



Commissioners Clauses Act 1847

1847 CHAPTER 16 10 and 11 Vict

Election and rotation of commissioners

And with respect to the election and rotation of the commissioners, where the commissioners are to be elected by the ratepayers or other like class of electors, be it enacted as follows:

17 One-third of commissioners elected by Ratepayers and owners to go out of office every three years.

Where by the special Act it is provided that the commissioners shall be elected by the ratepayers within the town, or other like class of electors, the first body of commissioners, whether appointed by the special Act, or elected under the provisions of this and the special Act, shall go out of office according to the prescribed rotation, and at the prescribed times, and where no rotation or time of going out of office is prescribed they shall go out of office by rotation in the following manner (that is to say), on the first Thursday in the month of September in the year following that in which the special Act is passed one third of such body of commissioners shall go out of office, and on the first Thursday in September in the following year another third of such body of commissioners shall go out of office, and on the first Thursday in September in the year following the remainder of such body of commissioners shall go out of office, and on the first Thursday in the month of September in every subsequent year one third of the commissioners, being those who have been longest in office, shall go out of office; and in each instance the places of the retiring commissioners shall be supplied by the election of a like number of commissioners in the manner herein or in the special Act provided: Provided always, that if the prescribed number of commissioners be some number not divisible by three and the number of commissioners to retire be not prescribed, the commissioners shall in each case determine what number of commissioners, as nearly one-third as maybe, shall go out of office, so that no commissioner shall remain in office longer than three years without being re-elected.

Status: Point in time view as at 26/03/2001.

Changes to legislation: There are currently no known outstanding effects for the Commissioners Clauses Act 1847, Cross Heading: Election and rotation of commissioners. (See end of Document for details)

18 Commissioners eligible to be re-elected.

Every commissioner going out of office by rotation, or otherwise ceasing to be a commissioner, may be re-elected, and after such re-election he shall, with reference to going out by rotation, be considered as a new commissioner.

19 Mode of supplying occasional vacancies.

If any of the commissioners die or resign, or be disqualified, or cease to be a commissioner from any other cause than that of going out of office by rotation, the remaining commissioners, if they think fit, may, within one month from the happening of such vacancy, elect another commissioner in his place; and every commissioner so elected shall continue in office only so long as the person in whose place he is elected would have been entitled to continue in office.

20 Manner of making the rotation list.

In order to determine the rotation by which such first body of commissioners shall go out of office, the commissioners shall within one month after the passing of the special Act (or after the first election of commissioners, as the case may be,) meet at some convenient place for the purpose of forming a rotation list; and at such meeting the clerk, or some person to be then appointed for that purpose by the commissioners, shall write the names of all the commissioners on separate slips of paper, all as nearly as may be of equal size, and having folded them up in the same manner he shall put them into a balloting box, and shall, in the presence of the meeting, draw out such slips of paper in succession, and the names upon the slips so drawn shall be written by the clerk or other person in a list in the order in which they are drawn, or, where the commissioners are elected for wards or other electoral divisions of the town, (and which electoral divisions are herein-after called wards,) in as many lists as there are wards or electoral divisions, and in the order aforesaid, each list containing the names of the commissioners for one such ward or electoral division only; and every such list shall be kept by the clerk among the papers of the commissioners, and the names therein shall be numbered consecutively, and the commissioners shall retire from office in the order in which their names appear on such list or lists, as the case may be, in the proportions herein-before or in the special Act mentioned.

21 Annual meeting for election of commissioners.

For the purpose of electing commissioners from time to time in the place of those who go out by rotation, a meeting of the persons entitled to vote at such election shall be held at the prescribed place, and if no place be prescribed at the principal office of the commissioners, on the prescribed day, or if no day be prescribed on the first Thursday in the month of September in the year following that in which the special Act is passed, and on the first Thursday in September in each succeeding year, or, if the commissioners are to be elected for wards, a meeting of the persons entitled to vote in each ward shall on the same day be held at some place to be appointed by the commissioners, of which meetings, and the time and place of holding the same, public notice shall be given by the clerk by advertisement, and also by placards affixed on the principal doors of the parish churches or other public places in the town, seven clear days at the least before the day of election, and at such meeting or meetings the election of commissioners shall take place as herein-after mentioned.

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22 Returning officer at elections.

Where the appointment of the returning officer to act at the election of commissioners is not provided for by the special Act, the chairman of the commissioners shall be the returning officer; and if the commissioners are to be elected for wards, the said chairman shall act as the presiding officer at the election for the ward for which he was elected a commissioner, and he shall appoint some other commissioner for each of the other wards to be the presiding officer at the election for such ward, and in case of the death of any such presiding officer, or of his declining or becoming incapable to act, the commissioners shall appoint another of their body to be the presiding officer in the place of the person so dying or declining, or becoming incapable to act, and the clerk to the commissioners shall, two days at least before each election, by advertisement, placards, or otherwise, give public notice of every such appointment.

