



# Local Government (Scotland) Act 1973

## 1973 CHAPTER 65

### PART III

#### GENERAL PROVISIONS AS TO MEMBERS OF LOCAL AUTHORITIES AND PROCEEDINGS

##### *Qualifications and disqualifications*

#### **29 Qualifications for nomination, 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 nominated as a candidate for election as, or to be elected, or to be, a member of a local authority if he has attained the age of [<sup>F1</sup>18] years, is a [<sup>F2</sup>qualifying Commonwealth citizen] or a citizen of the Irish Republic [<sup>F3</sup>or a relevant citizen of the Union] and not subject to any legal incapacity and—
- (a) is, on the day on which he is nominated as a candidate, a local government elector for the area of the authority; or
  - (b) has, during the whole of the twelve months preceding the day on which he is nominated as a candidate, occupied as owner or tenant any land or other premises in the area of the authority; or
  - (c) his principal or only place of work in the twelve months preceding the day on which he is nominated as a candidate has been in the area of the authority; or
  - (d) has, during the whole of the twelve months preceding the day on which he is nominated as a candidate, resided in the area of the authority.

[<sup>F4</sup>(1A) A person who has received a severance payment (within the meaning of section 12 of the Local Governance (Scotland) Act 2004 (asp 9)) shall not be so qualified.]

- (2) In subsection (1) above,  
[<sup>F5</sup>“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

*Status: Point in time view as at 01/01/2007. This version of this provision has been superseded.*

*Changes to legislation: Local Government (Scotland) Act 1973, Section 29 is up to date with all changes known to be in force on or before 16 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)*

who is not a [<sup>F6</sup>qualifying] Commonwealth citizen or a citizen of the Republic of Ireland; and]

“owner” includes heir of entail in possession, liferenter and beneficiary entitled under any trust to the rents and profits of land or other premises, and does not include fiar of land or other premises subject to a liferent, or tutor, curator, judicial factor or commissioners.

- [<sup>F7</sup>(3) 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.
- (4) But a person is not a qualifying Commonwealth citizen by virtue of subsection (3) (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** Word in s. 29(1) substituted (20.1.2005) by [Local Governance \(Scotland\) Act 2004 \(asp 9\), ss. 8, 17\(2\)](#); [S.S.I. 2004/558, art. 2](#)
- F2** Words in s. 29(1) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\), ss. 18, 77, Sch. 1 para. 46\(2\)](#); [S.I. 2006/3412, art. 3, Sch. 1 para. 14\(bb\)\(i\)](#) (subject to art. 6); [S.I. 2008/1316, arts. 2\(2\), 4\(z\)\(i\)](#)
- F3** Words in s. 29(1) inserted (1.1.1996) by [S.I. 1995/1948, regs. 1\(2\), 3\(2\)](#)
- F4** S. 29(1A) inserted (14.9.2006) by [Local Governance \(Scotland\) Act 2004 \(asp 9\), ss. 12\(4\), 17\(2\)](#); [S.I. 2006/470, art. 2](#)
- F5** Definition of "citizen of the Union" in s. 29(2) inserted (1.1.1996) by [S.I. 1995/1948, regs. 1\(2\), 3\(2\)](#)
- F6** Word in s. 29(2) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\), ss. 18, 77, Sch. 1 para. 46\(3\)](#); [S.I. 2006/3412, {art. 3}](#), [Sch. 1 para. 14\(bb\)\(i\)](#) (subject to art. 6); [S.I. 2008/1316, arts. 2\(2\), 4\(z\)\(i\)](#)
- F7** S. 29(3)(4) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\), ss. 18, 77, Sch. 1 para. 46\(4\)](#); [S.I. 2006/3412, art. 3, Sch. 1 para. 14\(bb\)\(i\)](#) (subject to art. 6); [S.I. 2008/1316, arts. 2\(2\), 4\(z\)\(i\)](#)

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

- C1** S. 29 modified (8.11.1994) by [1994 c. 39, s. 7\(1\), Sch. 2 para. 3](#) (with s. 7(2)); [S.I. 1994/2850, art. 2, Sch. 2](#)
- S. 29 applied (temp. from 6.4.1995 to 1.4.1996) by [S.I. 1994/3255, art. 3, Sch. I para. 1](#)

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