



# Greater London Authority Act 1999

## 1999 CHAPTER 29

### PART I

#### THE GREATER LONDON AUTHORITY

#### *Qualifications and disqualifications*

#### **20 Qualification to be the Mayor or an Assembly member.**

- (1) Subject to any disqualification by virtue of this Act or any other enactment, a person is qualified to be elected and to be the Mayor or an Assembly member if he satisfies the requirements of subsections (2) to (4) below.
- (2) The person must be—
  - (a) a [<sup>F1</sup> qualifying ] Commonwealth citizen;
  - (b) a citizen of the Republic of Ireland; or
  - (c) [<sup>F2</sup> qualifying EU citizen or an EU citizen with retained rights].
- (3) On the relevant day, the person must have attained the age of [<sup>F3</sup> 18 ] years.
- (4) The person must satisfy at least one of the following conditions—
  - (a) on the relevant day he is, and from that day continues to be, a local government elector for Greater London;
  - (b) he has, during the whole of the twelve months preceding that day, occupied as owner or tenant any land or other premises in Greater London;
  - (c) his principal or only place of work during that twelve months has been in Greater London;
  - (d) he has during the whole of that twelve months resided in Greater London.
- (5) This section applies in relation to being returned as a London member under section 11 above otherwise than at an election as it applies in relation to being elected.

*Status: Point in time view as at 01/11/2023.*

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- (6) References in this section to election shall accordingly be construed as if a London member so returned were elected at an election on the day on which he is to be treated as returned.
- (7) In the application of this section by virtue of subsection (5) above, any reference to the day on which a person is nominated as a candidate shall be taken as a reference to the day on which notification of the person's name is given under section 11(3) above by the Greater London returning officer.
- [<sup>F4</sup>(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).]
- (8) In this section—
- <sup>F5</sup> ...
- the relevant day, in relation to any candidate, means—
- (a) the day on which he is nominated as a candidate and also, if there is a poll, the day of the election; or
  - (b) if the election is not preceded by the nomination of candidates, the day of the election.
- [<sup>F6</sup>“qualifying EU citizen” and “EU citizen with retained rights” have the same meaning as in the Representation of the People Act 1983 (see sections 203A and 203B of that Act);]

#### Textual Amendments

- F1** Word in s. 20(2)(a) inserted (1.1.2007 for E.W.S., 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), s. 77(2), [Sch. 1 para. 42\(2\)](#); S.I. 2006/3412, art. 3, [Sch. 1 para. 14\(bb\)\(i\)](#) (with [Sch. 2 para. 1](#)); S.I. 2008/1316, arts. 2(2), 4(z)(i)
- F2** Words in s. 20(2)(c) substituted (1.11.2023 for specified purposes) by [Elections Act 2022 \(c. 37\)](#), s. 67(1), [Sch. 8 para. 4\(a\)](#); S.I. 2023/1145, reg. 3(i)(iii)
- F3** Word in s. 20(3) substituted (1.1.2007 for E.W.S., 7.2.2007 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 17\(5\)](#), 77(2); S.I. 2006/3412, art. 3, [Sch. 1 para. 14\(d\)](#) (with [Sch. 2 para. 1](#)); S.I. 2007/230, art. 2
- F4** S. 20(7A)(7B) inserted (1.1.2007 for E.W.S., 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), s. 77(2), [Sch. 1 para. 42\(3\)](#); S.I. 2006/3412, art. 3, [Sch. 1 para. 14\(bb\)\(i\)](#) (with [Sch. 2 para. 1](#)); S.I. 2008/1316, arts. 2(2), 4(z)(i)
- F5** Words in s. 20(8) omitted (1.11.2023 for specified purposes) by virtue of [Elections Act 2022 \(c. 37\)](#), s. 67(1), [Sch. 8 para. 4\(b\)\(i\)](#); S.I. 2023/1145, reg. 3(i)(iii)
- F6** Words in s. 20(8) inserted (1.11.2023 for specified purposes) by [Elections Act 2022 \(c. 37\)](#), s. 67(1), [Sch. 8 para. 4\(b\)\(ii\)](#); S.I. 2023/1145, reg. 3(i)(iii)

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## 21 Disqualification from being the Mayor or an Assembly member.

