



Local Government Act 1972

1972 CHAPTER 70

PART V

GENERAL PROVISIONS AS TO MEMBERS AND PROCEEDINGS OF LOCAL AUTHORITIES

Qualifications and disqualifications

79 Qualifications for election and holding office as member of local authority.

- (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 ^{F1}... if he is a [^{F2}qualifying Commonwealth citizen] or a citizen of the Republic of Ireland [^{F3} or [^{F4}a relevant citizen of the Union]]^{F4}, in the case of a local authority in England, a qualifying EU citizen or an EU citizen with retained rights]]^{F5} or, in the case of a local authority in Wales, a qualifying foreign citizen] and on the relevant day he has attained the age of [^{F6}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.

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[^{F7}(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).]

^{F11}(3)

[^{F12}(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).]

[^{F13}(2D) For the purposes of this section, a person is a qualifying foreign citizen if the person—

- (a) is not a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union, and
- (b) either—
 - (i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
 - (ii) 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.

(2E) But a person is not a qualifying foreign citizen by virtue of subsection (2D)(b)(i) if the person 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).]

Textual Amendments

- F1** Words in s. 79(1) omitted (30.12.2007) by virtue of Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 5(2)** and said words repealed (prosp.) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 241, 245, **Sch. 18 Pt. 3**
- F2** Words in s. 79(1) substituted (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 11, 18, 20, 47, 61, 74, 77, **Sch. 1 para. 43(2)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(bb)
- F3** Words in s. 79(1) inserted (1.1.1996) by S.I. 1995/1948, **regs. 1(2)**, 3(1)
- F4** Words in s. 79(1) substituted (1.11.2023 for specified purposes, 7.5.2024 in so far as not already in force) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 8 para. 3(a)**; S.I. 2023/1145, regs. 3(i)(iii), **5(b)** (with savings in The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023 (S.I. 2023/1406), regs. 1(2), **17, 18**; and The Combined Authorities (Mayoral Elections) Order 2017 (Amendment) Regulations 2024 (S.I. 2024/131), regs. 1(3), **23, 24**)
- F5** Words in s. 79(1) inserted (17.11.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), **ss. 19(2)**, 175(7); S.I. 2021/1249, art. 2(a) (with art. 4)
- F6** Word in s. 79(1) substituted (1.1.2007) by Electoral Administration Act 2006 (c. 22), **ss. 17(4)**, 77; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(d)
- F7** S. 79(2A) substituted (1.11.2023 for specified purposes, 7.5.2024 in so far as not already in force) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 8 para. 3(b)**; S.I. 2023/1145, regs. 3(i)(iii), **5(b)** (with savings in The Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023

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(S.I. 2023/1406), regs. 1(2), **17, 18**; and The Combined Authorities (Mayoral Elections) Order 2017 (Amendment) Regulations 2024 (S.I. 2024/131), regs. 1(3), **23, 24**)

- F8** S. 79(2A) inserted (1.1.1996) by S.I. 1995/1948, **regs. 1(2), 3(1)**
- F9** Words in s. 79(2A) substituted (1.8.2012) by The Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012 (S.I. 2012/1809), art. 2(1), **Sch. Pt. 1** (with art. 2(2))
- F10** Word in s. 79(2A) inserted (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 11, 18, 20, 47, 61, 74, 77, **Sch. 1 para. 43(3)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(bb)
- F11** S. 79(3) (inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. 1 para. 2**) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. 1**
- F12** S. 79(2B)(2C) inserted (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 11, 18, 20, 47, 61, 74, 77, **Sch. 1 para. 43(4)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(bb)
- F13** S. 79(2D)(2E) inserted (17.11.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), **ss. 19(3), 175(7)**; S.I. 2021/1249, art. 2(a) (with art. 4)

Modifications etc. (not altering text)

- C1** S. 79 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 79 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
S. 79 applied (12.4.1994) by S.I. 1994/867, **reg. 11(6)**
- C2** S. 79: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 79: certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
- C3** Ss. 79-82 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**
- C4** Ss. 79-82 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

