



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 qualifying EU citizen or an EU citizen with retained rights] 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 [^{F5} [^{F6} “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 [^{F7}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 [^{F8}]; and “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).]

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)

- (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.
- [^{F9}(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).]
- [^{F10}(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** Words in s. 3(1) substituted (1.11.2023 for specified purposes) by [Elections Act 2022 \(c. 37\), s. 67\(1\), Sch. 8 para. 8\(a\); S.I. 2023/1145, reg. 3\(i\)\(v\)](#)
- F5** Words in s. 3(2) omitted (1.11.2023 for specified purposes) by virtue of [Elections Act 2022 \(c. 37\), s. 67\(1\), Sch. 8 para. 8\(b\)\(i\); S.I. 2023/1145, reg. 3\(i\)\(v\)](#)
- F6** SI 1995/1948
- F7** 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\(f\)\(i\)](#)
- F8** Words in s. 3(2) inserted (1.11.2023 for specified purposes) by [Elections Act 2022 \(c. 37\), s. 67\(1\), Sch. 8 para. 8\(b\)\(ii\); S.I. 2023/1145, reg. 3\(i\)\(v\)](#)
- F9** 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\(2\)](#)
- F10** 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\(f\)\(i\)](#)

Modifications etc. (not altering text)

- C1** S. 3 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))

Changes to legislation:

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