

SCHEDULES

SCHEDULE 3

Section 8.

PARLIAMENTARY AND LOCAL GOVERNMENT ELECTIONS IN AND AROUND GREATER LONDON

PART I

PROVISIONS AS TO ELECTIONS

Constituencies and returning officers for parliamentary elections

- 1 It is hereby declared that nothing in this Act affects the constituencies for the time being established for the purposes of parliamentary elections and accordingly those constituencies as constituted immediately before 1st April 1965 shall remain unchanged on and after that date until altered by an Order in Council under the House of Commons (Redistribution of Seats) Act 1949.
- 2 (1) On and after 1st April 1965 the returning officer for a parliamentary election for any county constituency situated wholly or partly in Greater London shall be the mayor of such London borough, or such sheriff of a county, mayor of a borough or chairman of the council of an urban district outside Greater London, as the Secretary of State may determine.
(2) Until 1st April 1965 the returning officer for a parliamentary election for any constituency situated wholly or partly in Greater London shall be the person who would by virtue of the Representation of the People Act 1949 have held that office apart from the changes of administrative areas effected by this Act.

Registration of electors

- 3 (1) On and after 1st April 1965 the registration officer for a county constituency situated wholly or partly in Greater London shall be the clerk of the authority of such London borough, or of such county, borough or urban district outside Greater London, as the Secretary of State may determine.
(2) Until 1st April 1965 the registration officer for any constituency situated wholly or partly in Greater London shall be the person who would by virtue of the Representation of the People Act 1949 have held that office apart from the changes of administrative areas effected by this Act.
- 4 (1) Subject to the provisions of this paragraph and paragraph 5 of this Schedule—
 - (a) as respects any areas in Greater London, the registers of parliamentary and local government electors which are, or apart from the said paragraph 5 would be, required by the Representation of the People Acts to be published not later than 15th February in the years 1964 and 1965 ; and

- (b) as respects any administrative areas outside Greater London which are affected by Part I of this Act, the registers of parliamentary and local government electors required as aforesaid to be published not later than 15th February 1965,

shall be prepared and published on the basis that the changes of administrative areas (including the abolition of existing local government areas and the transfer of certain urban districts from one county to another) effected by Part I of this Act had all taken place on the passing of this Act; and in any provision of those Acts or of regulations thereunder relating to the registration of electors, corrupt and illegal practices lists and polling districts, references to local government areas and electoral areas shall, so far as concerns those registers, be construed as references respectively to the local government areas as they will exist as from 1st April 1965 and to the electoral areas in those local government areas.

- (2) The foregoing sub-paragraph shall not affect—
- (a) the provisions of the Representation of the People Act 1949 or paragraph 3(2) of this Schedule with respect to the office of registration officer ;
 - (b) the areas for which jurors books are to be prepared under the Juries Acts 1825 to 1954 ;
 - (c) the exercise of any powers conferred by section 11, 25 or 37 of the Local Government Act 1933 or section 84 of, or Schedule 1 or 2 to, this Act.
- 5 (1) If it appears to the Secretary of State that any electoral area in Greater London for which councillors are elected to a London borough council will not be ascertained in time for the registers of parliamentary and local government electors for any constituency or local government area comprising that electoral area to be published in compliance with regulations under section 42 of the Representation of the People Act 1949 by 15th February 1964 (being the time required by section 1 of the Electoral Registers Act 1949), he may by order provide for the registers for that constituency or local government area to be published by such later date in 1964 as may be specified in the order; and subsection (6) of the said section 1 (which provides for continuing old registers in force where the new register is not published in the time required by that section and for determining the qualifying date for elections held on the old register) shall apply accordingly where those registers are not published before 15th February 1964.
- (2) Any order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Provision as to local government elections before 1st April 1965

- 6 (1) No election of councillors of the county of London or of Middlesex or of any existing county borough, metropolitan borough, non-county borough or urban district situated wholly within Greater London shall be held after the date of the passing of this Act, except an election to fill a casual vacancy in an office where before that date the office has been declared to be vacant or notice of the vacancy has been given under section 67(1) of the Local Government Act 1933 or section 42(1) of the London Government Act 1939 ; and any such councillor holding office immediately before that date or elected on or after that date to fill a casual vacancy occurring before that date shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until 1st April 1965.
- (2) As respects any such county or borough—