80 Disqualifications for election and holding office as member of ^{F14}a local authority in England].

- (1) Subject to the provisions of section 81 below, a person shall be disqualified for being elected or being a member of a local authority ^{F15}in England^{F16} ... if he—
- (a) holds any paid office or employment (other than the office of chairman, vice-chairman ^{F17}, deputy chairman, presiding member or deputy presiding member)^{F17}^{F18}or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive]) appointments ^{F19}or elections] to which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by a ^{F20}... joint committee ^{F21}or National Park authority] on which the authority are represented or by any person holding any such office or employment; or
- ^{F22}(b) is the subject of a bankruptcy restrictions order ^{F23}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;]
- ^{F24}(c)
- (d) has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or

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- [is disqualified for being a member of the relevant council under Part III of the Representation of the People Act 1983 or for being a charter trustee [F26 under [F27 the Audit Commission Act 1998]], and in this paragraph “the relevant council” means the council of the county or district in which is comprised the area for which charter trustees are established by any statutory instrument made under Part II of the Local Government 1992.]^{F25}(e); or
- (f) is incapable of being elected to or holding—
 - (i) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) (undue influence);
 - (ii) the office of member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence);]

- (2) Subject to the provisions of section 81 below, a paid officer of a local authority [F29 in England] who is employed under the direction of—
 - (a) a committee or sub-committee of the authority any member of which is appointed on the nomination of some other local authority; or
 - (b) a joint board [F30, joint authority]^{F31}economic prosperity board, combined authority,]^{F32}, combined county authority]^{F33}... or joint committee on which the authority are represented and any member of which is so appointed;
 shall be disqualified for being elected or being a member of that other local authority.

- [A paid member of staff of the Greater London Authority who is employed under the direction of a joint committee the membership of which includes—^{F34}(2AA)
 - (a) one or more persons appointed on the nomination of the Authority acting by the Mayor, and
 - (b) one or more members of one or more London borough councils appointed to the committee on the nomination of those councils,
 shall be disqualified for being elected or being a member of any of those London borough councils.]

^{F35}(2AB)

[Subsection (2) above shall have effect as if the reference to a joint board included a reference to a National Park authority.^{F36}(2A)

(2B) For the purposes of this section a local authority shall be treated as represented on a National Park authority if it is entitled to make any appointment of a local authority member of the National Park authority.]

[Subsection (1)(a) shall have effect in relation to a teacher in a school maintained by the local authority who does not hold an employment falling within that provision as it has effect in relation to a teacher in such a school who holds such an employment.]^{F37}(3)

^{F38}(4)

(5) For the purposes of subsection (1) ^{F39}... (d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the ^{F39}... conviction expires or, if such an appeal or application is made, the date on which the appeal or application

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is finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of the ^{F39}... conviction, ^{F39}....

[See also section 81A (disqualification relating to sexual offences etc (England)).]
^{F40}(5A)

^{F41}(6).....]

