

SCHEDULE

HEALTH BOARD ELECTION RULES

PART 5

CANDIDATES

Candidates

- 10.**—(1) An individual is qualified to be a candidate at a Health Board election if—
- (a) aged 16 or over;
 - (b) registered in the register of local government electors in respect of an address in the Health Board area; and
 - (c) not disqualified from being a candidate.
- (2) An individual is disqualified from being a candidate if the individual⁽¹⁾—
- (a) is an appointed member or a councillor member of the Health Board;
 - (b) holds a post included in the list kept by the Health Board under rule 11;
 - (c) is an undischarged bankrupt;
 - (d) is an incapable adult (within the meaning of section 1(6) of the Adults with Incapacity (Scotland) Act 2000)⁽²⁾;
 - (e) is disqualified from being elected under Part 3 of the 1983 Act;
 - (f) has, during the 5 years before being nominated as a candidate, been convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland of an offence for which the sentence imposed was imprisonment (whether suspended or not) for a period of 3 months or longer without the option of a fine; or
 - (g) is disqualified from being included in—
 - (i) any list kept under Part 1 or 2 of the 1978 Act; or
 - (ii) any list kept under equivalent legislation in England and Wales or Northern Ireland;
 - (h) is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986⁽³⁾ or equivalent legislation in Northern Ireland; or
 - (i) is disqualified from being a charity trustee by virtue of section 69(2)(c) or (d) of the Charities and Trustee Investment (Scotland) Act 2005⁽⁴⁾.
- (3) “Undischarged bankrupt” means an individual—
- (a) whose estate has been sequestrated and who has not been discharged (or against whom a bankruptcy order has been made and is still in force);
 - (b) who has granted a trust deed for, or made a composition or arrangement with, creditors (and has not been discharged in respect of it);
 - (c) who is the subject of—

(1) Paragraph 8(1) of Schedule 1A to the 1978 Act also disqualifies individuals from being candidates in a Health Board election if they are members of the European Parliament, the House of Commons, the House of Lords, the Scottish Parliament or local authority councillors.

(2) 2000 asp 4.

(3) 1986 c.46.

(4) 2005 asp 10. Section 69(2)(d) was amended by the Charities Act 2006 (c.50), Schedule 8, paragraph 211.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) a bankruptcy restrictions order or an interim bankruptcy restrictions order, made under the Bankruptcy (Scotland) Act 1985⁽⁵⁾ or the Insolvency Act 1986⁽⁶⁾; or
- (ii) a bankruptcy restrictions undertaking entered into under either of those Acts; or
- (d) who has been adjudged bankrupt (and has not been discharged), or is subject to any other kind of order, arrangement or undertaking analogous to those described above, in England and Wales, Northern Ireland, the Channel Islands, the Isle of Man or the Republic of Ireland.

⁽⁵⁾ 1985 c.66.
⁽⁶⁾ 1986 c.45.