- (a) no ordinary election of aldermen shall be held after the passing of this Act;
 - (b) any alderman whose term of office would apart from this Act have expired between the passing of this Act and 1st April 1965 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until that date; and
 - (c) any casual vacancy occurring before 1st April 1965 in the office of alderman need not be filled unless the county or borough council so resolve.
- (3) It shall not be necessary to fill any casual vacancy occurring during March 1965 in the office of—
 - (a) chairman of the London or Middlesex county council;
 - (b) mayor of any borough mentioned in sub-paragraph (1) of this paragraph ;
 - (c) chairman of the council of any urban district so mentioned.
- 7 As respects the counties of Essex, Kent and Surrey the ordinary election of county councillors due (apart from this paragraph) to take place in April 1964 shall be postponed until such date in 1965 as the Secretary of State may by order specify in relation to the county in question, and—
 - (a) the county councillors and county aldermen due (apart from this paragraph) to retire on the ordinary day of retirement in 1964 or at the annual meeting of the county council in 1964, as the case may be, shall (unless they resign their offices or their offices otherwise become vacant) continue to hold office until the day in 1965 on which the county councillors elected at the postponed elections in that year come into office ;
 - (b) the county councillors elected at those postponed elections shall retire on the ordinary day of retirement of county councillors in 1967;
 - (c) on the said day in 1965 all the county aldermen shall retire and, of the aldermen elected at the postponed elections in that year, one half as near as may be of their number, being those elected by the smallest number of votes, shall retire immediately after the ordinary election of county aldermen in 1967 and the remainder shall retire immediately after the ordinary election of county aldermen in 1970 ;
 - (d) if it is necessary for the purposes of the last foregoing sub-paragraph to decide the order of retirement of two or more county aldermen who received an equal number of votes, the question shall be determined by drawing lots at, and under the direction of the person presiding at, the annual meeting of the county council in 1965.
- 8 For the purpose of determining the date of the annual meeting, in 1964 of the council of any county or borough mentioned in paragraph 6 or 7 of this Schedule—
 - (a) in the case of any such county, 1964 shall be deemed not to be a year of election ; and
 - (b) in the case of any such county borough or non-county borough, as well as of the metropolitan boroughs, paragraph 2(2)(b) of Schedule 6 to the Representation of the People Act 1948 shall have effect as if the reference to the day of election were a reference to the day of election in all other boroughs in England and Wales.
- 9 At the ordinary elections of councillors of the county of Hertfordshire and of the urban district of Chigwell due to take place in 1964, no councillors shall be elected for any electoral area situated wholly or partly in Greater London, and any such councillor elected for any such electoral area and holding office immediately before

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the passing of this Act shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until 1st April 1965.

10 No election to fill any casual vacancy in the office of councilor of—

- (a) any county mentioned in paragraph 7 or 9 of this Schedule; or
- (b) the urban district of Chigwell,

shall be held after the date of the passing of this Act for any electoral area situated wholly or partly in Greater London, unless before that date the office has been declared to be vacant or notice of the vacancy has been given under section 67(1) of the Local Government Act 1933 ; and any such councillor elected for any such electoral area on or after that date to fill a casual vacancy occurring before that date shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until 1st April 1965.

11 It shall be the duty of the Essex, Kent and Surrey county councils as soon as may be after the passing of this Act to take into consideration the boundaries and numbers of the electoral divisions and numbers of county councillors for their respective county review areas with a view to making a representation under section 11 of the Local Government Act 1933, and if any of those councils fails to carry out the said duty the Secretary of State may himself take those matters into consideration and make proposals with respect thereto ; and subsections (3) to (7) of that section shall apply to proposals made by the Secretary of State under this paragraph as they apply to representations made by the council of a county district under that section.

12 The provisions of paragraphs 6 to 11 of this Schedule shall have effect notwithstanding anything in the Local Government Act 1933, the London Government Act 1939 or section 57 of, or Schedule 6 to, the Representation of the People Act 1948.

Conduct of elections of London borough councillors

13 (1) The Representation of the People Acts shall apply to an election of London borough councillors as they apply to an election of other borough councillors subject, however, to the provisions of this paragraph and Parts II and III of this Schedule and subject also, in the case of the local elections rules in Schedule 2 to the Representation of the People Act 1949, to such adaptations, alterations and exceptions as may be made by rules made by the Secretary of State under this paragraph.

(2) The returning officer at an election of London borough councillors shall be—

- (a) if the election is held before 1st April 1965, the clerk of such authority as may be designated by the Secretary of State ;
- (b) if the election is held on or after that date, the town clerk of the borough.

(3) The returning officer at any such election may by writing under his hand appoint a fit person to be his deputy for all or any of the purposes of the election, and any functions which a returning officer is authorised or required to discharge in relation to the election may be discharged by a deputy so appointed.

