect or refusal. A moiety of any fine recovered therein shall, after payment of the costs of action, be paid to the plaintiff.

**76 Revival of former law on expiration of Ballot Act.**

- (1) If the Ballot Act, 1872, ceases to be in force, so much of this Act as directs that the poll at a contested election of councillors shall be conducted as the poll at a contested parliamentary election is by the Ballot Act, 1872, directed to be conducted, and as applies provisions of the Ballot Act, 1872, to a poll at a contested election of councillors, shall forthwith cease to be in force, and thereupon the enactments in Part IV of the Third Schedule shall revive and be in force.

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- (2) But this cesser and revivor shall not affect any act done, right acquired, or liability or fine incurred, or the institution or prosecution to its termination of any proceeding in respect of any such right, liability, or fine.