Textual Amendments

- F14** Words in s. 80 heading substituted (17.11.2021) by [Local Government and Elections \(Wales\) Act 2021](#) (asc 1), s. 175(7), [Sch. 2 para. 1\(3\)\(d\)](#); S.I. 2021/1249, art. 2(b) (with art. 4)
- F15** Words in s. 80(1) inserted (17.11.2021) by [Local Government and Elections \(Wales\) Act 2021](#) (asc 1), s. 175(7), [Sch. 2 para. 1\(3\)\(a\)](#); S.I. 2021/1249, art. 2(b) (with art. 4)
- F16** Words in s. 80(1) repealed (30.12.2007) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), ss. 74, 241, 245(2), [Sch. 3 para. 6\(2\)](#), [Sch. 18 Pt. 3](#)
- F17** Words in s. 80(1) substituted (30.9.2013) by [Local Government \(Democracy\) \(Wales\) Act 2013](#) (anaw 4), [ss. 51\(4\)](#), [75\(2\)\(d\)](#)
- F18** Words in s. 80(1)(a) inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), [Sch. 3 para. 8](#); S.I. 2000/2849, [art. 2\(e\)](#)
- F19** Words in s. 80(1)(a) inserted (E.) (11.7.2001) by S.I. 2001/2237, [art. 5\(b\)](#) and (W.) (1.4.2002) by S.I. 2002/808, [art. 5\(b\)](#)
- F20** Words repealed by virtue of [Local Government and Housing Act 1989](#) (c. 42, SIF 81:1), ss. 1(3)(a), 194(4), [Sch. 12 Pt. II](#)
- F21** Words in s. 80(1)(a) inserted (23.11.1995) by 1995 c. 25, s. 78, [Sch. 10 para. 10\(1\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#)); S.I. 1995/2950, [art. 2\(1\)](#)
- F22** S. 80(1)(b) substituted (1.4.2004) by [Enterprise Act 2002](#) (c. 40), [ss. 267\(1\)](#), 279; S.I. 2003/2093, [art. 2\(2\)](#), [Sch. 2](#) (with transitional provisions in arts. 3-8 (as amended by S.I. 2003/2332))
- F23** Words in s. 80(1)(b) substituted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007](#) ([Consequential Amendments](#)) Order 2012 (S.I. 2012/2404), art. 1, [Sch. 2 para. 5](#) (with arts. 5, 6)
- F24** S. 80(1)(c) repealed by [Local Government Finance Act 1982](#) (c. 32, SIF 81:1), s. 38(5), [Sch. 6 Pt. IV](#)
- F25** S. 80(1)(e) substituted (4.3.1996) by S.I. 1996/263, [reg. 7\(7\)](#)
- F26** S. 80(1)(e): by 2000 c. 22, s. 107(1)(2), 108(3)(b)(c)(i), [Sch. 5 para. 8](#), [Sch. 6](#); S.I. 2002/1718, [art. 2](#) it is provided that the words "or under the Audit Commission Act 1998" are repealed (27.7.2002 with application as mentioned in art. 1(2) of the commencing S.I.)
- F27** Words in s. 80(1)(e) substituted (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), [Sch. 3 para. 3\(1\)](#)
- F28** S. 80(1)(f) and word inserted (1.11.2023) by [Elections Act 2022](#) (c. 37), s. 67(1), [Sch. 5 para. 2](#); S.I. 2023/1145, [reg. 3\(g\)](#) (with [Sch. paras. 9\(2\)\(4\)](#))
- F29** Words in s. 80(2) inserted (17.11.2021) by [Local Government and Elections \(Wales\) Act 2021](#) (asc 1), s. 175(7), [Sch. 2 para. 1\(3\)\(b\)](#); S.I. 2021/1249, art. 2(b) (with art. 4)
- F30** Words inserted by [Local Government Act 1985](#) (c. 51, SIF 81:1), s. 84, [Sch. 14 Pt. I para. 3\(1\)](#)
- F31** Words in s. 80(2)(b) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009](#) (c. 20), ss. 119, 148(6), [Sch. 6 para. 12](#); S.I. 2009/3318, [art. 2\(c\)](#)
- F32** Words in s. 80(2)(b) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023](#) (c. 55), s. 255(2)(c), [Sch. 4 para. 25](#) (with s. 247)
- F33** Words in s. 80(2)(b) omitted (26.5.2015) by virtue of [Deregulation Act 2015](#) (c. 20), s. 115(7), [Sch. 13 para. 6\(7\)\(b\)](#); S.I. 2015/994, art. 6(g)
- F34** S. 80(2AA) inserted (8.5.2000) by 1999 c. 29, s. 69 (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/801, art. 2(2) (b), [Sch. Pt. 2](#)
- F35** S. 80(2AB) omitted (21.1.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021](#) (asc 1), s. 175(1)(e), [Sch. 9 para. 14](#)
- F36** S. 80(2A)(2B) inserted (23.11.1995) by 1995 c. 25, s. 78, [Sch. 10 para. 10\(1\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#)); S.I. 1995/2950, [art. 2\(1\)](#)