23 Returning officer to appoint poll clerks.

At every such election of commissioners the commissioners shall cause to be printed a sufficient number of voting papers in blank, in the form given in the schedule (A.) to this Act annexed, or to the like effect, and shall furnish them to the returning officer for the use of the voters; and if it appear to the returning officer at any election expedient so to do, he may cause booths to be erected, or rooms to be hired and used as booths, for taking the poll at such election, and he shall in such case appoint a clerk to take the poll at each booth, and shall cause to be affixed on the most conspicuous part thereof the name of the ward or district for which such booth is provided; and public notice of every election, and of the situation of the different polling places, and of the place where voting papers may be procured by electors, shall be given by the returning officer two days at least before the commencement of the poll.

24 Scale of votes of owners and occupiers.

Where by the special Act the owners of property and ratepayers are entitled to vote in the election of commissioners, and no scale of voting is prescribed, every such owner and ratepayer shall have respectively the same number and proportion of votes according to the scale following; (that is to say,)

If the property in respect of which he is entitled to vote be rated upon a rateable value of less than fifty pounds, he shall have one vote:

If such rateable value amount to fifty pounds and be less than one hundred pounds, he shall have two votes:

If it amount to one hundred pounds and be less than one hundred and fifty pounds, he shall have three votes:

If it amount to one hundred and fifty pounds and be less than two hundred pounds, he shall have four votes:

If it amount to two hundred pounds and be less than two hundred and fifty pounds, he shall have five votes:

And if it amount to or exceed two hundred and fifty pounds, he shall have six votes.

25 Electors to vote in ward where their property qualification is situate but not to vote for more than one ward.

Where by the special Act the commissioners are directed to be elected for wards, every person entitled to vote in the election of commissioners shall vote for commissioners

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for that ward only wherein the property or part thereof in respect of which his name appears in the rate book is situate; and if any person be rated in respect of property situate in more than one ward, he may vote for commissioners for any one of such wards, but having so voted he shall not afterwards, at the same election, vote for a commissioner for any other ward; and any vote so afterwards given by him shall be void.

26 Commissioners may cause alphabetical list of voters to be made, and may defray the expence out of the rates.

Before any such election of commissioners the commissioners, if they think it necessary for enabling the returning officer to take the poll conveniently at such election, may cause an alphabetical list to be made out of the names of the persons entitled to vote at such election, as they appear in the rates made for the purposes of the special Act, and they shall deliver to the returning officer for the time being a sufficient number of copies of the list so prepared, to enable the returning officer to take the poll at the election, and they may defray the expence of making such list and copies out of the rates payable to them under the special Act.

27 Returning officer may summon rate collectors, &c. to attend the election. Penalty on rate collector, &c. for neglect.

If the qualification of the electors of the commissioners depend upon the rates payable by such electors, the returning officer may summon the overseers or inspectors of the poor, collectors, and other officers employed in the assessment or collection of the rates to attend the election, in order to assist in ascertaining that the persons presenting themselves to vote, or who have voted, are or were duly qualified to vote at such election; and such overseers or inspectors, rate collectors, or other officers shall attend with the rates and such other documents necessary for the purpose aforesaid as may be in their custody or power, at such places and at such times as the returning officer may direct, and shall answer all such questions as any presiding officer at the poll shall put to them respecting the title of any person to vote at the election; and any overseer or inspector, rate collector, or other officer who shall wilfully neglect or fail to perform the duties hereby imposed upon him shall for such neglect or failure be liable to a penalty not exceeding [^{F1}twenty pounds][^{F1}level 2 on the standard scale.]

Textual Amendments

- F1** “level 2 on the standard scale” substituted (E.W.) for “twenty pounds” by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

Modifications etc. (not altering text)

- C1** Functions of overseers of the poor now generally exercisable in City of London by Common Council, in Greater London (except the City and Temples) by London borough councils and elsewhere by rating authorities: [London Government Act 1899 \(c. 14\)](#), [s. 11\(1\)](#), City of London (Union of Parishes) Act 1907 (c. cxl), s. 11, [Rating and Valuation Act 1925 \(c. 90\)](#), [s. 62\(1\)](#), S. R. & O. 1927/55 (Rev. XIX, p. 599: 1927, p. 964), [London Government Act 1963 \(c. 33\)](#), [s. 63\(1\)](#) and [General Rate Act 1967 \(c. 9\)](#), [s. 1\(1\)](#)

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28 Mode of voting at elections.

At every such election of commissioners the voting shall commence at nine of the clock in the forenoon of the day fixed for the election as aforesaid, and shall finally close at four of the clock in the afternoon of the same day, (unless in case of riot or obstruction,) and shall be conducted in manner following; (that is to say,) every person entitled to vote may vote for any number of persons having the prescribed qualification, (not exceeding the number of commissioners then to be chosen for the town, or, where the commissioners are to be elected in wards, not exceeding the number to be elected for the ward in which such person is entitled to vote,) by delivering to the presiding officer at the poll a voting paper, containing a description of his qualification to vote, in the form contained in schedule (A.) to this Act annexed, or to the like effect, and also the names of the persons for whom he votes, such paper being previously signed with the name of the person voting, and the poll clerk shall thereupon openly record such vote in the poll book, and the voting paper shall be carefully preserved by the presiding officer; and the presiding officer shall, if he thinks fit, or if he be required so to do by any person entitled to vote at the said election, put to any voter at the time of his delivering in his voting paper the following questions, or either of them:

