



# City of London (Ward Elections) Act 2002

2002 CHAPTER vi

An Act to make further provision with respect to the qualification of voters at ward elections in the city of London; and for connected purposes.

[7th November 2002]

**W**<sup>HEREAS—</sup>

- (1) The qualification of voters at ward elections in the city of London is governed by Part II of the City of London (Various Powers) Act 1957 (c. x):
- (2) It is expedient to alter the qualification for which that Act provides better to reflect the present nature of commercial occupation of premises in the city of London by extending the categories of persons entitled to vote at such elections:
- (3) It is expedient that the other connected matters dealt with in this Act should be enacted:
- (4) 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:—

## **1 Short title**

This Act may be cited as the City of London (Ward Elections) Act 2002.

## **2 Interpretation**

- (1) In this Act—
  - “the 1957 Act” means the City of London (Various Powers) Act 1957 (c. x);
  - “city” means city of London;

“occupying”, in relation to any premises, means occupying for relevant purposes by personal physical presence there and, in the case of a qualifying body, includes such occupation—

- (a) through a director, officer, employee or agent of that body, or
- (b) through a holder of any paid or unpaid office for the performance of whose functions accommodation is being provided by a qualifying body;

“qualifying body” means a body corporate or an unincorporated body other than a partnership within the meaning of section 1 of the Partnership Act 1890 (c. 39);

“relevant purposes” means the carrying on of any trade, business, profession or other occupation or calling, or the performance of the functions of any paid or unpaid office, being functions for whose performance accommodation is being provided by a qualifying body (whether or not they are functions of that body);

“workforce”, in relation to a qualifying body, means all those persons whose principal or only place of work on the qualifying date is ordinarily the premises in respect of which that body’s right to appoint voters arises, and who work for that body.

- (2) For the purposes of this Act an unincorporated body which is occupying any premises shall be taken to be doing so as owner or tenant whether or not the person who is on its behalf the owner or tenant of those premises is occupying them.
- (3) This Act shall be construed as one with Part II of the 1957 Act.

### 3 Qualification of voters at ward elections

- (1) Section 6 of the 1957 Act (qualification of voters at ward elections) shall be amended as follows—
  - (a) After subsection (1)(b) there shall be inserted—
    - “or
    - (c) are persons appointed in writing as voters by a qualifying body which ordinarily occupies as owner or tenant any premises situated in that ward, being premises in respect of which the right to appoint one or more voters depends on the size of the workforce there;”.
  - (b) After subsection (2) there shall be inserted—
    - “(3) In this section ‘occupies’ shall be construed in accordance with subsection (1) of section 2 of the City of London (Ward Elections) Act 2002; and ‘qualifying body’ and ‘workforce’ have the respective meanings given by that subsection.”.
- (2) The extent of the right to appoint mentioned in section 6(1)(c) of the 1957 Act as depending on the size of the workforce shall be—
  - (a) one for a workforce of up to 5, plus one for every 5 by which a workforce exceeds 5, up to a workforce of 50; and
  - (b) for a workforce that exceeds 50, the number given by paragraph (a) of this subsection plus 1 for every 50 of that excess.

- (3) In the case of a workforce of over 5 whose number is not exactly divisible by 5 or 50, as the case may be, the remainder shall be disregarded for the purposes of subsection (2) above.
- (4) For ward elections to be held during the period of 12 months beginning with 16th February in the appointed year or during the period of 12 months beginning with that date in any subsequent year, the qualifying date is 1st September in the preceding year.
- (5) For the purposes of subsection (4)—
  - (a) if this Act is passed before 1st September in the year in which it is passed, the appointed year is the year next after that year;
  - (b) if not, the appointed year is the year next but one after the year in which it is passed.
- (6) No person shall be entitled to vote in more than one ward or more than once in a ward at any ward elections; and accordingly no person shall be registered in more than one ward list or more than once in a ward list.
- (7) For the purposes of section 6 of the 1957 Act, any premises partly situated in each of two or more wards of the city shall be treated as being situated wholly within the ward which appears to the town clerk to contain the greater or, as the case may be, the greatest part of the premises.
- (8) Where, apart from this subsection, sections 6(1)(a) and 6(1)(c) of the 1957 Act would both apply in relation to the same premises, only section 6(1)(a) shall apply in relation to those premises.

#### **4 Allocation of appointments**

A qualifying body which is entitled to appoint more than one person as a voter pursuant to section 6(1)(c) of the 1957 Act shall ensure that the appointments which it makes reflect, so far as is reasonably practicable, the composition of the workforce.

#### **5 Requirements as to connection of persons appointed with the city**

- (1) A person shall not be appointed as a voter pursuant to section 6(1)(c) of the 1957 Act unless on the qualifying date—
  - (a) the conditions specified in subsection (2) below are fulfilled in respect of him; or
  - (b) one of the alternative conditions specified in subsection (3) below is fulfilled in respect of him and, if he no longer has his principal or only place of work within the city, the further condition specified in subsection (4) below is also fulfilled in respect of him.
- (2) The conditions referred to in subsection (1)(a) above are that—
  - (a) the person's principal or only place of work is within the city and has been within the city for the whole of the twelve months preceding the qualifying date; and
  - (b) he works for the qualifying body proposing to appoint him and has so worked throughout those twelve months.

