

SCHEDULES

SCHEDULE 1

AMENDMENTS

PART 3

STANDING FOR ELECTION

European Parliament

- 41 (1) Section 10 of the European Parliamentary Elections Act 2002 (c. 24) (disqualifications) is amended as follows.
- (2) In subsection (3) for “Commonwealth” substitute “qualifying Commonwealth citizens”.
- (3) After subsection (3) insert—
- “(3A) A Commonwealth citizen who is resident in Gibraltar and who—
- (a) does not, under the law of Gibraltar, require a permit or certificate to enter or remain there, or
- (b) for the time being has (or is by virtue of any provision of the law of Gibraltar to be treated as having) a certificate of permanent residence issued under the Immigration Control Ordinance,
- is not disqualified for the office of MEP under subsection (1)(a) merely because he is disqualified for membership of the House of Commons under section 3 of the Act of Settlement (12&13 Will 3 c. 2) (disqualification of persons, other than qualifying Commonwealth citizens and Republic of Ireland citizens, who are born outside Great Britain and Ireland and the dominions).
- (3B) But subsection (3A)(a) does not cause a person to be qualified for the office of MEP if he does not require a permit or certificate to enter Gibraltar by virtue only of section 14(1) of the Immigration Control Ordinance (certain exemptions from requirement of permit or certificate).”
- (4) In subsection (4A) for “provide” substitute “make such other provision as he thinks appropriate”.
- (5) After subsection (7) insert—
- “(7A) In this section “the Immigration Control Ordinance” means the Gibraltar Ordinance of that name (Ord. 1962 No. 12).
- (7B) The Secretary of State may by regulations amend this section if he considers it necessary or expedient to do so in consequence of developments in the law of Gibraltar relating to immigration control.

Status: This is the original version (as it was originally enacted).

(7C) Such regulations may—

- (a) make transitional or saving provision;
- (b) make provision extending or applying to (or extending or applying only to) Gibraltar or any part of the United Kingdom.”

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”.

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).”

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”.

Scottish Parliament

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

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).”

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”.
- (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.

Status: This is the original version (as it was originally enacted).

- (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).”