

Election of Councillors

Extracts from the LOCAL GOVERNMENT ACT 1972 - Part V (as amended)

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

Section 80

- (1) Subject to the provisions of section 81 below, a person shall be disqualified from being elected or being a member of a local authority if he-
 - (a) holds any paid office or employment (other than the office of chairman, vice-chairman or deputy chairman) appointments 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 joint committee on which the authority are represented or by any person holding any such office or employment; or
 - (b) is a person who has been adjudged bankrupt, or made a composition or arrangement with his creditors; or
 - (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
 - (e) is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1983 or under Part III of the Local Government Finance Act 1982.
- (2) Subject to the provisions of section 81 below, a paid officer of a local authority 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, joint authority 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.
- (3) Teachers in a school maintained but not established by a local education authority shall be in the same position as respects disqualification for office as members of the authority as teachers in a school established by the authority.
- (5) For the purposes of subsection (1)(d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the 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 conviction.

Exceptions to provisions of section 80

Section 81

- (1) Where a person is disqualified under section 80 above by reason of having been adjudged bankrupt, the disqualification shall cease-
 - (a) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy; and
 - (b) if the bankruptcy order is so annulled, on the date of annulment.
- (2) Where a person is disqualified under section 80 above by reason of his having made a composition or arrangement with his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed and in any other case it shall cease on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.
- (4) Section 80(2) and (3) above shall not operate so as to disqualify any person by reason of his being a teacher, or otherwise employed, in a school or other educational institution maintained or assisted by a county council for being a member of a district council by reason that the district council nominates members of the education committee of the county council.