

**Changes to legislation:** Elections Act 2022, Part 2 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 8

#### VOTING AND CANDIDACY RIGHTS OF EU CITIZENS

##### PART 2

###### AMENDMENTS IN RELATION TO CERTAIN LOCAL ELECTIONS IN ENGLAND AND WALES

###### *City of London (Various Powers) Act 1957*

- 2 (1) The City of London (Various Powers) Act 1957 is amended as follows.
- (2) In section 4(1) (interpretation of Part 2)—
- (a) omit the definitions of “citizen of the Union” and “relevant citizen of the Union”;
  - (b) at the appropriate places insert—
    - ““EU citizen with retained rights” has the same meaning as in the Act of 1983 (see section 203B of that Act);”;
    - ““qualifying EU citizen” has the same meaning as in the Act of 1983 (see section 203A of that Act);”.
- (3) In section 5 (qualification of candidate for election to common council), in subsection (1), for “or a relevant citizen of the Union” substitute “or a qualifying EU citizen or an EU citizen with retained rights”.
- (4) In section 6 (qualification of voters at ward elections), in subsection (1), for “relevant citizens of the Union” substitute “qualifying EU citizens or EU citizens with retained rights”.

##### Commencement Information

- I1** Sch. 8 para. 2 not in force at Royal Assent, see [s. 67\(1\)](#)
- I2** Sch. 8 para. 2(1)-(3) in force at 1.11.2023 for specified purposes by [S.I. 2023/1145, reg. 3\(i\)\(ii\)](#)
- I3** Sch. 8 para. 2(1)-(3) in force at 7.5.2024 in so far as not already in force by [S.I. 2023/1145, reg. 5\(b\)](#)
- I4** Sch. 8 para. 2(4) in force at 7.5.2024 by [S.I. 2023/1145, reg. 5\(b\)](#) (with Sch. para. 1(4))

###### *Local Government Act 1972*

- 3 In section 79 of the Local Government Act 1972 (qualifications for election and holding office as member of local authority), as it extends to England and Wales and applies in relation to England—
- (a) in subsection (1), for “a relevant citizen of the Union” substitute “, in the case of a local authority in England, a qualifying EU citizen or an EU citizen with retained rights”;

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(b) for subsection (2A) substitute—

“(2A) In this section “qualifying EU citizen” and “EU citizen with retained rights” have the same meaning as in the Representation of the People Act 1983 (see sections 203A and 203B of that Act).”

**Modifications etc. (not altering text)**

**C1** Savings for the amendments by Sch. 8 paras. 3-5 (7.5.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **17**, **18**

**Commencement Information**

**I5** Sch. 8 para. 3 not in force at Royal Assent, see [s. 67\(1\)](#)

**I6** [Sch. 8 para. 3](#) in force at 1.11.2023 for specified purposes by [S.I. 2023/1145](#), [reg. 3\(i\)\(iii\)](#)

**I7** [Sch. 8 para. 3](#) in force at 7.5.2024 in so far as not already in force by [S.I. 2023/1145](#), [reg. 5\(b\)](#)

*Greater London Authority Act 1999*

4 In section 20 of the Greater London Authority Act 1999 (qualification to be the Mayor or an Assembly member)—

(a) in subsection (2)(c), for “relevant citizen of the Union” substitute “qualifying EU citizen or an EU citizen with retained rights”;

(b) in subsection (8)—

(i) omit the definitions of “citizen of the Union” and “relevant citizen of the Union”;

(ii) in subsection (8), at the appropriate place insert—

““qualifying EU citizen” and “EU citizen with retained rights” have the same meaning as in the Representation of the People Act 1983 (see sections 203A and 203B of that Act);”.

