



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART III

GENERAL PROVISIONS AS TO MEMBERS OF LOCAL AUTHORITIES AND PROCEEDINGS

Qualifications and disqualifications

31 Disqualifications for nomination, election and holding office as member of local authority.

(1) Subject to subsections (2) and (3) below, a person shall be disqualified for being nominated as a candidate for election as, or for being elected, or for being, a member of a local authority if—

(a) ^{F1}

(b) he is a person whose estate has been sequestrated by a court in Scotland or who has been adjudged bankrupt elsewhere than in Scotland; or

[^{F2}(ba) he is subject to a bankruptcy restrictions order;]

(c) he has, within five years before the day of nomination, or election or since his election, as the case may be, been convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic 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

(d) he is disqualified for being elected or for being a member of that authority under Part III of the ^{M1}[^{F3}Representation of the People Act 1983].

[^{F4}(1A) A person is disqualified for being a member of a joint board if he or a partner of his holds any paid office or employment (other than the office of [^{F5}convener or depute convener] of the board) or other place of profit in the gift or disposal of the board.]

(2) Where a person is disqualified under subsection (1) above by reason of his estate having been sequestrated, the disqualification shall cease if and when—

(a) the sequestration of his estate is recalled or reduced; or

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[^{F6}(b) he is discharged under or by virtue of the Bankruptcy (Scotland) Act [^{F7}2016].]

(3) Where a person is disqualified under subsection (1) above by reason of having been adjudged bankrupt, then—

- (a) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or on the ground that his debts have been paid in full, the disqualification shall cease on the date of the annulment;
- (b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, the disqualification shall cease on the date of his discharge; and
- (c) if he is discharged without such a certificate, his disqualification shall cease on the expiration of five years from the date of his discharge.

[^{F8}(3A) A person who is for the time being an officer or employee of the Strathclyde Passenger Transport Authority or an employee of a subsidiary of that Authority shall be disqualified for being appointed or for being a member of the Strathclyde Passenger Transport Authority.]

[^{F9}(3B) In subsection (1)(ba) above, “bankruptcy restrictions order” means—

- (a) a bankruptcy restrictions order made under section [^{F10}155 of the Bankruptcy (Scotland) Act 2016] ;
- [^{F11}(b)]
- (c) a bankruptcy restrictions order made under paragraph 1 of Schedule 4A to the Insolvency Act 1986 (c. 45); or
- (d) a bankruptcy restrictions undertaking entered into under paragraph 7 of that Schedule.]

[^{F12}(4)]

Textual Amendments

- F1** S. 31(1)(a) repealed (20.1.2005) by [Local Governance \(Scotland\) Act 2004 \(asp 9\)](#), **ss. 7(1)**, 17(2); [S.S.I. 2004/558](#), **art. 2**
- F2** S. 31(1)(ba) inserted (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), **ss. 4(a)**, 227(3) (with s. 223); [S.S.I. 2008/115](#), **art. 3(1)** (with arts. 4-6, 10)
- F3** Words substituted by [Representation of the People Act 1983 \(c. 2\)](#), s. 206, **Sch. 8 para. 15(b)**
- F4** S. 31(1A) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\)](#), **s. 1(4)(b)**
- F5** Words in s. 31(1)(a)(1A) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(8)(a)**; [S.I. 1996/323](#), **art. 4(1)(c)**
- F6** S. 31(2)(b) substituted by [Bankruptcy \(Scotland\) Act 1985 \(c. 66, SIF 66\)](#), s. 75(1), **Sch. 7 para. 12**
- F7** Word in s. 31(2)(b) substituted (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), **sch. 8 para. 7(a)** (with ss. 232, 234(3), 235, 236); [S.S.I. 2016/294](#), reg. 2
- F8** S. 31(3A) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(8)(b)**; [S.I. 1996/323](#), **art. 4(1)(c)**
- F9** S. 31(3B) inserted (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), **ss. 4(b)**, 227(3) (with s. 223); [S.S.I. 2008/115](#), **art. 3(1)** (with arts. 4-6, 10)
- F10** Words in s. 31(3B)(a) substituted (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), **sch. 8 para. 7(b)** (with ss. 232, 234(3), 235, 236); [S.S.I. 2016/294](#), reg. 2
- F11** S. 31(3B)(b) repealed (1.4.2015) by [Bankruptcy and Debt Advice \(Scotland\) Act 2014 \(asp 11\)](#), s. 57(2), **sch. 4**; [S.S.I. 2014/261](#), **art. 3** (with arts. 4-7, 12) (as amended by [S.S.I. 2015/54](#), art. 2)
- F12** S. 31(4) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), **Sch. 13 para. 92(8)(c)**, **Sch. 14**; [S.I. 1996/323](#), **art. 4(1)(c)(d)**, **Sch. 2**

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Modifications etc. (not altering text)

C1 S. 31 applied (with modifications) (1.4.1996) by [S.I. 1995/3026](#), [arts. 1\(2\)](#), 14

C2 S. 31(1)(2)(3) applied (temp. from 6.4.1995 to 1.4.1996) by [S.I. 1994/3255](#), [art. 3](#), [Sch. I para. 1](#)

Marginal Citations

M1 [1983 c. 2](#).

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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):

- Sch. 7 para. 7(3) inserted by [1989 c. 42 Sch. 11 para. 36](#)