



Electoral Administration Act 2006

2006 CHAPTER 22

PART 5

STANDING FOR ELECTION

18 Certain Commonwealth citizens

- (1) In section 3 of the Act of Settlement (1700 c. 2), the words from “That after the said limitation shall take effect” to “in trust for him.” (which impose certain disqualifications) do not apply (so far as they relate to membership of the House of Commons) to a person who is—
 - (a) a qualifying Commonwealth citizen, or
 - (b) a citizen of the Republic of Ireland.
- (2) For the purposes of subsection (1), 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 (c. 77) 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.
- (3) But a person is not a qualifying Commonwealth citizen by virtue of subsection (2)
 - (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).
- (4) Subject to an order made by the House of Commons under section 6(2) of the House of Commons Disqualification Act 1975 (c. 24) as applied by subsection (5)—
 - (a) if a person disqualified for membership of that House by virtue of section 3 of the Act of Settlement (1700 c. 2) as modified by this section is elected as a member of that House his election is void;
 - (b) if a person being a member of that House becomes so disqualified for membership his seat is vacated.

Changes to legislation: There are currently no known outstanding effects for the Electoral Administration Act 2006, Section 18. (See end of Document for details)

- (5) Sections 6(2) to (4) and 7 of the House of Commons Disqualification Act 1975 apply in the case of a person disqualified as mentioned in subsection (4) as they apply in the case of a person disqualified by that Act, and references in those sections to a person disqualified by that Act must be construed as including references to a person disqualified as mentioned in subsection (4).
- (6) Part 3 of Schedule 1 (which contains further amendments relating to standing for election) has effect.
- (7) In Schedule 7 to the British Nationality Act 1981 (c. 61), the entry relating to the Act of Settlement is omitted.

Commencement Information

- II** S. 18 wholly in force at 1.7.2008; s. 18 not in force at Royal Assent see s. 77; s. 18 in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14(e) (subject to Sch. 2); s. 18 in force for N.I. at 1.7.2008 by S.I. 2008/1316, arts. 2(2), 4(b)

Changes to legislation:

There are currently no known outstanding effects for the Electoral Administration Act 2006, Section 18.