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- F37** S. 80(3) substituted (1.9.1999) by S.I. 1999/2267, **regs. 1, 9**
- F38** S. 80(4) repealed by Transport Act 1985 (c. 67, SIF 126), ss. 139(3), 140, **Sch. 8**
- F39** Words repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38(5), **Sch. 6 Pt. IV**
- F40** S. 80(5A) inserted (28.6.2022) by Local Government (Disqualification) Act 2022 (c. 17), **ss. 1(2), 6(2)** (with s. 5)
- F41** S. 80(6) (inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 3(2)**) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

Modifications etc. (not altering text)

- C3** Ss. 79-82 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**
- C4** Ss. 79-82 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**
- C5** S. 80 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 80 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
S. 80 applied (with modifications) (8.1.1996) by 1995 c. x, s. 44, **Sch. Pt. I**
- C6** S. 80: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 80: certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
- C7** S. 80 excluded (E.) (11.7.2001) by S.I. 2001/2237, **art. 47(7)**
S. 80 excluded (W.) (1.4.2002) by The Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (Wales) Order 2002 (S.I. 2002/808), **art. 41(7)**
- C8** S. 80 applied by 1959 c. xlvi s. 11(2) (as substituted (15.1.2014) by Humber Bridge Act 2013 (c. vi), s. 1(1), **Sch. 1 para. 1**)
- C9** S. 80(1)(a) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(b)**
- C10** S. 80(1)(a) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(b)**
- C11** S. 80(1)(b)(d)(5) applied (4.3.1996) by S.I. 1996/263, **reg. 7(6)**
- C12** S. 80(2)(b) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(b)**
- C13** S. 80(2)(b) modified by S.I. 1987/2110, art. 2, **Sch. 1 para. 3(b)**

[^{F42}80A Disqualification for election or being a member of a local authority in Wales

- (1) A person is disqualified for being elected or being a member of a local authority in Wales if—
- (a) the person is the subject of—
 - (i) a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986, Schedule 2A to the Insolvency (Northern Ireland) Order 1989, or Part 13 of the Bankruptcy (Scotland) Act 2016;
 - (ii) a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act 1986 or Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989;
 - (b) the person is disqualified for being elected or for being a member of the authority under Part 3 of the Representation of the People Act 1983 (corrupt or illegal practices);
 - (c) the person is subject to the notification requirements of, or an order under, Part 2 of the Sexual Offences Act 2003;
 - (d) the person has a relevant criminal conviction.

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- (2) A person has a relevant criminal conviction if, during the period of five years ending with the day of the local authority election, or since the person's election, the person has been convicted in the United Kingdom, the Channel Islands, or the Isle of Man of an offence for which the person has been sentenced to a term of imprisonment (whether suspended or not) of 3 months or more without the option of a fine.
- (3) A person is not disqualified under subsection (1)(c) at any time before the end of the ordinary period allowed for making—
 - (a) an appeal or application in respect of the conviction or finding to which the notification requirements relate;
 - (b) an appeal in respect of the order.
- (4) A person is not disqualified under subsection (1)(d) at any time before the end of the ordinary period allowed for making an appeal or application in respect of the conviction.
- (5) A person who makes an appeal or application of the kind mentioned in subsection (3) or (4) is not disqualified under subsection (1)(c) or (d) at any time before the end of the day on which the appeal or application is finally disposed of, or is abandoned, or fails by reason of non-prosecution.
- (6) A person who would be disqualified but for subsection (3), (4) or (5) must not act in the office of member of a local authority in Wales.

