

Local Authorities (Qualification of Members) Act 1971

1971 CHAPTER 7

An Act to amend the law relating to the qualification for nomination and election to, and membership of, local authorities in Great Britain.

[17th February 1971]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Alternative qualifications for nomination and election to, and membership of, local authorities.

1933 c. 51.
1947 c. 43.

1.—(1) Section 57 of the Local Government Act 1933 and section 50 of the Local Government (Scotland) Act 1947 shall be amended as follows—

(*a*) to the paragraphs in those sections (which state alternative qualifications in addition to full age and nationality) there shall be added the further paragraphs set out in subsections (2) and (3) respectively of this section, and the paragraphs so added shall in each case be inserted after paragraph (*a*); and

(*b*) each of the sections as so amended shall become subsection (1) and there shall be added to section 57 the subsection set out in subsection (4) of this section and to section 50 the subsections set out in subsection (5) of this section.

(2) The paragraphs to be added to section 57 are as follows:—

" (*b*) he has during the whole of the twelve months preceding the day on which he is nominated as a candidate occupied as owner or tenant any land or other premises in the area of the local authority; or

(*bb*) his principal or only place of work in the twelve months preceding the day on which he is nominated as a candidate has been in the area of the local authority; or ".

(3) The paragraphs to be added to section 50 are as follows:—

" (*aa*) has during the whole of the twelve months preceding the day on which he is nominated as a candidate occupied as owner or tenant any land or other premises in the area of the authority; or

(*ab*) his principal or only place of work in the twelve months preceding the day on which he is nominated as a candidate has been in the area of the local authority; or ".

(4) The subsection to be added to section 57 is as follows:—

" (2) In relation to an election not preceded by the nomination of candidates—

(*a*) the preceding provisions of this section shall have effect as if the references to the day of nomination as a candidate were references to the day of election; and

(*b*) so much of section 16 of the Representation of the People Act 1969 as precedes the words " in section 57(*c*) " shall not apply." 1969 c. 15.

(5) The subsections to be added to section 50 are as follows:—

" (2) In this section " owner " includes heir of entail in possession, liferenter and beneficiary entitled under any trust to the rents and profits of land or other premises, and does not include fiar of land or other premises subject to a liferent, or tutor, curator, judicial factor, or commissioners.

(3) In relation to an election not preceded by the nomination of candidates, the preceding provisions of this section shall have effect as if the references to the day of nomination as a candidate were references to the day of election."

(6) In Schedule 3 to the Representation of the People Act 1949 (Scottish Local Elections Rules) there shall be made the amendments provided for by the Schedule to this Act, being amendments consequential on the foregoing provisions of this section. 1949 c. 68.

Right to inspect nomination papers etc.

2.—(1) After rule 10 of the Local Elections Rules in Schedule 2 to the Representation of the People Act 1949 there shall be inserted the following rule:—

" 10A. Any person may, at all reasonable times after the latest time for the delivery of nomination papers and before the day of election, inspect and take copies of and extracts from nomination papers and consents to nomination."

1949 c. 68.

(2) After rule 9 of the Scottish Local Elections Rules in Schedule 3 to the Representation of the People Act 1949 there shall be inserted the following rule:—

" *Right to inspect nomination papers*

9A. Any person may, at all reasonable times after the latest time for the delivery of nomination papers and before the day of election, inspect and take copies of and extracts from nomination papers."

Short title, and extent.

3.—(1) This Act may be cited as the Local Authorities (Qualification of Members) Act 1971.

1969 c. 15.

(2) In the Representation of the People Act 1969, the following provisions are hereby repealed—

(*a*) in section 12(2), the words from " and in rule 12(2)(*a*) " to the end;

(*b*) in paragraph 7 of Part II of Schedule 1, sub-paragraph (1) and sub-paragraph (2)(*b*);

(*c*) in paragraph 35(*d*) of Schedule 2, the words from " and in Note 3 " to the end.

(3) This Act does not extend to Northern Ireland.

SCHEDULE

Section 1(6).

CONSEQUENTIAL AMENDMENTS OF SCHEDULE 3 TO THE REPRESENTATION OF THE PEOPLE ACT 1949 (SCOTTISH LOCAL ELECTIONS RULES)

1. In rule 5, in paragraphs (3)(*b*) and (4)(*b*), for the words following " surname first) " there shall be substituted in each case the words " and his home address in full; ".

2. In rule 5, at the end of paragraph (6), there shall be added the words " The statement shall also, if the name of the candidate does not appear in the appropriate register referred to in paragraph (3) or (4) of this rule, specify the place, or, if more than one, the places within the county or burgh, as the case may be, which during the twelve months before the date of the nomination have (within the meaning of section 50 of the Local Government (Scotland) Act 1947) been occupied by him as owner or tenant, or have been his principal or only place of work, or have been his residence, according as his qualification to be nominated is based on paragraph (*aa*), (*ab*) or (*b*) of subsection (1) of that section ". 1947 c. 43.

3. In rule 7, in paragraph (*a*), for the words following " so appear " there shall be substituted the words " the information required by the last sentence of paragraph (6) of rule 5 of these rules is given in the nomination paper and it is declared in or appears from the nomination paper that the appropriate requirements of section 50(1) of the Local Government (Scotland) Act 1947 are satisfied in relation to him ".

4. In rule 12, for paragraph (2)(*a*) there shall be substituted the following:—

" (*a*) shall contain the full names of the candidates and (where they are qualified as registered local government electors) their addresses as in the register or (where they are qualified otherwise than as such electors) their home addresses in full, and descriptions (if any), all as shown on their respective nomination papers and arranged alphabetically in the order of their surnames and (if there are two or more candidates with the same surname) of their other names; and (where a candidate is qualified as a registered local government elector and his surname or address has been changed between the qualifying date for the register and the last day for the submission of nomination papers) shall also, if so required by the candidate, give the present surname and the current address; ".

5. In the Appendix, in Forms BI, BII and BIII, for the words from " *place of residence* " to " preceding this date) " there shall be substituted the words " *home address in full*) ".

6. In the Appendix, in the said Forms BI, BII, and BIII, in the consent to being nominated, for the words " I have resided " there shall be substituted the words " I have occupied as owner or tenant land or other premises *or* I have had my principal or only place of work *or* I have resided "; the words " the whole of " shall be deleted; and after the words " date above mentioned " in Forms BI and BII and after the words " date before mentioned " in Form BIII there shall be inserted the words " at the following address(es): (*here insert address or addresses*) ".

7. In the Appendix, in Forms DI, DII and DIII, and in Forms EI, EII and EIII, in the headings to the respective tables, for the words "Addresses or places of residence" or "Addresses or places of residence of candidates", as the case may be, there shall be substituted in each case the words "Address as in register or home address in full".

8. In the Appendix, in the Directions appended to Form F, for paragraph 3 there shall be substituted the following—

"3. The surname of each candidate shall in all cases be printed by itself in large capitals and his full name (including if required by the candidate present name where there has been a change of name) and address as in the register or home address in full (including if so required current address) and his description (if any) shall be set out below it and shall be printed in ordinary type except that small capitals shall be used—

(*a*) if his surname is the same as another candidate's, for his other names; and

(*b*) if his other names are also the same as the other candidate's, for his address and (if supplied) current address and description, except in the case of any of those which is the same as that of another candidate with the same surname and other names.".