



# Local Government Act 1972

## 1972 CHAPTER 70

### PART V

#### GENERAL PROVISIONS AS TO MEMBERS AND PROCEEDINGS OF LOCAL AUTHORITIES

##### *Qualifications and disqualifications*

#### **80 Disqualifications for election and holding office as member of <sup>[F1]</sup>a local authority in England].**

- (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 <sup>[F2]</sup>in England<sup>[F3]</sup> ... if he—
- (a) holds any paid office or employment (other than the office of chairman, vice-chairman <sup>[F4]</sup>, deputy chairman, presiding member or deputy presiding member)<sup>[F4]</sup><sup>[F5]</sup> or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive) appointments <sup>[F6]</sup>or elections] 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 <sup>F7</sup>... joint committee <sup>[F8]</sup>or National Park authority] on which the authority are represented or by any person holding any such office or employment; or
  - <sup>[F9]</sup>(b) is the subject of a bankruptcy restrictions order <sup>[F10]</sup>or an interim bankruptcy restrictions order, or a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986;]
  - <sup>F11</sup>(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
  - <sup>[F12]</sup>(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 <sup>[F13]</sup>under <sup>[F14]</sup>the Audit Commission Act 1998], and in this paragraph “the relevant

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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.]]<sup>F15</sup>; or

- (f) is incapable of being elected to or holding—
  - (i) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) (undue influence);
  - (ii) the office of member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence);]

(2) Subject to the provisions of section 81 below, a paid officer of a local authority [<sup>F16</sup>in England] who is employed under the direction of—

- (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 [<sup>F17</sup>, joint authority ]]<sup>F18</sup>economic prosperity board, combined authority,]]<sup>F19</sup>, combined county authority]<sup>F20</sup>... 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.

<sup>F21</sup>(2AA) [ A paid member of staff of the Greater London Authority who is employed under the direction of a joint committee the membership of which includes—

- (a) one or more persons appointed on the nomination of the Authority acting by the Mayor, and
- (b) one or more members of one or more London borough councils appointed to the committee on the nomination of those councils,

shall be disqualified for being elected or being a member of any of those London borough councils.]

<sup>F22</sup>(2AB) .....

[ Subsection (2) above shall have effect as if the reference to a joint board included a <sup>F23</sup>(2A) 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.]

[ Subsection (1)(a) shall have effect in relation to a teacher in a school maintained by <sup>F24</sup>(3) the local authority who does not hold an employment falling within that provision as it has effect in relation to a teacher in such a school who holds such an employment.]

<sup>F25</sup>(4) .....

(5) For the purposes of subsection (1) <sup>F26</sup>... (d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the <sup>F26</sup>... 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 <sup>F26</sup>... conviction, <sup>F26</sup>....

[ See also section 81A (disqualification relating to sexual offences etc (England)).]

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F27(5A)

F28(6) . . . . . ]

### Textual Amendments

- F1 Words in s. 80 heading substituted (17.11.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 2 para. 1(3)(d)**; S.I. 2021/1249, art. 2(b) (with art. 4)
- F2 Words in s. 80(1) inserted (17.11.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 2 para. 1(3)(a)**; S.I. 2021/1249, art. 2(b) (with art. 4)
- F3 Words in s. 80(1) repealed (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 241, 245(2), **Sch. 3 para. 6(2)**, **Sch. 18 Pt. 3**
- F4 Words in s. 80(1) substituted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), ss. 51(4), 75(2)(d)
- F5 Words in s. 80(1)(a) inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 8**; S.I. 2000/2849, **art. 2(e)**
- F6 Words in s. 80(1)(a) inserted (E.) (11.7.2001) by S.I. 2001/2237, **art. 5(b)** and (W.) (1.4.2002) by S.I. 2002/808, **art. 5(b)**
- F7 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**
- F8 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)**
- F9 S. 80(1)(b) substituted (1.4.2004) by Enterprise Act 2002 (c. 40), ss. 267(1), 279; S.I. 2003/2093, **art. 2(2)**, **Sch. 2** (with transitional provisions in arts. 3-8 (as amended by S.I. 2003/2332))
- F10 Words in s. 80(1)(b) substituted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 5** (with arts. 5, 6)
- F11 S. 80(1)(c) repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38(5), **Sch. 6 Pt. IV**
- F12 S. 80(1)(e) substituted (4.3.1996) by S.I. 1996/263, **reg. 7(7)**
- F13 S. 80(1)(e): by 2000 c. 22, s. 107(1)(2), 108(3)(b)(c)(i), **Sch. 5 para. 8**, **Sch. 6**; S.I. 2002/1718, **art. 2** it is provided that the words "or under the Audit Commission Act 1998" are repealed (27.7.2002 with application as mentioned in art. 1(2) of the commencing S.I.)
- F14 Words in s. 80(1)(e) substituted (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), **Sch. 3 para. 3(1)**
- F15 S. 80(1)(f) and word inserted (1.11.2023) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 5 para. 2**; S.I. 2023/1145, **reg. 3(g)** (with **Sch. paras. 9(2)(4)**)
- F16 Words in s. 80(2) inserted (17.11.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 2 para. 1(3)(b)**; S.I. 2021/1249, art. 2(b) (with art. 4)
- F17 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 3(1)**
- F18 Words in s. 80(2)(b) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 12**; S.I. 2009/3318, **art. 2(e)**
- F19 Words in s. 80(2)(b) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2)(c), **Sch. 4 para. 25** (with s. 247)
- F20 Words in s. 80(2)(b) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(b)**; S.I. 2015/994, art. 6(g)
- F21 S. 80(2AA) inserted (8.5.2000) by 1999 c. 29, s. 69 (with **Sch. 12 para. 9(1)**); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
- F22 S. 80(2AB) omitted (21.1.2021) by virtue of Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 14**
- F23 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)**
- F24 S. 80(3) substituted (1.9.1999) by S.I. 1999/2267, **regs. 1, 9**
- F25 S. 80(4) repealed by Transport Act 1985 (c. 67, SIF 126), ss. 139(3), 140, **Sch. 8**
- F26 Words repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38(5), **Sch. 6 Pt. IV**

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- F27** S. 80(5A) inserted (28.6.2022) by [Local Government \(Disqualification\) Act 2022 \(c. 17\)](#), **ss. 1(2)**, 6(2) (with s. 5)
- F28** 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)**

- C1** 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**
- C2** 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**
- C3** S. 80 excluded (E.) (11.7.2001) by [S.I. 2001/2237](#), **art. 47(7)**  
 S. 80 excluded (W.) (1.4.2002) by [The Local Authorities \(Executive and Alternative Arrangements\) \(Modification of Enactments and Other Provisions\) \(Wales\) Order 2002 \(S.I. 2002/808\)](#), **art. 41(7)**
- C4** 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**
- C5** S. 80 applied by 1959 c. xlvi s. 11(2) (as substituted (15.1.2014) by [Humber Bridge Act 2013 \(c. vi\)](#), s. 1(1), **Sch. 1 para. 1**)
- C6** 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**
- C7** S. 80(1)(a) amended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 1(b)**
- C8** S. 80(1)(a) modified by [S.I. 1987/2110](#), art. 2(2), **Sch. 1 para. 3(b)**
- C9** S. 80(1)(b)(d)(5) applied (4.3.1996) by [S.I. 1996/263](#), **reg. 7(6)**
- C10** S. 80(2)(b) amended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 1(b)**
- C11** S. 80(2)(b) modified by [S.I. 1987/2110](#), art. 2, **Sch. 1 para. 3(b)**

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