



# 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).”