



Local Government Act (Northern Ireland) 1972

1972 CHAPTER 9

PART II

MEMBERS, MEETINGS AND PROCEDURE

COUNCILLORS

3 Qualifications.

- (1) A person shall, unless disqualified by virtue of this Act or any other statutory provision, be qualified to be elected and to be a councillor, if on the relevant day he has attained the age of [^{F1}eighteen] years and is a [^{F2}qualifying Commonwealth citizen] or [^{F3} a citizen of the Republic of Ireland][^{F4} or a relevant citizen of the Union] and—
 - (a) on that day he is a local elector for the district of the council; or
 - (b) he has during the whole of the twelve months immediately preceding that day—
 - (i) occupied as owner or tenant any land in the district of the council, or
 - (ii) resided in the district of the council; or
 - (c) his principal or only place of work during that twelve months has been in the district of the council.
- (2) In this section [^{F4} “citizen of the Union” shall be construed in accordance with Article 8.1 of the Treaty establishing the European Community (as amended by Title II of the Treaty on European Union) and “relevant citizen of the Union” means such a citizen who is not a [^{F5}qualifying] Commonwealth citizen or a citizen of the Republic of Ireland; and] “relevant day”, in relation to any candidate, means the day on which he is nominated as a candidate and also, if there is a poll, the day of his election.
- (3) For the purposes of subsection (1), in its application to any candidate, the district shall be treated as having been established not less than twelve months before the day on which he is nominated as a candidate.

Status: Point in time view as at 30/06/2011. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1972, Section 3. (See end of Document for details)

[^{F6}(4) 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 date on which the person is nominated as a candidate are to the date of the person's response under section 11D or declaration under section 11E or 11F (as the case may be).]

[^{F7}(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).]

- F1** Words in s. 3(1) substituted (7.2.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. **17(6)**, 77(2); S.I. 2007/230, **art. 2**
- F2** Words in s. 3(1) substituted (1.7.2008) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 18(6), 77(2), **Sch. 1 para. 47(2)**; S.I. 2008/1316, **arts. 2(2)(3)**, 4(b), 5(f)(i)
- F3** 1989 c.3
- F4** SI 1995/1948
- F5** Word in s. 3(2) inserted (1.7.2008) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 18(6), 77(2), **Sch. 1 para. 47(3)**; S.I. 2008/1316, **arts. 2(2)(3)**, 4(b), 5(f)(i)
- F6** S. 3(4) inserted (1.4.2010) by virtue of [Electoral Law Act \(Northern Ireland\) 1962 \(Amendment\) Order 2010 \(S.I. 2010/1178\)](#), arts. 1(2), **5(2)**
- F7** S. 3(4)(5) inserted (1.7.2008) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 18(6), 77(2), **Sch. 1 para. 47(4)**; S.I. 2008/1316, **arts. 2(2)(3)**, 4(b), 5(f)(i)

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There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1972, Section 3.