



Local Government Act 1972

1972 CHAPTER 70

PART V

GENERAL PROVISIONS AS TO MEMBERS AND PROCEEDINGS OF LOCAL AUTHORITIES

Qualifications and disqualifications

79 Qualifications for election and holding office as member of local authority.

- (1) A person shall, unless disqualified by virtue of this Act or any other enactment, be qualified to be elected and to be a member of a local authority if he is a British subject or a citizen of the Republic of Ireland [^{F1}or a relevant citizen of the Union] and on the relevant day he has attained the age of twenty-one years and—
- (a) on that day he is and thereafter he continues to be a local government elector for the area of the authority; or
 - (b) he has during the whole of the twelve months preceding that day occupied as owner or tenant any land or other premises in that area; or
 - (c) his principal or only place of work during that twelve months has been in that area; or
 - (d) he has during the whole of those twelve months resided in that area; or
 - (e) in the case of a member of a parish or community council he has during the whole of those twelve months resided either in the parish or community or within three miles of it.
- (2) In this section “relevant day”, in relation to any candidate, means—
- (a) except in the case of an election not preceded by the nomination of candidates, the day on which he is nominated as a candidate and also, if there is a poll, the day of election; and
 - (b) in the said excepted case, the day of election.

[^{F2}(2A) In this section the expression “citizen of the Union” shall be construed in accordance with Article 8.1 of the Treaty establishing the European Community ^{M1}(as amended by Title II of the Treaty on European Union ^{M2}), and “relevant citizen of the Union”

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means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland.]

^{F3}(3)

Textual Amendments

F1 Words in s. 79(1) inserted (1.1.1996) by S.I. 1995/1948, **regs. 1(2), 3(1)**

F2 S. 79(2A) inserted (1.1.1996) by S.I. 1995/1948, **regs. 1(2), 3(1)**

F3 S. 79(3) (inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 2**) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

Modifications etc. (not altering text)

C1 S. 79 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 79 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
S. 79 applied (12.4.1994) by S.I. 1994/867, **reg. 11(6)**

C2 S. 79: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 79: certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**

Marginal Citations

M1 Treaty Series No. 47 (1988), Cm. 455.

M2 Cm. 1934.

80 Disqualifications for election and holding office as member of local authority.

- (1) Subject to the provisions of section 81 below, a person shall be disqualified for being elected or being a member of a local authority if he—
- (a) holds any paid office or employment (other than the office of chairman, vice-chairman or deputy chairman) appointments to which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by a ^{F4}. . . joint committee [^{F5}or National Park authority] on which the authority are represented or by any person holding any such office or employment; or
 - (b) is a person who has been adjudged bankrupt, or made a composition or arrangement with his creditors; or
 - ^{F6}(c)
 - (d) has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
 - [^{F7}(e) is disqualified for being a member of the relevant council under Part III of the Representation of the People Act 1983 or for being a charter trustee under Part III of the Local Government Finance Act 1982, and in this paragraph “the relevant council” means the council of the county or district in which is comprised the area for which charter trustees are established by any statutory instrument made under Part II of the Local Government 1992.]
- (2) Subject to the provisions of section 81 below, a paid officer of a local authority who is employed under the direction of—

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- (a) a committee or sub-committee of the authority any member of which is appointed on the nomination of some other local authority; or
- (b) a joint board ^{F8}, joint authority] or joint committee on which the authority are represented and any member of which is so appointed;

shall be disqualified for being elected or being a member of that other local authority.

[^{F9}(2A) Subsection (2) above shall have effect as if the reference to a joint board included a reference to a National Park authority.

(2B) For the purposes of this section a local authority shall be treated as represented on a National Park authority if it is entitled to make any appointment of a local authority member of the National Park authority.]

(3) Teachers in a school maintained but not established by a local education authority shall be in the same position as respects disqualification for office as members of the authority as teachers in a school established by the authority.

^{F10}(4)

(5) For the purposes of subsection (1) ^{F11} . . . (d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the ^{F11} . . . conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of the ^{F11} . . . conviction, ^{F11} . . .

