

*Changes to legislation: There are currently no known outstanding effects for the Electoral Administration Act 2006, Part 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

#### AMENDMENTS

#### PART 3

#### STANDING FOR ELECTION

##### *European Parliament*

F141 .....

#### Textual Amendments

- F1** Sch. 1 para. 41 repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))

##### *Greater London Authority*

- 42 (1) Section 20 of the Greater London Authority Act 1999 (c. 29) (qualification to be Mayor or Assembly member) is amended as follows.
- (2) In subsection (2)(a) before “Commonwealth” insert “qualifying”.
- (3) After subsection (7) insert—
- “(7A) 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.
- (7B) But a person is not a qualifying Commonwealth citizen by virtue of subsection (7A)(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).”
- (4) In subsection (8), in paragraph (a) of the definition of “relevant citizen of the Union” before “Commonwealth” insert “qualifying”.

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#### Commencement Information

- II** Sch. 1 para. 42 wholly in force at 1.7.2008; Sch. 1 para. 42 not in force at Royal Assent see s. 77; Sch. 1 para. 42 in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14 (bb)(i) (subject to Sch. 2); Sch. 1 para. 42 in force for N.I. at 1.7.2008 by S.I. 2008/1316, arts. 2(2), 4(z)(i)

#### *Local authorities in England and Wales*

- 43 (1) Section 79 of the Local Government Act 1972 (c. 70) (qualifications for election and holding office as a member of a local authority) is amended as follows.
- (2) In subsection (1) for “British subject” substitute “qualifying Commonwealth citizen”.
- (3) In subsection (2A) before “Commonwealth” insert “qualifying”.
- (4) After subsection (2A) insert—
- “(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).”

#### Commencement Information

- I2** Sch. 1 para. 43 wholly in force at 1.7.2008; Sch. 1 para. 43 not in force at Royal Assent see s. 77; Sch. 1 para. 43 in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14 (bb)(i) (subject to Sch. 2); Sch. 1 para. 43 in force for N.I. at 1.7.2008 by S.I. 2008/1316, arts. 2(2), 4(z)(i)

#### *National Assembly for Wales*

- 44 In section 13(2) of the Government of Wales Act 1998 (c. 38) (exceptions and relief from disqualification) before “Commonwealth” insert “certain”.

#### Commencement Information

- I3** Sch. 1 para. 44 partly in force; Sch. 1 para. 44 not in force at Royal Assent see s. 77; Sch. 1 para. 44 in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14 (bb)(i) (subject to Sch. 2); Sch. 1 para. 44 in force for N.I. at 1.7.2008 by S.I. 2008/1316, arts. 2(2), 4(z)(i)

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### *Scottish Parliament*

- 45 In section 16(2) of the Scotland Act 1998 (c. 46) (exceptions and relief from disqualification) before “Commonwealth” insert “ certain ”.

#### **Commencement Information**

- I4** Sch. 1 para. 45 wholly in force at 1.7.2008; Sch. 1 para. 45 not in force at Royal Assent see s. 77; Sch. 1 para. 45 in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14 (bb)(i) (subject to Sch. 2); Sch. 1 para. 45 in force for N.I. at 1.7.2008 by S.I. 2008/1316, arts. 2(2), 4(z)(i)

### *Local authorities in Scotland*

- 46 (1) Section 29 of the Local Government (Scotland) Act 1973 (c. 65) (qualifications for nomination, election and holding office as a member of a local authority in Scotland) is amended as follows.
- (2) In subsection (1) for “British subject” substitute “ qualifying Commonwealth citizen ”.
- (3) In subsection (2) before “Commonwealth” insert “ qualifying ”.
- (4) After subsection (2) insert—
- “(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).”

#### **Commencement Information**

- I5** Sch. 1 para. 46 wholly in force at 1.7.2008; Sch. 1 para. 46 not in force at Royal Assent see s. 77; Sch. 1 para. 46 in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14 (bb)(i) (subject to Sch. 2); Sch. 1 para. 46 in force for N.I. at 1.7.2008 by S.I. 2008/1316, arts. 2(2), 4(z)(i)

### *Councillors in Northern Ireland*

- 47 (1) Section 3 of the Local Government Act (Northern Ireland) 1972 (C.9) (qualifications for nomination, election and holding office as a councillor in Northern Ireland) is amended as follows.
- (2) In subsection (1) for “British subject” substitute “ qualifying Commonwealth citizen ”.
- (3) In subsection (2) before Commonwealth insert “ qualifying ”.

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(4) After subsection (3) insert—

“(4) 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.

(5) But a person is not a qualifying Commonwealth citizen by virtue of subsection (4)(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).”

**Changes to legislation:**

There are currently no known outstanding effects for the Electoral Administration Act 2006, Part 3.