



Qualification and Disqualification Guidance

The following summarises the main points about being qualified/disqualified to be a councillor.

Nominations: Qualifications and Disqualifications for candidature

To qualify as a candidate a person must, on both the day of nomination and the day of the election, be at least 18 years of age and a British citizen, an eligible Commonwealth citizen or a citizen of any Member State of the European Union. In addition, the candidate must also meet at least one of the following four qualifications, again both on the day they are nominated and on polling day:

- (a) You are and will continue to be registered as a local government elector for the parish in which you wish to stand from the day of your nomination onwards; or
- (b) You have occupied as owner or tenant any land or other premises during the previous twelve months within the parish; or
- (c) Your principal or only place of work during the previous twelve months has been in the area of the parish; or
- (d) have resided within the parish or within 4.8 kilometres (three miles) thereof during the previous twelve months.

The 'previous twelve months' means the whole of the twelve months preceding the day on which they are nominated as a candidate.

There are certain disqualifications for election and holding office as a member of a local authority. The relevant legislation is reproduced on the sheets which accompany the consent to nomination form attached to the nomination paper.

The main disqualifications are if the person:

- (a) is employed by or holds a paid office under the local authority (including joint boards or committees); or
- (b) is the subject of a bankruptcy restrictions order or interim order;
- (c) has been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day and the ordinary period allowed for making an appeal or applications in respect of the conviction has passed. A person who is in the process of making an appeal or application in relation to the conviction is not disqualified at any time before the end of the day on which the appeal or application is disposed of, abandoned or fails by reason of non-prosecution;
- (d) has been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices). The disqualification for an illegal practice begins from the date the person has been reported guilty by an election court or convicted and lasts for three years. The disqualification for a corrupt practice begins from the date a



- person has been reported guilty by an election court or convicted and lasts for five years unless at any time within that period a court determines that the conviction should not be upheld, in which case the disqualification ends at that time;
- (e) you are subject to the notification requirement of or under Part 2 of the Sexual Offences Act 2003, and the ordinary period allowed for making an appeal or application in respect of the order or notification has passed.⁸ A disqualification set under s.81A of the Local Government Act 1972 will only apply to a person who is subject to any relevant notification requirements or relevant order made on or after 28 June 2022. A person who is in the process of making an appeal or application in relation to the disqualification is not disqualified at any time before the end of the day on which the appeal or application is disposed of, abandoned or fails by reason of non-prosecution.
 - (f) For polls on or after 2 May 2024, you have been convicted of an intimidatory criminal offence motivated by hostility towards a candidate, future candidate or campaigner or holder of a relevant elective office. The effect of a disqualification order is that the person will be disqualified from standing for, being elected to, and holding any relevant elective office for five years.

A person may also be disqualified from being or becoming a member of certain authorities¹¹ following a conviction under the Localism Act 2011.

The full range of disqualifications is complex and certain exceptions may also apply. Candidates should carefully check the position before signing their consent to nomination, in order to ensure that no disqualifications apply, and should seek legal advice if necessary.

More information is available at: <https://www.electoralcommission.org.uk/guidance-candidates-parish-council-elections-england/what-you-need-know-you-stand-a-candidate/qualifications-and-disqualifications-standing-election/qualifications>