



CHAPTER xxix.

An Act to make temporary provision with respect to ward elections in war-damaged wards in the city of London and for other purposes. [12th July 1946.]

WHEREAS from time immemorial it has been the custom for elections of common councilmen of the city of London to be held on St. Thomas's Day namely the twenty-first day of December in each year:

And whereas by reason of enemy action extensive damage has been caused in the said city and in certain of the wards the number of persons entitled to vote under the City of London Municipal Elections Amendment Act 1867 for the election of aldermen and common councilmen is so reduced that the holding of a ward election would be impracticable or unsatisfactory in the immediate future: 30 & 31 Vict.
c. i.

And whereas it is expedient that for a period of years the mayor and commonalty and citizens of the city of London acting by the mayor aldermen and commons of that city in common council assembled (in this Act referred to as "the Corporation") should be empowered to determine that no ward election for an alderman or common councilmen should be held in any war-damaged ward and that the Corporation should themselves elect persons to be aldermen and common councilmen for those wards:

And whereas before the rebuilding of areas extensively damaged by enemy action takes place it is expedient that the powers of the mayor aldermen and commons of the city of London in common council assembled (in this Act referred to as "the common council") with respect to smoke abatement should be strengthened and that the common council should be authorised to make further byelaws with respect thereto:

And whereas it is expedient to provide that all money borrowed by the Corporation or by the common council on the security of the general rate of the city should be charged indifferently on the general rate of the city and that all securities created by the Corporation or by the common council on the security of the general rate of the city should rank equally without any priority:

And whereas it is expedient that 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 King'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 (that is to say):—

PART I.

INTRODUCTORY.

Short title.

1. This Act may be cited as the City of London (Various Powers) Act 1946.

Act divided into Parts.

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

Part I.—Introductory.

Part II.—Ward elections.

Part III.—Miscellaneous.

Interpretation.

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

“ The city ” means the city of London;

“ The Corporation ” means the mayor and commonalty and citizens of the city acting by the mayor aldermen and commons of the city in common council assembled;

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

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

“ Ward list ” means the list of persons entitled to vote at any election for alderman or common councilman for any ward of the city made out and signed in accordance with section 5 of the City of London Municipal Elections Amendment Act 1867.

PART II.

WARD ELECTIONS.

4. Unless Parliament otherwise determines this Part of this Act shall expire on the twentieth day of December one thousand nine hundred and fifty-one. Expiry of Part II.

5.—(1) The Corporation may by resolution determine that in the case of any ward in the city specified in the schedule to this Act where extensive damage has been caused by enemy action the number of persons entitled to vote under the City of London Municipal Elections Amendment Act 1867 is so reduced that the holding of a ward election in that ward would be impracticable or unsatisfactory. Suspension of ward elections in war-damaged wards.

(2) Any such resolution shall be passed not less than six weeks before the twenty-first day of December in any year up to and including the year one thousand nine hundred and fifty and shall remain effective up to and including the twentieth day of December in the following year.

(3) Every ward specified in any such resolution shall while the said resolution remains effective be designated a "war-damaged ward."

(4) While this Part of this Act is in force no ward election shall be held for any war-damaged ward.

(5) If in the year one thousand nine hundred and forty-seven or in any subsequent year while this Part of this Act is in force the Corporation intend to consider the passing of any such resolution as aforesaid in relation to any ward specified in the schedule to this Act they shall in the month of June cause to be published conspicuously at the Guildhall and in each of the wards concerned and also in one or more newspapers circulating in the city notice of their intention to consider the passing of such resolution and if within such period as is specified in the said notice not being less than one month after the date of the publication thereof an effective petition shall be deposited at the office of the town clerk of the city objecting to the passing of any such resolution in relation to any such ward named in the petition the Corporation shall not pass any such resolution in relation to such ward.

(6) For the purposes of this section an effective petition in relation to any ward specified in the schedule to this Act means a petition signed by persons whose names appear on the ward list then in force in relation to that ward and the minimum number of such signatories shall be fifty or one-fourth of the total number of persons whose names appear on the ward list of that ward for the year one thousand nine hundred and forty whichever shall be the less.

PART II.

—cont.

As to vacancy
in court of
aldermen.

6. Where a vacancy in the office of alderman occurs in a war-damaged ward a person to fill the vacancy shall not earlier than fourteen days and not later than six weeks after the occurrence of the vacancy be elected by the Corporation subject to the approval of the court of aldermen but the term of office of such person shall continue only so long as the ward which he represents remains a war-damaged ward.

Annual
election of
common
councilmen for
war-damaged
wards.

7. As soon as conveniently may be after the annual election of common councilmen the Corporation shall elect persons to fill the vacancies in the offices of common councilmen for the war-damaged wards for the period expiring on the twentieth day of December next following.

Casual
vacancy in
common
council.

8. If a vacancy among the common councilmen occurs in a war-damaged ward before the twenty-first day of December in any year a person to fill the vacancy shall be elected as soon as conveniently may be by the Corporation for the period expiring on the twentieth day of December next following.

Qualification of
candidates in
war-damaged
wards for
election to
common
council.

9. Notwithstanding any law custom or usage of the city or the provisions of section 5 of the Act 12 & 13 Vict. cap. xciv. relating to the qualification of candidates for election to the court of common council the class of persons capable of being elected a common councilman shall for the purposes of an election in a war-damaged ward be extended so as to include any person on the register of electors for parliamentary elections then in force in respect of the occupancy of premises in that ward or who was on the register of electors for parliamentary elections which came into force on the fifteenth day of November one thousand nine hundred and thirty-nine in respect of the occupancy of premises in that ward and was also on the ward list made out and signed in the year one thousand nine hundred and forty.