- (3) The alternative conditions referred to in subsection (1)(b) above are that the person's principal or only place of work has been within the city for an aggregate period—
  - (a) of at least five years, during the whole of which the person has worked exclusively for the qualifying body proposing to appoint him, or
  - (b) of at least ten years in any other case.
- (4) The further condition referred to in subsection (1)(b) above is that at least part of the period relied on under subsection (3) above falls within the 5 years preceding the qualifying date.
- (5) A person who on the qualifying date is a member of a board of directors or other governing body of a qualifying body shall, for the purposes of this section, be treated as having his principal or only place of work on that date, and for the period during which he has been a member of that board or governing body, at the premises in respect of which the entitlement to appoint by that qualifying body arises.

## **6 Exclusion of Crown bodies**

A government department or other body exercising on behalf of the Crown functions conferred by or under any Act shall not be treated as a qualifying body within the meaning of this Act.

## **7 Reports**

- (1) Not more than 5 years after 16th February in the appointed year, the Corporation shall submit to the Secretary of State a report on the working of the provisions of this Act in relation to those ward elections to which the provisions have applied; and the Secretary of State shall lay the report before Parliament.
- (2) The Corporation shall submit further such reports, at such intervals, as the Secretary of State may require; and the Secretary of State shall lay any such report before Parliament.
- (3) In this section “the appointed year” has the meaning given by section 3(5) above.

## **8 Ward lists: qualifying bodies**

- (1) The inquiries which the town clerk is required to have made under section 7(2) of the 1957 Act as to the persons entitled to vote at ward elections shall include inquiries for the purpose of identifying qualifying bodies; and such inquiries constitute registration duties for the purpose of regulation 29 of the Representation of the People Regulations 1986 (S.I. 1986/1081).
- (2) Before 1st September next after the passing of this Act, and before each subsequent 1st September, the town clerk shall send to each qualifying body known to him to be occupying any premises in the city a notice—
  - (a) stating the maximum number of persons which that body may appoint as voters in accordance with the provisions of section 3(2) above; and
  - (b) requesting the body to inform him, in writing, of the persons appointed by that body pursuant to section 6(1)(c) of the 1957 Act.

- (3) The town clerk shall include in the provisional ward list prepared by him for any ward under section 7(3) of the 1957 Act the names of all persons appointed by each qualifying body from which he has received notice of appointment.
- (4) The right to submit claims or objections with respect to the contents of ward lists shall include a right for any qualifying body to submit a claim or objection through a duly authorised person acting on behalf of that body, and sections 7(4) and 9 of the 1957 Act with any necessary modifications apply accordingly.

## **9 Minor and consequential amendments, and repeals**

- (1) The enactments specified in Schedule 1 to this Act shall have effect with the amendments there specified, being minor amendments and amendments consequential on the provisions of this Act.
- (2) The enactments specified in Schedule 2 to this Act are repealed to the extent specified in the second column of that Schedule.

## **10 Interim saving for existing system of ward elections**

Any ward election held before 16th February in the appointed year (as determined by section 3(5) above) shall in all respects (including the qualification of voters) be conducted as if this Act (except paragraph 1 of Schedule 1) had not been enacted.

## SCHEDULES

### SCHEDULE 1

Section 9(1)

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART 1

##### MINOR AMENDMENTS

*City of London (Various Powers) Act 1957 (c. x)*

- 1 In section 6(1) of the 1957 Act (qualification of voters at ward elections), for “British subjects” substitute “Commonwealth citizens”.
- 2 In section 7 (Ward lists) of that Act—
  - (a) in subsection (3), for “first day of September” substitute “30th November”; and
  - (b) in subsection (4), for “fifteenth day of September” substitute “16th December”; and
  - (c) in subsection (5), for “fifteenth day of November” (in both places where it occurs) substitute “15th February”, and for “sixteenth day of November” (in both places where it occurs) substitute “16th February”.

##### PART 2

##### CONSEQUENTIAL AMENDMENTS

*City of London (Various Powers) Act 1957 (c. x)*

- 3 In section 4(1) of the 1957 Act, in the definition of “qualifying date” for the words from “subsection (2)” to “this Act” substitute “subsections (4) and (5) of section 3 (Qualification of voters at ward elections) of the City of London (Ward Elections) Act 2002”.

*Representation of the People Act 1983 (c. 2)*

- 4 In section 191 of the Representation of the People Act 1983 (municipal elections in the city), at the end of subsection (2) insert “and the City of London (Ward Elections) Act 2002”.
- 5 In paragraph 1 of Schedule 6 to that Act (ward elections in the City), at the end insert “and the City of London (Ward Elections) Act 2002”.
- 6 In paragraph 5 of that Schedule, for the words “City Act” substitute “City of London (Ward Elections) Act 2002”.

SCHEDULE 2

Section 9(2)

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
City of London (Various Powers) Act 1957 (c. x)	In section 4(2) the words “subsections (3) and (4) and”, and the explanatory words in brackets. Section 4(2). Section 6(2).
Representation of the People Act 1983 (c. 2)	In paragraph 6 of Schedule 6, the words “subsections (3) and (4) and”, and the explanatory words in brackets.

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