Textual Amendments

F42 Ss. 80A-80C inserted (17.11.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), ss. 20, 175(7); S.I. 2021/1249, art. 2(a) (with art. 4)

80B Disqualification for being a member of a local authority in Wales and holding local office or employment

- (1) A person who holds a relevant paid office or employment (see section 80C) is disqualified for being a member of a local authority in Wales, (but not for being elected as such a member).
- (2) A person is not disqualified under subsection (1) at any time before the person makes a declaration of acceptance of office in accordance with section 83.
- (3) Subsections (4), (5) and (6) apply where a person is elected as a member of a local authority in Wales and resigns from the relevant paid office or employment for the purpose of taking office as a member.
- (4) The resignation terminates the holding of the paid office or employment with immediate effect.
- (5) Any notice requirement in the terms and conditions under which the paid office or employment is held has no effect.
- (6) Section 86(2) of the Employment Rights Act 1996 (requirement on employee to give minimum of one week's notice) does not apply.

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- (7) This section does not apply to a person who is disqualified for being elected or being a member of a local authority under section 1 of the Local Government and Housing Act 1989 (disqualification by virtue of holding politically restricted post).

Textual Amendments

F42 Ss. 80A-80C inserted (17.11.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), ss. 20, 175(7); S.I. 2021/1249, art. 2(a) (with art. 4)

80C Paid office or employment to which disqualification applies

- (1) For the purposes of section 80B “a relevant paid office or employment” is a paid office or employment appointment or election to which is or may be made or confirmed by—
- (a) the local authority to which the person was elected a member;
 - (b) a committee or sub-committee of the local authority;
 - (c) a joint committee or National Park authority on which the local authority is represented; ^{F43} ...
 - ^{F44}(ca) [a corporate joint committee established in relation to the area of the local authority; or]
 - (d) a holder of a paid office or employment of the kind described in paragraphs (a), (b) [^{F45}, (c) or (ca)].
- (2) But a relevant paid office or employment in subsection (1) does not include the office of—
- (a) chairman, vice-chairman, presiding member or deputy presiding member, or
 - (b) in the case of a local authority operating executive arrangements which involve a leader and cabinet executive, the office of executive leader, member of the executive or assistant to the executive.
- (3) Subsection (1) has effect in relation to a teacher in a school maintained by a local authority whether or not the appointment to the post was made in accordance with that subsection.
- (4) Where the holder of a relevant paid office in a local authority in Wales (“local authority A”) is employed under the direction of—
- (a) a committee or sub-committee of local authority A any member of which is appointed on the nomination of another local authority in Wales (“local authority B”), or
 - (b) a joint board, a National Park authority, or joint committee on which local authority A is represented and any member of which is appointed on the nomination of local authority B,
- section 80B applies in respect of the person's membership of local authority B.
- (5) For the purposes of this section, a local authority is represented on a National Park authority if it is entitled to appoint a member of the local authority as a member of the National Park authority.]

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Textual Amendments

- F42** Ss. 80A-80C inserted (17.11.2021) by [Local Government and Elections \(Wales\) Act 2021](#) (asc 1), **ss. 20, 175(7)**; [S.I. 2021/1249](#), art. 2(a) (with art. 4)
- F43** Word in s. 80C(1)(c) omitted (25.3.2022) by virtue of [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022](#) (S.I. 2022/372), regs. 1(2), **50(a)**
- F44** S. 80C(1)(ca) inserted (25.3.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022](#) (S.I. 2022/372), regs. 1(2), **50(b)**
- F45** Words in s. 80C(1)(d) substituted (25.3.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022](#) (S.I. 2022/372), regs. 1(2), **50(c)**

81 Exceptions to provisions of section 80.

- (1) ^{F46}
- (2) [^{F47}Where a person is disqualified under section 80 above by reason of his having made a composition or arrangement with his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed and in any other case it shall cease on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.]
- ^{F48}(3)
- ^{F49}(3A)
- (4) Section 80(2) and (3) above shall not operate so as to disqualify—
- (a) any person by reason of his being a teacher, or otherwise employed, in a school, ^{F50} . . . or other educational institution maintained or assisted by a county council for being a member of a district council by reason that the district council nominates members of the education committee of the county council; or
- ^{F51}(b)