(1) A person is disqualified from being elected or being the Mayor or an Assembly member if—

- (a) he is a member of staff of the Authority;
- (b) he holds any of the offices or appointments for the time being designated by the Secretary of State in an order as offices or appointments disqualifying persons from being the Mayor or an Assembly member;
- [<sup>F7</sup>(c) he is the subject of a bankruptcy restrictions order [<sup>F8</sup>or an interim bankruptcy restrictions order, or a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986];]
- (d) he has within five years before the day of the election, or since his election, been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; <sup>F9</sup>...
- (e) he is disqualified under—
  - (i) section 85A or Part III of the Representation of the <sup>M1</sup>People Act 1983, <sup>F10</sup>...
  - <sup>F10</sup>(ii) . . . . .from being elected or being the Mayor or an Assembly member [<sup>F11</sup>; or
- (f) the person is incapable of being elected to or holding—
  - (i) 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 (S.I. 2001/2599)) (undue influence);
  - (ii) the office of member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence).]

[<sup>F12</sup>(1A) Subsection (1)(a) does not prevent a person appointed under section 67(1)(b) as the Deputy Mayor for Fire, or appointed under section 67(1)(b) and designated as the Deputy Mayor for Fire, from being elected as or being an Assembly member.]

(2) A paid officer of a London borough council who is employed under the direction of—

- (a) any of that council's committees or sub-committees the membership of which includes the Mayor or one or more persons appointed on the nomination of the Authority acting by the Mayor, or
- (b) a joint committee the membership of which includes one or more members appointed on the nomination of that council and one or more members appointed on the nomination of the Authority acting by the Mayor,
- [<sup>F13</sup>(c) the executive or any committee of the executive of that council, where that council are operating executive arrangements and the membership of that executive includes the Mayor or one or more persons appointed on the nomination of the Authority acting by the Mayor, or
- (d) a member of the executive of that council, where that council are operating executive arrangements and that member is also the Mayor or a person appointed on the nomination of the Authority acting by the Mayor,]

shall be disqualified from being elected or being the Mayor or an Assembly member.

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[<sup>F14</sup>(2A) In this section executive and executive arrangements have the same meaning as in Part II of the Local Government Act 2000.]

<sup>F15</sup>(3) .....

<sup>F16</sup>(4) .....

(5) For the purposes of subsection (1)(d) above—

- (a) the ordinary date on which the period allowed for making an appeal or application with respect to the conviction expires, or
- (b) if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution,

shall be deemed to be the date of the conviction.

(6) This section shall apply in relation to being returned as a London member under section 11 above otherwise than at an election as it applies in relation to being elected.

(7) References in this section to election shall accordingly be construed as if a London member so returned were elected at an election on the day on which he is to be treated as returned.

#### Textual Amendments

- F7** S. 21(1)(c) substituted (29.6.2006) by [The Enterprise Act 2002 \(Disqualification from Office: General\) Order 2006 \(S.I. 2006/1722\)](#), art. 1(1), **Sch. 2 para. 6(a)**
- F8** Words in s. 21(1)(c) substituted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 42** (with arts. 5, 6)
- F9** Word in s. 21 omitted (1.11.2023) by virtue of [Elections Act 2022 \(c. 37\)](#), s. 67(1), **Sch. 5 para. 5(a)**; [S.I. 2023/1145](#), reg. 3(g) (with [Sch. paras. 9\(2\)\(4\)](#))
- F10** S. 21(1)(e)(ii) and preceding word omitted (1.4.2015) by virtue of [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), **Sch. 12 para. 41**; [S.I. 2015/841](#), art. 3(x)
- F11** S. 21(f) and word inserted (1.11.2023) by [Elections Act 2022 \(c. 37\)](#), s. 67(1), **Sch. 5 para. 5(b)**; [S.I. 2023/1145](#), reg. 3(g) (with [Sch. paras. 9\(2\)\(4\)](#))
- F12** S. 21(1A) inserted (E.W.) (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 2 para. 2**; [S.I. 2018/227](#), art. 2(b)(i)
- F13** S. 21(2)(c)(d) inserted (E.) (11.7.2001) by [S.I. 2001/2237](#), **art. 35(a)**
- F14** S. 21(2A) inserted (E.) (11.7.2001) by [S.I. 2001/2237](#), **art. 35(b)**
- F15** S. 21(3) omitted (29.6.2006) by virtue of [The Enterprise Act 2002 \(Disqualification from Office: General\) Order 2006 \(S.I. 2006/1722\)](#), art. 1(1), **Sch. 2 para. 6(b)**
- F16** S. 21(4) omitted (29.6.2006) by virtue of [The Enterprise Act 2002 \(Disqualification from Office: General\) Order 2006 \(S.I. 2006/1722\)](#), art. 1(1), **Sch. 2 para. 6(b)**