^{F12}(6)

Textual Amendments

- F4** Words repealed by virtue of [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), ss. 1(3)(a), 194(4), **Sch. 12 Pt. II**
- F5** Words in s. 80(1)(a) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 10(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**
- F6** S. 80(1)(c) repealed by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 38(5), **Sch. 6 Pt. IV**
- F7** S. 80(1)(e) substituted (4.3.1996) by S.I. 1996/263, **reg. 7(7)**
- F8** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 3(1)**
- F9** S. 80(2A)(2B) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 10(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**
- F10** S. 80(4) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 139(3), 140, **Sch. 8**
- F11** Words repealed by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 38(5), **Sch. 6 Pt. IV**
- F12** S. 80(6) (inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 3(2)**) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

Modifications etc. (not altering text)

- C3** S. 80 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 80 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
S. 80 applied (with modifications) (8.1.1996) by 1995 c. x, s. 44, **Sch. Pt. I**
- C4** S. 80: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 80: certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
- C5** S. 80(1)(a) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(b)**
- C6** S. 80(1)(a) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(b)**
- C7** S. 80(1)(b)(d)(5) applied (4.3.1996) by S.I. 1996/263, **reg. 7(6)**

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- C8** S. 80(2)(b) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(b)**
C9 S. 80(2)(b) modified by S.I. 1987/2110, art. 2, **Sch. 1 para. 3(b)**

81 Exceptions to provisions of section 80.

[^{F13}(1) Where a person is disqualified under section 80 above by reason of having been adjudged bankrupt, the disqualification shall cease—

- (a) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy; and
(b) if the bankruptcy order is so annulled, on the date of the annulment.]

(2) Where a person is disqualified under section 80 above by reason of his having made a composition or arrangement with his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed and in any other case it shall cease on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

^{F14}(3)

^{F15}(3A)

(4) Section 80(2) and (3) above shall not operate so as to disqualify—

- (a) any person by reason of his being a teacher, or otherwise employed, in a school, ^{F16} . . . or other educational institution maintained or assisted by a county council for being a member of a district council by reason that the district council nominates members of the education committee of the county council; or

^{F17}(b)

Textual Amendments

- F13** S. 81(1) substituted by *Insolvency Act 1985* (c. 65, SIF 66), s. 235, Sch. 8 para. 22, **Sch. 9 para. 11(2)**
F14 S. 81(3) repealed by *Local Government Act 1985* (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
F15 S. 81(3A) repealed by *London Regional Transport Act 1984* (c. 32, SIF 126), s. 71(3)(b), Sch. 7
F16 Word repealed by *Education Reform Act 1988* (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. II**
F17 S. 81(4)(b) repealed by *Local Government Act 1985* (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

Modifications etc. (not altering text)

- C10** S. 81 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.
S. 81: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.
S. 81 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**
C11 S. 81 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 81: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
C12 S. 81(1)(2) applied (4.3.1996) by S.I. 1996/263, **reg. 7(6)**

82 Validity of acts done by unqualified persons.

[^{F18}(1)] The acts and proceedings of any person elected to an office under this Act [^{F19}or elected or appointed to an office under Part ^{F20} . . . IV of the *Local Government Act 1985*] and

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acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

[^{F21}(2) Subsection (1) above shall have effect, in relation to the Broads Authority, as if the reference to this Act included a reference to the Norfolk and Suffolk Broads Act 1988.]

Textual Amendments

- F18** S. 82 renumbered as s. 82(1) by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), **Sch. 6 para. 10(2)**
- F19** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 4**
- F20** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F21** S. 82(2) added by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), **Sch. 6 para. 10(2)**

Modifications etc. (not altering text)

- C13** S. 82 amended by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 2**
- C14** S. 82 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 4**
- C15** S. 82 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 82 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
S. 82 applied (with modifications) (8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**
- C16** S. 82: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 82: certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
- C17** S. 82(1) applied (with modifications) (5.12.1995) by: S.I. 1995/3127, art. 2, **Sch. para. 20(1)**; S.I. 1995/3132, art. 2, **Sch. para. 20(1)**; S.I. 1995/3133, art. 2, **Sch. para. 20(1)**
S. 82(1) applied (with modifications) (11.12.1995) by: S.I. 1995/3218, art. 2, **Sch. para. 20(1)**; S.I. 1995/3229, art. 2, **Sch. para. 20(1)**; S.I. 1995/3230, art. 2, **Sch. para. 20(1)**
S. 82(1) applied (with modifications) (20.11.1996) by: S.I. 1996/2912, art. 2, **Sch. para. 20(1)**; S.I. 1996/2916, art. 2, **Sch. para. 20(1)**; S.I. 1996/2917, art. 2, **Sch. para. 20(1)**; S.I. 1996/2918, art. 2, **Sch. para. 20(1)**; S.I. 1996/2919, art. 2, **Sch. para. 20(1)**; S.I. 1996/2920, art. 2, **Sch. para. 20(1)**; S.I. 1996/2921, art. 2, **Sch. para. 20(1)**; S.I. 1996/2922, art. 2, **Sch. para. 20(1)**; S.I. 1996/2923, art. 2, **Sch. para. 20(1)**; S.I. 1996/2924, art. 2, **Sch. para. 20(1)**

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