Textual Amendments

- F46** S. 81(1) repealed (1.4.2004) by [Enterprise Act 2002](#) (c. 40), ss. 267(2), 278, 279, **Sch. 26**; [S.I. 2003/2093](#), **art. 2(2)**, **Sch. 2** (with transitional provisions in arts. 3-8 (as amended by [S.I. 2003/2332](#)))
- F47** It is provided that s. 81(2) is repealed by virtue of [Enterprise Act 2002](#) (c. 40), ss. 267(2), 278, 279, **Sch. 26**; the repeals purportedly relating to sections 81(1) and 82(2) coming into force on 1.4.2004 by virtue of [S.I. 2003/2093](#) {art. 2(2)}, **Sch. 2** (with transitional provisions in arts. 3-8 (as amended by [S.I. 2003/2332](#)))
- F48** S. 81(3) repealed by [Local Government Act 1985](#) (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F49** S. 81(3A) repealed by [London Regional Transport Act 1984](#) (c. 32, SIF 126), s. 71(3)(b), **Sch. 7**
- F50** Word repealed by [Education Reform Act 1988](#) (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. II**
- F51** S. 81(4)(b) repealed by [Local Government Act 1985](#) (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

Modifications etc. (not altering text)

- C3** Ss. 79-82 applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011](#) (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**
- C4** Ss. 79-82 applied (with modifications) (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017](#) (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

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- C14** S. 81 applied (10.01.1992) by **S.I. 1991/2913, arts. 6, 8, Sch. 1.**
 S. 81: certain functions transferred (subject to modifications) (10.01.1992) by **S.I. 1991/2913, arts. 6, 8, Sch. 1.**
 S. 81 applied (with modifications)(8.1.1996) by **1995 c. x, ss. 1(3), 44, Sch. Pt. I**
- C15** S. 81 applied (07.08.1991) by **S.I. 1991/1773, arts. 6, 8, Sch. 1**
 S. 81: certain functions transferred (subject to modifications) (07.08.1991) by **S.I. 1991/1773, arts. 6, 8, Sch. 1**
- C16** S. 81(1)(2) applied (4.3.1996) by **S.I. 1996/263, reg. 7(6)**

[^{F52}81A Disqualification relating to sexual offences etc (England)

- (1) A person is disqualified for being elected or being a member of a local authority in England if the person is subject to—
- (a) any relevant notification requirements, or
 - (b) a relevant order.
- (2) In this section “relevant notification requirements” means—
- (a) the notification requirements of Part 2 of the Sexual Offences Act 2003;
 - (b) the notification requirements of Part 2 of the Sex Offenders (Jersey) Law 2010;
 - (c) the notification requirements of Part 2 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law 2013;
 - (d) the notification requirements of Schedule 1 to the Criminal Justice Act 2001 (an Act of Tynwald: c. 4).
- (3) In this section “relevant order” means—
- (a) a sexual harm prevention order under section 345 of the Sentencing Code;
 - (b) a sexual harm prevention order under section 103A of the Sexual Offences Act 2003;
 - (c) a sexual offences prevention order under section 104 of that Act;
 - (d) a sexual risk order under section 122A of that Act;
 - (e) a risk of sexual harm order under section 123 of that Act;
 - (f) a risk of sexual harm order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005;
 - (g) a sexual risk order under section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016;
 - (h) a restraining order under Article 10 of the Sex Offenders (Jersey) Law 2010;
 - (i) a child protection order under Article 11 of that Law;
 - (j) a sexual offences prevention order under section 18 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law 2013;
 - (k) a risk of sexual harm order under section 22 of that Law;
 - (l) a sexual offences prevention order under section 1 of the Sex Offenders Act 2006 (an Act of Tynwald: c. 20);
 - (m) a risk of sexual harm order under section 5 of that Act.
- (4) For the purposes of subsection (1)(a), a person who is subject to any relevant notification requirements is not to be regarded as disqualified until—

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- (a) the expiry of the ordinary period allowed for making an appeal or application against the conviction, finding, caution, order or certification in respect of which the person is subject to the relevant notification requirements, or
 - (b) if such an appeal or application is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.
- (5) For the purposes of subsection (1)(b), a person who is subject to a relevant order is not to be regarded as disqualified until—
- (a) the expiry of the ordinary period allowed for making an appeal against the relevant order, or
 - (b) if such an appeal is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.]