(4) The provisions of the Representation of the People Act 1949 with respect to the functions of the returning officer at an election of metropolitan borough councillors shall apply to the election of London borough councillors, but any other provision of that Act which makes special provision with respect to the election of metropolitan borough councillors shall cease to have effect.

- (5) Any rules made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Conduct of elections of councillors of Greater London Council

- 14 (1) The Representation of the People Acts shall apply to an election of a councillor of the Greater London Council as they apply to an election of a county councillor subject, however, to the provisions of this paragraph and Parts II and III of this Schedule and subject also, in the case of the local elections rules in Schedule 2 to the Representation of the People Act 1949, to such adaptations, alterations and exceptions as may be made by rules made by the Secretary of State under this paragraph.
- (2) The returning officer at an election of a councillor of the Greater London Council shall be—
- (a) if the election is held before 1st April 1965, the clerk of such authority as may be designated by the Secretary of State ;
 - (b) if the election is held on or after that date, the town clerk of the borough which constitutes or includes the electoral area for which the election is held or, in the case of the electoral area which includes the City and the Temples, the town clerk of the London borough numbered 1 in Part I of Schedule 1 to this Act.
- (3) The returning officer at any such election may by writing under his hand appoint a fit person to be his deputy for all or any of the purposes of the election, and any functions which a returning officer is authorised or required to discharge in relation to the election may be discharged by a deputy so appointed.
- (4) Any rules made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Combined polls, polling districts and election notices
for London borough and Greater London elections*

- 15 After 1964 the ordinary election of councillors of the Greater London Council shall be held in 1967 and each third year thereafter and the ordinary day of election of such councillors shall—
- (a) in any year of election after 1964 and before the relevant year of election be the day fixed for the purpose for that year by the Secretary of State ;
 - (b) in the relevant year of election and each subsequent year of election be the day fixed for that year by the Secretary of State as the day of election of borough councillors in England and Wales.
- 16 Any polling district formed for the purpose of the election of councillors for any ward of a London borough shall, if the ward is wholly included in the electoral area for the election of a councillor of the Greater London Council, be a polling district for the election of a councillor of that Council for that electoral area.
- 17 The polls at an election of councillors for any ward of a London borough and at an election of a councillor of the Greater London Council for any electoral area which includes the whole or part of that ward shall, so far as they relate to polling districts which are the same for both elections, be taken together—
- (a) in the case of all ordinary elections held in or after the relevant year of election ; and

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- (b) in the case of elections to fill casual vacancies in both offices where the same day of election is fixed for both elections.
- 18 Without prejudice to section 34 of the Representation of the People Act 1949, any notice required to be given in connection with any election of London borough councillors or of a councillor of the Greater London Council may, where the polls are taken together, relate to both elections.

Payment of expenses of elections of London borough and Greater London councillors

- 19 (1) Subject to sub-paragraph (4) of this paragraph and to section 69(3) of this Act, all expenses properly incurred by a returning officer in relation to the holding of an election of London borough councillors shall, in so far as, in cases where the scale fixed for the purposes of this sub-paragraph is applicable, they do not exceed that scale, be paid by the London borough council.
- (2) Subject to sub-paragraph (4) of this paragraph and to the said section 69(3), all expenses properly incurred by a returning officer in relation to the holding of an election of a councillor of the Greater London Council shall, in so far as, in cases where the scale fixed for the purposes of this sub-paragraph is applicable, they do not exceed that scale, be paid by the Greater London Council.
- (3) The power to fix a scale for the purposes of sub-paragraph (1) or (2) of this paragraph shall be exercisable—
- (a) if the scale relates to elections held before 1st April 1965, by the Secretary of State;
 - (b) if the scale relates to elections held on or after that date, by the Greater London Council.
- (4) Where the polls at an election of London borough councillors and of a councillor of the Greater London Council are taken together, the expenses properly incurred by the returning officers in relation to the holding of the elections shall be payable by the Greater London Council and the borough council in such proportions as may be determined under sub-paragraph (5) of this paragraph :
- Provided that where one of those elections is an election of a councilor of the Greater London Council for an electoral area which includes the city and the Temples, so much of the expenses of the returning officer at that election as is attributable to things done in or in relation to the City and the Temples shall be left out of account for the purposes of the foregoing provisions of this sub-paragraph and accordingly (so far as properly incurred) shall be payable by the Greater London Council alone.
- (5) The amount of any expenses payable under sub-paragraph (4) of this paragraph by the Greater London Council and a borough council and the proportion payable by each of the councils shall be taken to be such as may be agreed between them or as may, in default of agreement, be determined by the Secretary of State.
- (6) Before a poll is taken at an election of a London borough councillor or councillor of the Greater London Council, the authority whose clerk is returning officer shall, at the request of the returning officer or any person acting as returning officer, advance to him such reasonable sum in respect of his expenses at the election as he may require.