PART III.

MISCELLANEOUS.

Peers to be
capable of
election as
common
councilmen.

10. A person having the status of a peer shall if he is otherwise qualified be capable of being elected a common councilman notwithstanding that he is not qualified to be registered as a parliamentary elector.

Expenses of
and borrowing
for Town and
Country Plan-
ning Acts.
6 & 7 Geo. 6.
c. 29.
7 & 8 Geo. 6.
c. 47.

11. Any expenses incurred by the common council under the Town and Country Planning (Interim Development) Act 1943 and the Town and Country Planning Act 1944 or either of those Acts shall be defrayed as expenses chargeable to the general rate of the city and the common council may borrow money for the purposes of those Acts under the City of London Sewers Acts 1848 to 1897.

12.—(1) All money borrowed by the Corporation or by the common council on the security of the general rate of the city whether before or after the passing of this Act shall be charged indifferently on the general rate of the city.

PART III.
—cont.
Security for
borrowing and
ranking of
securities.

(2) Subject to the provisions of this section all securities created by the Corporation or by the common council on the security of the general rate of the city under any enactment or under any statutory order shall rank equally without any priority.

(3) Nothing in this section shall—

- (a) apply to any money borrowed by way of temporary loan or overdraft without security; or
- (b) affect any priority existing at or any right to priority conferred by a security created before the passing of this Act.

13.—(1) The provisions of section 76 of the Public Health Acts Amendment Act 1907 as extended by section 56 of the Public Health Act 1925 (relating to recreation grounds) shall in addition to the open spaces referred to in section 4 (Application of certain sections of Public Health Acts to certain open spaces) of the City of London (Various Powers) Act 1933 extend to all open spaces now or hereafter maintained by the Corporation out of the general rate of the city and such provisions shall apply in like manner as if the Corporation were a local authority and such open spaces were public parks or pleasure grounds within the meaning of those sections.

Further powers as to open spaces.
7 Edw. 7. c. 53.
15 & 16 Geo. 5. c. 71.
23 & 24 Geo. 5. c. xxiii.

(2) The Corporation may for the better use and enjoyment of the parts of any such open spaces set apart for sports and games exclude the public from such parts and may enter into agreements with and confer special privileges on particular clubs or schools.

(3) Nothing in this section shall limit the operation of section 5 of the Metropolitan Commons Act 1866 or section 194 of the Law of Property Act 1925.

29 & 30 Vict. c. 122.
15 & 16 Geo. 5. c. 20.

14.—(1) The power of the common council to make bye-laws under section 151 (Byelaws as to smoke) of the Public Health (London) Act 1936 shall be extended to include power to make byelaws requiring in the case of new buildings and in the case of substantial alterations in the arrangements for heating in any existing building the provision to the satisfaction of the Corporation of such arrangements for heating as are calculated to prevent or reduce to a minimum the emission of visible smoke.

Further bye-laws for regulating smoke.
26 Geo. 5. & 1 Edw. 8. c. 50.

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Act, 1946.*

PART III.
—cont.

(2) Nothing in this section or in any byelaw made under the said section 151 as extended by this section shall—

- (i) deprive the owner or occupier of any building of the right to utilize for the heating thereof any type of smokeless fuel which he may in his discretion select; or
- (ii) entitle the common council to refrain from intimating to any such owner or occupier their satisfaction with any proposed arrangements on the ground that any particular type of smokeless fuel is utilized or proposed to be utilized for the heating of a building; or
- (iii) entitle the common council to impose any conditions as to the use of any particular type of smokeless fuel; or
- (iv) prejudice or affect the operation of or derogate from any of the provisions of the London Building Acts 1930 to 1939 or any byelaw or regulation for the time being in force under those Acts.

(3) For the purposes of this section “ smokeless fuel ” means any fuel which on combustion does not emit visible smoke.

Modification
of super-
annuation
provisions.
21 & 22 Geo. 5.
c. xiv.

15. The periods of service which may at the option of the Corporation be aggregated and reckoned for the purposes of superannuation under the City of London (Various Powers) Act 1931 shall in the case of a person appointed by the Corporation after the passing of this Act as a teacher include service as a teacher in any school which at the time of such service was recognised by the Minister of Education as efficient and was not conducted for private profit and Part II (Superannuation) of the said Act of 1931 shall be read and have effect accordingly.

Investment
of super-
annuation
fund.

16.—(1) All invested moneys belonging to the Corporation of London Superannuation Fund shall be held in the names of the official trustees of the Corporation for the time being or where necessary in the names of such trustees individually and collectively.

59 & 60 Vict.
c. 25.

(2) The official trustees of the Corporation shall have all the powers and shall act in lieu of the Corporation for the purpose of the investment of funds under section 44 of the Friendly Societies Act 1896 as applied by section 30 (Application of provisions of Friendly Societies Act 1896) of the City of London (Various Powers) Act 1931.

(3) In this section the expression "the official trustees of the Corporation" means the officers of the Corporation or other persons appointed from time to time by the common council to be such trustees.

PART III.
—cont.

17. 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 city's cash and out of the general rate of the city in such proportions as the Corporation may deem just. Costs of Act.

The SCHEDULE referred to in the foregoing Act.

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