1

Are you the person assessed as *A.B.*, on the [] rate [*specifying the rate which confers the right to vote*], in respect of property described to be situated in [*here specify the street, &c. as described in the rate*]

Or, if the voter claim to vote as the owner of property,

Are you the person described as the owner of the property mentioned in [] rate [*specifying the rate*], and described as being situated in [*here specify the street, &c. as described in the rate*]

2

Have you already voted at the present election? [*or, if the town be divided into wards*], have you already voted for commissioners to be elected for this or any other ward at the present election

And no person required to answer either of the said questions shall be permitted or qualified to vote until he has answered the same; and if any person wilfully make a false answer to either of the questions aforesaid he shall be deemed guilty of a misdemeanor, or in Scotland shall be deemed guilty of perjury.

29 Poll may be closed if no voting paper be tendered for one hour.

The presiding officer at any place of voting may close the voting or poll at any time before four of the clock, if one hour have elapsed during which no voting paper has been tendered at such place of voting.

30 Returning officer to examine poll books and declare the poll.

After the close of the poll the returning officer, or, where the commissioners are elected for wards, the presiding officer in each ward, shall examine the poll books, and, if necessary, compare the entries therein with the rate book and with the voting papers so delivered as aforesaid, for the purpose of ascertaining the number of votes given for each person; and so many of such persons, being not more than the number of persons

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then to be chosen for the town, or for each ward, as the case may be, and having the prescribed qualification, as shall have the greatest number of votes shall be deemed to be elected; and in case of an equality in the number of votes for any two or more such persons, the presiding officer shall, if necessary to prevent an excess in the number of commissioners, decide by lot which of such persons shall be elected; and the presiding officer shall, not later than two of the clock in the afternoon of the day next but one following the day of such election, unless such day be Sunday, and then on the day following, publish a list of the names of the persons so elected, and he shall also send a notice to each person so elected, informing him of his being elected a commissioner.

31 Voting papers and poll books to be open to inspection for six months after election.

Within four days after every election the returning officer, or, where the commissioners are elected for wards, the presiding officer in each ward, shall cause the voting papers delivered as aforesaid to be arranged in alphabetical order, and numbered according to the names of the voters, and shall deliver them, together with the poll books, to the clerk to the commissioners; and such clerk shall, during six months at least after every such election, keep such voting papers and poll books at his office, and shall permit any person to inspect the same on payment of a fee of [^{F2}5p]; and if such clerk shall refuse or fail to allow such inspection, he shall for every such refusal or failure be liable to a penalty of [^{F3}level 1 on the standard scale.]

Textual Amendments

- F2** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)
F3 Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289F, 289G](#)

32 Manner of proceeding if any person is elected a commissioner in more than one ward.

If any person be elected a commissioner in more than one ward, he shall within three days after notice thereof choose, or in default thereof the commissioners at their next meeting shall declare, for which one of the wards such commissioner shall serve, and he shall thereupon be held to be elected in that ward only which he shall so choose or which the commissioners shall so declare, and shall cease to be a commissioner for any other ward.

33 If no election day appointed, it may be made on a subsequent day.

If from any cause no election take place on the day appointed for the same, either for the town or for any ward, the election shall stand adjourned until the same day of the following week, and the returning officer shall give not less than three days previous notice thereof, by advertisement, or by placards affixed in public places in the town; and in such case the commissioners who would on that day have retired from office by rotation shall continue in office until such adjourned election takes place.

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34 Election not to be void for want of title in presiding officer.

No election of commissioners shall be liable to be questioned by reason only of any defect in the title, or any want of title, of the person by or before whom such election shall have been held; provided that such person have been actually appointed to preside or have been acting in the office giving the right to preside at such election.

35 Expences of presiding officer to be paid out of rates levied.

All expences of or incident to any election incurred by the returning officer or presiding officer shall be repaid to them by the commissioners out of the monies arising from the rates authorized to be levied for the purposes of the special Act; and all overseers and other parochial officers or other persons shall be in like manner paid a reasonable remuneration for attendance at the election with rate books, and for any other services performed in relation to such election; and any dispute respecting the amount of such expences and remuneration shall be determined by a justice, or by the sheriff, who shall have power also to fix the costs attending such determination and to order by whom the same shall be paid.

Modifications etc. (not altering text)

- C2** Functions of overseers of the poor now generally exercisable in City of London by Common Council, in Greater London (except the City and Temples) by London borough councils and elsewhere by rating authorities: [London Government Act 1899 \(c. 14\), s. 11\(1\)](#), [City of London \(Union of Parishes\) Act 1907 \(c. cxl\), s. 11](#), [Rating and Valuation Act 1925 \(c. 90\), s. 62\(1\)](#), [S. R. & O. 1927/55 \(Rev. XIX, p. 599: 1927, p. 964\)](#), [London Government Act 1963 \(c. 33\), s. 63\(1\)](#) and [General Rate Act 1967 \(c. 9\), s. 1\(1\)](#)

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