Textual Amendments

F52 S. 81A inserted (28.6.2022) by [Local Government \(Disqualification\) Act 2022 \(c. 17\), ss. 1\(1\), 6\(2\)](#) (with s. 5)

Modifications etc. (not altering text)

C17 S. 81A: power to amend conferred (28.6.2022) by [Local Government \(Disqualification\) Act 2022 \(c. 17\), ss. 4, 6\(2\)](#) (with s. 5)

82 Validity of acts done by unqualified persons.

[^{F53}(1)] The acts and proceedings of any person elected to an office under this Act [^{F54}or elected or appointed to an office under Part ^{F55}. . . IV of the Local Government Act 1985][^{F56}or elected as elected mayor or executive leader] and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

[^{F57}(2) Subsection (1) above shall have effect, in relation to the Broads Authority, as if the reference to this Act included a reference to the Norfolk and Suffolk Broads Act 1988.]

Textual Amendments

F53 S. 82 renumbered as s. 82(1) by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\), ss. 21, 23\(2\), 27\(2\), Sch. 6 para. 10\(2\)](#)

F54 Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 84, Sch. 14 Pt. I para. 4](#)

F55 Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\), ss. 231\(7\), 235\(6\), 237\(2\), Sch. 13 Pt. I](#)

F56 Words in s. 82(1) inserted (E.) (11.7.2001) by [S.I. 2001/2237, art. 6](#) and (W.) (1.4.2002) by [S.I. 2002/808, art. 6](#)

F57 S. 82(2) added by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\), ss. 21, 23\(2\), 27\(2\), Sch. 6 para. 10\(2\)](#)

Modifications etc. (not altering text)

C3 Ss. 79-82 applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\), arts. 1\(1\), 7, Sch. 1](#)

C4 Ss. 79-82 applied (with modifications) (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\), arts. 1\(1\), 8, Sch. 1](#)

C18 S. 82 amended by [S.I. 1985/1884, arts. 10, 11\(3\), Sch. 3 para. 2](#)

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- C19** S. 82 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 4**
- C20** S. 82 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
 S. 82 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
 S. 82 applied (with modifications) (8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**
- C21** S. 82: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
 S. 82: certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
- C22** S. 82(1) applied (with modifications) (5.12.1995) by: S.I. 1995/3127, art. 2, **Sch. para. 20(1)**; S.I. 1995/3132, art. 2, **Sch. para. 20(1)**; S.I. 1995/3133, art. 2, **Sch. para. 20(1)**
 S. 82(1) applied (with modifications) (11.12.1995) by: S.I. 1995/3218, art. 2, **Sch. para. 20(1)**; S.I. 1995/3229, art. 2, **Sch. para. 20(1)**; S.I. 1995/3230, art. 2, **Sch. para. 20(1)**
 S. 82(1) applied (with modifications) (20.11.1996) by: S.I. 1996/2912, art. 2, **Sch. para. 20(1)**; S.I. 1996/2916, art. 2, **Sch. para. 20(1)**; S.I. 1996/2917, art. 2, **Sch. para. 20(1)**; S.I. 1996/2918, art. 2, **Sch. para. 20(1)**; S.I. 1996/2919, art. 2, **Sch. para. 20(1)**; S.I. 1996/2920, art. 2, **Sch. para. 20(1)**; S.I. 1996/2921, art. 2, **Sch. para. 20(1)**; S.I. 1996/2922, art. 2, **Sch. para. 20(1)**; S.I. 1996/2923, art. 2, **Sch. para. 20(1)**; S.I. 1996/2924, art. 2, **Sch. para. 20(1)**
- C23** S. 82(1) applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), arts. 1(2), 2, **Sch. para. 15**

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