

ELECTORAL ADMINISTRATION ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5: Standing for election

Standing for election

Section 18 Certain Commonwealth citizens

111. This section limits the right of Commonwealth citizens to stand for election to the House of Commons to those with a right of abode or with indefinite leave to remain in the UK. This will help to ensure that the only Commonwealth citizens who may stand for election and be an MP are those who have a right to live in the UK throughout the term of their office.
112. *Subsection (1)* amends provisions of the Act of Settlement 1700 governing who may be a member of the House of Commons to require that, in order to be eligible for election as a member of the House, a Commonwealth citizen must be a “qualifying” Commonwealth citizen. *Subsections (2) and (3)* define qualifying Commonwealth citizens for these purposes. *Subsection (4)* provides that, subject to provision for waiver of the disqualification by the House of Commons, the election of anyone elected whilst disqualified by this section is void, and that anyone who becomes disqualified after having been elected must vacate his seat. *Subsection (5)* applies specified provisions of the House of Commons Disqualification Act 1975 relating to persons who are disqualified under that Act to persons to whom *subsection (4)* applies.
113. *Subsection (6)* gives effect to Part 3 of Schedule 1 to the Act. This makes similar amendments to provisions governing election to bodies other than the House of Commons, namely the European Parliament, the Greater London Authority and local authorities throughout the UK. As the right to stand for election and be a member of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly depends on whether the person is disqualified for membership of the House of Commons, there is no need to make express provision in those cases in order to have the same effect. However, consequential amendments are made in the case of those elections where necessary.