



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 ^{F1}... if he is a [^{F2}qualifying Commonwealth citizen] or a citizen of the Republic of Ireland [^{F3}or [^{F4}a relevant citizen of the Union]]^{F4}, in the case of a local authority in England, a qualifying EU citizen or an EU citizen with retained rights]]^{F5}or, in the case of a local authority in Wales, a qualifying foreign citizen] and on the relevant day he has attained the age of [^{F6}eighteen] 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.

Changes to legislation: Local Government Act 1972, Section 79 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F7}(2A) In this section “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).]

^{F11}(3)

[^{F12}(2B) 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.

(2C) But a person is not a qualifying Commonwealth citizen by virtue of subsection (2B) (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).]

[^{F13}(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).]

Textual Amendments

- F1** Words in s. 79(1) omitted (30.12.2007) by virtue of Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 5(2)** and said words repealed (prosp.) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 241, 245, **Sch. 18 Pt. 3**
- F2** Words in s. 79(1) substituted (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 11, 18, 20, 47, 61, 74, 77, **Sch. 1 para. 43(2)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(bb)
- F3** Words in s. 79(1) inserted (1.1.1996) by S.I. 1995/1948, **regs. 1(2)**, 3(1)
- F4** Words in s. 79(1) substituted (1.11.2023 for specified purposes) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 8 para. 3(a)**; S.I. 2023/1145, **reg. 3(i)(iii)** (with savings in The Combined Authorities (Mayoral Elections) Order 2017 (Amendment) Regulations 2024 (S.I. 2024/131), regs. 1(3), 23, 24)
- F5** Words in s. 79(1) inserted (17.11.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), **ss. 19(2)**, 175(7); S.I. 2021/1249, art. 2(a) (with art. 4)
- F6** Word in s. 79(1) substituted (1.1.2007) by Electoral Administration Act 2006 (c. 22), **ss. 17(4)**, 77; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(d)
- F7** S. 79(2A) substituted (1.11.2023 for specified purposes) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 8 para. 3(b)**; S.I. 2023/1145, **reg. 3(i)(iii)** (with savings in The Combined Authorities (Mayoral Elections) Order 2017 (Amendment) Regulations 2024 (S.I. 2024/131), regs. 1(3), 23, 24)
- F8** S. 79(2A) inserted (1.1.1996) by S.I. 1995/1948, **regs. 1(2)**, 3(1)

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- F9** Words in s. 79(2A) substituted (1.8.2012) by The Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012 (S.I. 2012/1809), art. 2(1), **Sch. Pt. 1** (with art. 2(2))
- F10** Word in s. 79(2A) inserted (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 11, 18, 20, 47, 61, 74, 77, **Sch. 1 para. 43(3)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(bb)
- F11** 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**
- F12** S. 79(2B)(2C) inserted (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 11, 18, 20, 47, 61, 74, 77, **Sch. 1 para. 43(4)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(bb)
- F13** S. 79(2D)(2E) inserted (17.11.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), **ss. 19(3), 175(7)**; S.I. 2021/1249, art. 2(a) (with art. 4)

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**
- C3** Ss. 79-82 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**
- C4** Ss. 79-82 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 79 savings for the effects of the amendment by 2022 c. 37, Sch. 8 paras. 3-5 by [S.I. 2023/1406 reg. 1718](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 80(3B) omitted by [2021 asc 1 Sch. 2 para. 1\(3\)\(c\)](#)
- s. 101(6ZA) inserted by [2023 c. 55 Sch. 12 para. 2](#)
- s. 123(2C) inserted by [2023 c. 55 s. 75](#)
- s. 131(2)(n) and word inserted by [2023 asc 3 Sch. 13 para. 16](#)