



Ashington Parish Council

TERMS OF OFFICE

Local Government Act 1972 Part V General Provisions as to Members and Proceedings of Local Authorities

79. Qualifications for election and holding office as member of local authority.

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 if he is a British subject or a citizen of the Republic of Ireland and on the relevant day he has attained the age of twenty-one 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.

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.

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

Subject to the provisions of section 81 below, a person shall be disqualified for 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. holds any employment in a company which, in accordance with Part V of the Local Government and Housing Act 1989 other than section 73, is under the control of the local authority; or
- c. 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.

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.

For the purposes of sub-section 1d 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 the conviction.

81. Exceptions to provisions of section 80

Where a person is disqualified under section 80 above by reason of having being 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 the annulment.

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.

Celia Price
26th May 2016