#### Commencement Information

- I1** S. 21 wholly in force at 14.12.1999: by virtue of s. 425(2) this Act comes into force at Royal Assent in regards to any powers of a Minister of the Crown to make regulations or an order; s. 21 in force at 14.12.1999 insofar as not already in force by [S.I. 1999/3376](#), **art. 2**

#### Marginal Citations

- M1** [1983 c. 2](#).

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## **[<sup>F17</sup>21A Disqualification relating to sexual offences etc**

- (1) A person is disqualified from being elected or being the Mayor or an Assembly member if the person is subject to—
  - (a) any relevant notification requirements, or
  - (b) a relevant order.
- (2) In this section “relevant notification requirements” means—
  - (a) the notification requirements of Part 2 of the Sexual Offences Act 2003;
  - (b) the notification requirements of Part 2 of the Sex Offenders (Jersey) Law 2010;
  - (c) the notification requirements of Part 2 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law 2013;
  - (d) the notification requirements of Schedule 1 to the Criminal Justice Act 2001 (an Act of Tynwald: c. 4).
- (3) In this section “relevant order” means—
  - (a) a sexual harm prevention order under section 345 of the Sentencing Code;
  - (b) a sexual harm prevention order under section 103A of the Sexual Offences Act 2003;
  - (c) a sexual offences prevention order under section 104 of that Act;
  - (d) a sexual risk order under section 122A of that Act;
  - (e) a risk of sexual harm order under section 123 of that Act;
  - (f) a risk of sexual harm order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005;
  - (g) a sexual risk order under section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016;
  - (h) a restraining order under Article 10 of the Sex Offenders (Jersey) Law 2010;
  - (i) a child protection order under Article 11 of that Law;
  - (j) a sexual offences prevention order under section 18 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law 2013;
  - (k) a risk of sexual harm order under section 22 of that Law;
  - (l) a sexual offences prevention order under section 1 of the Sex Offenders Act 2006 (an Act of Tynwald: c. 20);
  - (m) a risk of sexual harm order under section 5 of that Act.
- (4) For the purposes of subsection (1)(a), a person who is subject to any relevant notification requirements is not to be regarded as disqualified until—
  - (a) the expiry of the ordinary period allowed for making an appeal or application against the conviction, finding, caution, order or certification in respect of which the person is subject to the relevant notification requirements, or
  - (b) if such an appeal or application is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.
- (5) For the purposes of subsection (1)(b), a person who is subject to a relevant order is not to be regarded as disqualified until—
  - (a) the expiry of the ordinary period allowed for making an appeal against the relevant order, or
  - (b) if such an appeal is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.

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- (6) This section applies in relation to being returned as a London member under section 11 otherwise than at an election as it applies in relation to being elected.]

#### Textual Amendments

**F17** S. 21A inserted (E.W.) (28.6.2022) by [Local Government \(Disqualification\) Act 2022 \(c. 17\)](#), **ss. 3(1), 6(2)** (with s. 5)

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

**C1** S. 21A: power to amend conferred (28.6.2022) by [Local Government \(Disqualification\) Act 2022 \(c. 17\)](#), **ss. 4(1)(2)(c), 6(2)** (with s. 5)

## 22 Validity of acts done by unqualified persons.

The acts and proceedings of any person elected to an office under this Act and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

## 23 Proceedings for disqualification.

Section 92 of the <sup>M2</sup>Local Government Act 1972 (proceedings for disqualification) shall apply in relation to the Authority as it applies in relation to a local authority within the meaning of that section, but taking—

- (a) any reference to a member of a local authority as a reference to the Mayor or an Assembly member;
- (b) any reference to a local government elector for the area concerned as a reference to a local government elector for Greater London; and
- (c) any reference to meetings of the local authority as a reference to meetings of the Assembly.

#### Marginal Citations

**M2** 1972 c. 70.

**Status:**

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