**Local Government Act 1972**

**Qualification to be elected as a local Councillor**

A person is qualified to be elected as a local councillor, and to hold such office, if he or she is

a qualifying Commonwealth citizen, or a citizen of the Republic of Ireland, or a relevant citizen of the [European] Union, and on the relevant day (defined below) has reached 18 years of age, AND

(a) on that day he/she is, and thereafter continues to be, a local government elector for the area of the authority; or

(b) he/she 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/her principal or only place of work during that twelve months has been in the area (Note: this could, arguably, be ‘the local council’s offices’ – based on his previous principal or only work as a councillor); or

 (d) he/she has during the whole of those twelve months resided in the area; or

 (e) he/she has during the whole of the twelve months preceding the relevant date resided within three miles of the parish or community. This qualification only applies to parish or community councillors and does not extend to district or county councillors. (s. 79(1) LGA 1972)

The ‘relevant day’ means (except in the case of an election not preceded by the nomination of candidates) the day on which the person is nominated as a candidate and, if there is a poll, the day of election. In the excepted case, the term means the day of election.

In order to qualify on the basis of residence, it is necessary for the person at least to have and use sleeping accommodation within the area or within three miles thereof; and it is possible for a person (e.g. a student) to be a resident in more than one place at a time.

A member qualified under (b), (c), (d) or (e) above continues to be qualified during the term of his office even though he/she ceases to be an elector or his/her situation is otherwise changed. However, a councillor qualified on the day of nomination and election only by virtue of his/her being a local government elector must continue to be a local government elector for the local council's area during the whole period of his/her office. Note that registration on the electoral roll is essential to qualification as a local government elector.

**Disqualification from being elected as a Local Councillor**

A person is disqualified for being elected as a local councillor or being a member of a local council if he/she

• holds any paid office or employment of the local council (other than the office of chairman) or of a joint committee on which the council is represented; or

• is a person who is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order, or a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986 (but see below); or

• has within five years before the day of election, or since his/her election, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine; or

• is otherwise disqualified under Part III of the Representation of the People Act 1983 for corrupt or illegal practices. (LGA 1972, s. 80)

A person who is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or a debt relief restrictions order or interim debt relief order becomes disqualified from the date of the judgment or execution. (Note that simple insolvency does not disqualify; what disqualifies is one of the four orders taking effect.)

A person who is disqualified from being elected or holding office as a member of a local council is also disqualified for being a member of a committee or sub-committee of that council or for being a representative of the council on a joint committee involving that council (s. 104).