



Municipal Corporations Act 1882

1882 CHAPTER 50

PART II

CONSTITUTION AND GOVERNMENT OF BOROUGH.

Council; Mayor, Aldermen, and Councillors.

10 Constitution of council.

- (1) The municipal corporation of a borough shall be capable of acting by the council of the borough, and the council shall exercise all powers vested in the corporation by this Act or otherwise.
- (2) The council shall consist of the mayor, aldermen, and councillors.

11 Qualification of councillor.

- (1) The councillors shall be fit persons elected by the burgesses.
- (2) A person shall not be qualified to be elected or to be a councillor, unless he—
 - (a) Is enrolled and entitled to be enrolled as a burgess ; or
 - (b) Being entitled to be so enrolled in all respects except that of residence, is resident beyond seven miles but within fifteen miles of the borough, and is entered in the separate non-resident list directed by this Act to be made ; and
 - (c) In either of those cases, is seised or possessed of real or personal property or both, to the value or amount, in the case of a borough having four or more wards, of one thousand pounds, and in the case of any other borough, of five hundred pounds, or is rated to the poor rate in the borough, in the case of a borough having four or more wards, on the annual value of thirty pounds, and in the case of any other borough of fifteen pounds.
- (3) Provided, that every person shall be qualified to be elected and to be a councillor, who is, at the time of election, qualified to elect to the office of councillor ; which last-

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mentioned qualification for being elected shall be alternative for and shall not repeal or take away any other qualification.

- (4) But if a person qualified under the last foregoing proviso ceases for six months to reside in the borough, he shall cease to be qualified under that proviso, and his office shall become vacant, unless he was at the time of his election and continues to be qualified in some other manner.

12 Disqualifications for being councillor.

- (1) A person shall be disqualified for being elected and for being a councillor, if and while he—
- (a) Is an elective auditor or a revising assessor, or holds any office or place of profit, other than that of mayor or sheriff, in the gift or disposal of the council; or
 - (b) Is in holy orders, or the regular minister of a dissenting congregation; or
 - (c) Has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the council:
- (2) But a person shall not be so disqualified, or be deemed to have any share or interest in such a contract or employment, by reason only of his having any share or interest in—
- (a) Any lease, sale, or purchase of land, or any agreement for the same; or
 - (b) Any agreement for the loan of money, or any security for the payment of money only ; or
 - (c) Any newspaper in which any advertisement relating to the affairs of the borough or council is inserted ; or
 - (d) Any company which contracts with the council for lighting or supplying with water or insuring against fire any part of the borough ; or
 - (e) Any railway company, or any company incorporated by Act of Parliament or Royal charter, or under the Companies Act, 1862.

13. Term of office and rotation of councillors.

- (1) The term of office of a councillor shall be three years.
- (2) On the ordinary day of election of councillors in every year one third of the whole number of councillors for the borough or for the ward, as the case may be, shall go out of office, and their places shall be filled by election.
- (3) The third to go out shall be the councillors who have been longest in office without re-election.

14 Number, term of office, and rotation of aldermen.

- (1) The aldermen shall be fit persons elected by the council.
- (2) The number of aldermen shall be one third of the number of councillors.
- (3) A person shall not be qualified to be elected or to be an alderman unless he is a councillor or qualified to be a councillor.
- (4) If a councillor is elected to, and accepts, the office of alderman he vacates his office of councillor.

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- (5) The term of office of an alderman shall be six years.
- (6) On the ordinary day of election of aldermen in every third year one half of the whole number of aldermen shall go out of office, and their places shall be filled by election.
- (7) The half to go out shall be those who have been aldermen for the longest time without re-election.

15 Qualification, term of office, salary, precedence, and powers of mayor.

- (1) The mayor shall be a fit person elected by the council from among the aldermen or councillors or persons qualified to be such.
- (2) An outgoing alderman is eligible.
- (3) The term of office of the mayor shall be one year, but he shall continue in office until his successor has accepted office and made and subscribed the required declaration.
- (4) He may receive such remuneration as the council think reasonable.
- (5) He shall, subject to the provisions of this Act respecting justices, have precedence in all places in the borough.
- (6) The mayor of a borough named in the schedules to the Municipal Corporations Act, 1835, shall be capable in law to do and suffer all acts which the chief officer of the borough might at the passing of that Act lawfully do or suffer, as far as the same were not altered or annulled by that Act, or have not been altered or annulled by any subsequent Act.

16 Power of mayor to appoint deputy.

- (1) The mayor may from time to time appoint an alderman or councillor to act as deputy mayor during the illness or absence of the mayor.
- (2) The appointment shall be signified to the council in writing and be recorded in their minutes.
- (3) A deputy mayor may, while acting as such, do all acts which the mayor as such might do, except that he shall not take the chair at a meeting of the council unless specially appointed by the meeting to do so, and shall not, unless he is a justice, act as a justice or in any judicial capacity.