**Modifications etc. (not altering text)**

**C1** Savings for the amendments by Sch. 8 paras. 3-5 (7.5.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **17**, **18**

**Commencement Information**

**I8** Sch. 8 para. 4 not in force at Royal Assent, see [s. 67\(1\)](#)

**I9** [Sch. 8 para. 4](#) in force at 1.11.2023 for specified purposes by [S.I. 2023/1145](#), [reg. 3\(i\)\(iii\)](#)

**I10** [Sch. 8 para. 4](#) in force at 7.5.2024 in so far as not already in force by [S.I. 2023/1145](#), [reg. 5\(b\)](#)

*Local Democracy, Economic Development and Construction Act 2009*

5 In Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 (mayors for combined authority areas), in paragraph 8(3), for the definition of “qualifying citizen” substitute—

““qualifying citizen” means a person who is—

(a) a qualifying Commonwealth citizen (within the meaning given by section 79 of the Local Government Act 1972),

(b) a citizen of the Republic of Ireland,

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- (c) a qualifying EU citizen (within the meaning given by section 203A of the Representation of the People Act 1983), or
- (d) an EU citizen with retained rights (within the meaning given by section 203B of that Act).”

**Modifications etc. (not altering text)**

- C1** Savings for the amendments by Sch. 8 paras. 3-5 (7.5.2024) by [The Representation of the People \(Overseas Electors etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1406\)](#), regs. 1(2), **17**, **18**

**Commencement Information**

- I11** Sch. 8 para. 5 not in force at Royal Assent, see [s. 67\(1\)](#)
- I12** Sch. 8 para. 5 in force at 1.11.2023 for specified purposes by [S.I. 2023/1145](#), [reg. 3\(i\)\(iii\)](#)
- I13** Sch. 8 para. 5 in force at 7.5.2024 in so far as not already in force by [S.I. 2023/1145](#), [reg. 5\(b\)](#)

*Police Reform and Social Responsibility Act 2011*

- 6 (1) The Police Reform and Social Responsibility Act 2011 is amended as follows.
- (2) In section 51(6C)(a) (election to fill vacancy in office of commissioner), for the words from “disqualified” to “Union” substitute “—
- (i) disqualified as a peer from voting as an elector at parliamentary elections, or
  - (ii) a qualifying EU citizen, or an EU citizen with retained rights, who has attained the age of 18”.
- (3) In section 52(1C)(a) (persons entitled to vote), for the words from “disqualified” to the end substitute “—
- (i) disqualified as a peer from voting as an elector at parliamentary elections, or
  - (ii) a qualifying EU citizen, or an EU citizen with retained rights, who has attained the age of 18”.
- (4) In section 64(1C)(a) (disqualification from election as police and crime commissioner), for “relevant citizen of the Union” substitute “qualifying EU citizen or an EU citizen with retained rights”.
- (5) In section 68 (citizenship condition)—
- (a) in subsection (2)(c), for “citizen of the Union” substitute “qualifying EU citizen or an EU citizen with retained rights”;
  - (b) omit subsection (5).
- (6) In section 102(1) (interpretation)—
- (a) omit the definition of “relevant citizen of the Union”;
  - (b) at the appropriate place insert—  
““qualifying EU citizen” and “EU citizen with retained rights” have the same meaning as in the Representation of the People Act 1983 (see sections [203A](#) and [203B](#) of that Act);”.

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#### **Commencement Information**

- I14** Sch. 8 para. 6 not in force at Royal Assent, see **s. 67(1)**
- I15** Sch. 8 para. 6(1)(2)(4)-(6) in force at 1.11.2023 for specified purposes by S.I. 2023/1145, **reg. 3(i)(iv)**
- I16** Sch. 8 para. 6(1)(2)(4)-(6) in force at 7.5.2024 in so far as not already in force by S.I. 2023/1145, **reg. 5(b)**
- I17** Sch. 8 para. 6(3) in force at 7.5.2024 by S.I. 2023/1145, **reg. 5(b)** (with Sch. para. 1(3))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 9 para. 35(ea) inserted by [2023 c. 47 s. 3\(3\)](#)