

Eligibility for office

Section 79 of the Local Government Act 1972 sets out the qualifications for election and holding office as a member of a local authority.

Section 79 states:

- 1) *A person shall, unless disqualified by virtue of this Act or any other enactment, be qualified to be elected and to be a member of a local authority if he is a qualifying Commonwealth citizen or a citizen of the Republic of Ireland or a relevant citizen of the Union and on the relevant day he has attained the age of eighteen years and—*
 - (a) *on that day he is and thereafter he continues to be a local government elector for the area of the authority; or*
 - (b) *he has during the whole of the twelve months preceding that day occupied as owner or tenant any land or other premises in that area; or*
 - (c) *his principal or only place of work during that twelve months has been in that area; or*
 - (d) *he has during the whole of those twelve months resided in that area; or*
 - (e) *in the case of a member of a parish or community council he has during the whole of those twelve months resided either in the parish or community or within three miles of it.*
- 2) *In this section “relevant day”, in relation to any candidate, means—*
 - (a) *except in the case of an election not preceded by the nomination of candidates, the day on which he is nominated as a candidate and also, if there is a poll, the day of election; and*
 - (b) *in the said excepted case, the day of election.*
- (2A) *In this section the expression “citizen of the Union” shall be construed in accordance with Article 8.1 of the Treaty establishing the European Community (as amended by Title II of the Treaty on European Union), and “relevant citizen of the Union” means such a citizen who is not a qualifying Commonwealth citizen or a citizen of the Republic of Ireland*
- (2B) *For the purposes of this section, a person is a qualifying Commonwealth citizen if he is a Commonwealth citizen who either—*
 - (a) *is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or*
 - (b) *is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.*
- (2C) *But a person is not a qualifying Commonwealth citizen by virtue of subsection (2B)(a) if he does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).*

Disqualifications from holding office

Section 80 of the Local Government Act 1972 (as amended) sets out the disqualifications for election and holding office as member of a local authority. Section 80 can be viewed in full at <http://www.legislation.gov.uk>. Examples of **some** of the disqualifications are set out below:

- holding a paid office or employment at the authority;
- being the subject of a bankruptcy restrictions order or interim order;
- having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months without the option of a fine, during the five years preceding the election; and
- being disqualified for corrupt or illegal practices.