



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}, or be qualified to be elected and to be an elected mayor,] if he is a [^{F2}qualifying Commonwealth citizen] or a citizen of the Republic of Ireland [^{F3}or a relevant citizen of the Union] and on the relevant day he has attained the age of [^{F4}eighteen] years and—
- on that day he is and thereafter he continues to be a local government elector for the area of the authority; or
 - 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
 - his principal or only place of work during that twelve months has been in that area; or
 - he has during the whole of those twelve months resided in that area; or
 - 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—
- 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
 - in the said excepted case, the day of election.

[^{F5}(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 ^{M1} (as amended

Status: Point in time view as at 01/01/2007. This version of this provision has been superseded.

Changes to legislation: Local Government Act 1972, Section 79 is up to date with all changes known to be in force on or before 21 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)

by Title II of the Treaty on European Union ^{M2}), and “relevant citizen of the Union” means such a citizen who is not a [^{F6}qualifying] Commonwealth citizen or a citizen of the Republic of Ireland.]

^{F7}(3)

[^{F8}(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).]

Textual Amendments

- F1** Words in s. 79(1) inserted (E.) (11.7.2001) by S.I. 2001/2237, art. 4 and (W.) (1.4.2002) by S.I. 2002/808, art. 4
- 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** 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)
- F5** S. 79(2A) inserted (1.1.1996) by S.I. 1995/1948, **regs. 1(2)**, 3(1)
- F6** 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)
- F7** S. 79(3) (inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 2**) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F8** 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)

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**

Marginal Citations

- M1** Treaty Series No. 47 (1988), Cm. 455.
M2 Cm. 1934.

Status:

Point in time view as at 01/01/2007. This version of this provision has been superseded.

Changes to legislation:

Local Government Act 1972, Section 79 is up to date with all changes known to be in force on or before 21 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.