



Local Government Act (Northern Ireland) 1972

1972 CHAPTER 9

PART II

MEMBERS, MEETINGS AND PROCEDURE

COUNCILLORS

4 Disqualifications.

- (1) Subject to section 5, a person shall be disqualified for being elected or being a councillor if—
- (a) he holds any paid office or other [^{F1}employment, appointments to which are made by a council if it is a prescribed office or employment]; or
 - [^{F2}(b) is the subject of—
 - (i) a bankruptcy restrictions order ^{F3}...; or
 - (ii) a debt relief restrictions order ^{F3}...;]
 - [^{F4}(c) he is disqualified for being elected or being a councillor under Article 19 or 20 of the Local Government (Northern Ireland) Order 2005;]
 - [^{F5}(cc) he has been found guilty of one or more offences by any court in Northern Ireland or elsewhere in the British Islands and sentenced or ordered to be imprisoned or detained indefinitely or for three months or more without the option of a fine and either of the periods mentioned in subsection (3) is current; or]
 - (d) he has within the five years immediately preceding the day of his election or at any time subsequent to that day^{F5} . . . been guilty of any conduct which the High Court has by order declared was reprehensible within the meaning of section 31; or
 - [^{F5}(dd) within the five years immediately preceding the day of his election or at any time subsequent to that day, a determination has been made by the High Court that he has acted in breach of the terms of a delaration against terrorism as

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defined in section 7 of the Elected Authorities (Northern Ireland) Act 1989;
or]

- (e) he is disqualified for being elected or being a councillor either under section 6(2) or under any other statutory provision (including a provision relating to corrupt or illegal practices).

[^{F6}(ea) the person is incapable of being elected to or holding—

(i) the office of member of the House of Commons of the Parliament of the United Kingdom, having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983, article 69 of the Police and Crime Commissioner Elections Order 2012 or regulation 136 of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016 (undue influence);

(ii) 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) (undue influence); or]

[^{F7}(f) he has received a severance payment (within the meaning of section 19 of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010).]

[^{F8}(1A) The Department must by 30th September 2014 make regulations under subsection (1) (a).]

Subs.(2) rep. by 1985 NI 15

[^{F5}(3) The periods referred to in subsection (1)(cc) are—

- (a) the period of his actual imprisonment or detention (including any time when he is unlawfully at large), and
(b) the period of five years beginning with his discharge.

(4) For the purposes of subsections (1)(cc) and (3)—

- (a) consecutive terms of imprisonment or detention imposed in respect of offences of which the offender was found guilty in the same proceedings are to be treated as a single term,
(b) the release of an offender on licence or in pursuance of a grant of remission is to be treated as his discharge, whether or not his release is subject to conditions, but if, in respect of the same offence or offences, he is required to return to prison or detention for a further period the reference in subsection (3) to his discharge includes a reference to his discharge in respect of that further period, and
(c) the reference in subsection (1)(cc) to a sentence or order does not, except in a case where the sentence or order does take effect for any term, include one that is ordered not to take effect unless the conditions specified in the order are fulfilled and, in such a case, the original sentence or order is to be treated as a sentence or order of imprisonment or detention for that term.]

[^{F9}(5) In the application of this section to a person who is a candidate to be returned under section 11D, 11E or 11F (casual vacancies) of the Electoral Law Act (Northern Ireland) 1962, references to the day of the person's election are to the date of the person's response under section 11D or declaration under section 11E or 11F (as the case may be).]

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- F1** Words in s. 4(1)(a) substituted (1.2.2015) by [Local Government Act \(Northern Ireland\) 2014 \(c. 8\), ss. 5\(1\), 129](#) (with s. 124(4)); S.R. 2015/28, art. 2(a)
- F2** S. 4(1)(b) substituted (30.6.2011) by [Debt Relief Act \(Northern Ireland\) 2010 \(c. 16\), ss. 6, 7\(1\), Sch. para. 1](#); S.R. 2011/13, [art. 2](#)
- F3** Words in s. 4(1)(b)(i)(ii) repealed (1.4.2015) by [Local Government Act \(Northern Ireland\) 2014 \(c. 8\), s. 129, Sch. 10](#) (with s. 124(4)); S.R. 2015/209, art. 2, Sch. 1
- F4** S. 4(1)(c) substituted (1.4.2006) by [Local Government \(Northern Ireland\) Order 2005 \(S.I. 2005/1968 \(N.I. 18\)\), arts. 1\(2\), 28\(2\)](#); S.R. 2006/151, [art. 2](#), Sch. (with art. 4)
- F5** 1989 c.3
- F6** S. 4(1)(ea) inserted (1.11.2023) by [Elections Act 2022 \(c. 37\), s. 67\(1\), Sch. 5 para. 3](#); S.I. 2023/1145, reg. 3(g) (with [Sch. paras. 9\(2\)\(4\)](#))
- F7** S. 4(1)(f) added (27.3.2010) by [Local Government \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2010 \(c. 7\), ss. 19\(4\), 26\(1\)\(b\)](#)
- F8** S. 4(1A) inserted (2.6.2014) by [Local Government Act \(Northern Ireland\) 2014 \(c. 8\), ss. 5\(2\), 129](#) (with s. 124(4)); S.R. 2014/153, art. 2, Sch. 1
- F9** S. 4(5) inserted (1.4.2010) by [Electoral Law Act \(Northern Ireland\) 1962 \(Amendment\) Order 2010 \(S.I. 2010/1178\), arts. 1\(2\), 5\(3\)](#)

Modifications etc. (not altering text)

- C1** S. 4 modified (3.10.2013) by [The Local Government \(Boundaries\) \(2008 Act\) \(Commencement, Transitional Provision and Savings\) Order \(Northern Ireland\) 2013 \(S.R. 2013/238\), art. 3\(3\)](#) (with art. 3(4))
- C2** S. 4(1)(c) modified (3.10.2013) by [The Local Government \(Boundaries\) \(2008 Act\) \(Commencement, Transitional Provision and Savings\) Order \(Northern Ireland\) 2013 \(S.R. 2013/238\), art. 3\(4\)](#)
- C3** S. 4(1)(e) modified (3.10.2013) by [The Local Government \(Boundaries\) \(2008 Act\) \(Commencement, Transitional Provision and Savings\) Order \(Northern Ireland\) 2013 \(S.R. 2013/238\), art. 3\(4\)](#)

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