



# Local Government and Elections (Wales) Act 2021

2021 asc 1

## PART 1

### ELECTIONS

#### *Qualification for membership of a local authority*

#### **19 Qualification for election and holding office as a member of a local authority in Wales**

- (1) Section 79 of the 1972 Act is amended as follows.
- (2) In subsection (1), after “Union” insert “ or, in the case of a local authority in Wales, a qualifying foreign citizen ”.
- (3) After subsection (2C) insert—
  - “(2D) For the purposes of this section, a person is a qualifying foreign citizen if the person—
    - (a) is not a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union, and
    - (b) either—
      - (i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
      - (ii) 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.
- (2E) But a person is not a qualifying foreign citizen by virtue of subsection (2D) (b)(i) if the person 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).”

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**Status:** Point in time view as at 17/11/2021.

**Changes to legislation:** There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, Cross Heading: Qualification for membership of a local authority. (See end of Document for details)

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#### Commencement Information

**II** S. 19 in force at 17.11.2021 by S.I. 2021/1249, art. 2(a) (with art. 4)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, Cross Heading: Qualification for membership of a local authority.