Interpretation

- 20 Any expression used in this Part of this Schedule which is also used in the Representation of the People Act 1949 shall have the same meaning in this Schedule as in that Act.

PART II

GENERAL MODIFICATIONS OF REPRESENTATION OF THE PEOPLE ACTS

- 21 References in the Representation of the People Acts to a metropolitan borough, metropolitan borough council or metropolitan borough councillor shall until 1st April 1965 be construed as including, and on and after that date be construed as, references respectively to a London borough, London borough council or London borough councillor:
- Provided that this paragraph shall not affect the construction of any reference in Schedule 1 to the Representation of the People Act 1948 or any Order in Council under the House of Gammons (Redistribution of Seats) Act 1949.
- 22 References in the Representation of the People Act 1949, the Local Government Elections Act 1956 and the House of Commons (Redistribution of Seats) Act 1958 to a county (other than in the phrase " county constituency "), county council or county councillor shall be construed as including references respectively to Greater London, the Greater London Council or councillors of the Greater London Council.
- 23 References in the said Acts of 1949 and 1956 in relation to elections of county councillors to an electoral division shall be construed in relation to elections of councillors of the Greater London Council as including references to an electoral area.
- 24 The three last foregoing paragraphs shall have effect subject to any specific provision contained in Part III of this Schedule and, so far as they modify the local elections rules in Schedule 2 to the said Act of 1949, to the provisions of rules under paragraph 13 or 14 of this Schedule.

PART III

MODIFICATIONS OF REPRESENTATION OF THE PEOPLE ACT 1949

- 25 In section 5(5)(b) the words " expressed by the Act creating it to be " shall be omitted.
- 26 As from 1st April 1965 sections 6(2) and 17(1) shall not apply to any county constituency situated wholly or partly in Greater London.
- 27 (1) Section 22 (1) shall not apply in relation to elections of councillors of the Greater London Council.
- (2) If the polling districts in an electoral area for the election of a councillor of the Greater London Council or in part of such an area are not determined by paragraph 16 of this Schedule, the council of the London borough which includes that electoral area or, in the case of an electoral area which includes the City and the Temples, the council of the London borough numbered 1 in Part I of Schedule 1 to this Act may divide that area or, as the case may be, that part of that area into polling districts and may

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alter any polling district, and section 22 (3) shall apply to the power conferred by this paragraph.

28 Section 26(2) to (7) shall not apply to elections of councillors of the Greater London Council.

29 Section 27(2) to (5) shall not apply to elections of London borough councillors.

30 Section 41(5) shall not apply to the Greater London Council.

31 As from 1st April 1965, for section 110(3)(b) there shall be substituted—

“(b) if the said constituency is wholly or partly in Greater London, the petition may be heard at such place within Greater London as the High Court may appoint”.

32 As from 1st April 1965, section 111(1) and (2) shall not apply to the trial of an election petition relating to a parliamentary election if the place of trial is at the Royal Courts of Justice or the Central Criminal Court.

33 (1) In section 172 (1), the definition of " county " shall not apply in relation to Greater London, and in the definition of " local government Act " after the word " 1933 " there shall be inserted the words " or the London Government Act 1963 ",

(2) In section 172 (3), for the words " London county councillors " there shall be substituted the words " councillors of the Greater London Council ",

34 In the local elections rules in Schedule 2—

- (a) rule 3(3) shall be omitted ;
- (b) rules 4(1)(b) and 4(2) shall not apply to an election of councillors of the Greater London Council;
- (c) for rule 4(3) there shall be substituted the following :

“(3) At an election of councillors of the Greater London Council a notice shall be published by causing it—

- (a) to be affixed to the town hall of the borough which constitutes or includes the electoral area and, if the electoral area includes the City of London, at the Guildhall of the said City ; and
- (b) to be exhibited in such places in the electoral area as the returning officer may determine;”;
- (d) in rule 4(4) for the word " London " in both places where it occurs there shall be substituted the words " Greater London
- (e) for rule 47(b) there shall be substituted the following:—

“(b) at an election of councillors for the Greater London Council, to the clerk to that Council.”

35 Paragraph 3 of Schedule 7 shall not apply to the Greater London Council.

36 Any modifications of an enactment made by Part II or this Part of this Schedule shall not affect the operation of that enactment in relation to an election held on or after the date of the passing of this Act to fill a casual vacancy occurring before that date.