

SCHEDULES

[^{F1}SCHEDULE 5B

MAYORS FOR COMBINED AUTHORITY AREAS: FURTHER PROVISION ABOUT ELECTIONS

Textual Amendments

- F1** Sch. 5B inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\), s. 25\(2\), Sch. 1](#)

Qualification and disqualification

- 8 (1) In order to be qualified to be elected and to hold office as the mayor for the area of a combined authority, a person must, on the relevant day, be—
- (a) at least 18 years old, and
 - (b) a qualifying citizen.
- (2) The person must also—
- (a) on and after the relevant day, be entitled (under paragraph 6) to vote in the election for the return of the mayor for that area, or
 - (b) for the twelve months before the relevant day—
 - (i) have occupied, as owner or tenant, land or other premises within an electoral area situated wholly or partly within the area of the authority,
 - (ii) had his or her principal or only place of work in that electoral area, or
 - (iii) resided in that electoral area.
- (3) In this paragraph—
- “electoral area” has the meaning given by section 203(1) of the Representation of the People Act 1983;
- [^{F2}“qualifying citizen” means a person who is a qualifying Commonwealth citizen or a citizen of the Republic of Ireland or a relevant citizen of the Union, within the meaning given in section 79 of the Local Government Act 1972;]
- [^{F2}“qualifying citizen” means a person who is—
- (a) a qualifying Commonwealth citizen (within the meaning given by section 79 of the Local Government Act 1972),
 - (b) a citizen of the Republic of Ireland,
 - (c) a qualifying EU citizen (within the meaning given by section 203A of the Representation of the People Act 1983), or
 - (d) an EU citizen with retained rights (within the meaning given by section 203B of that Act).]

“relevant day” means—

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- (a) if the election is preceded by the nomination of candidates, the day on which the person is nominated, and
- (b) if the election is not preceded by the nomination of candidates, the day of the election.

Textual Amendments

F2 Words in [Sch. 5B para. 8\(3\)](#) substituted (1.11.2023 for specified purposes) by [Elections Act 2022 \(c. 37\)](#), s. 67(1), [Sch. 8 para. 5](#); [S.I. 2023/1145](#), reg. 3(i)(iii)

- 9 (1) A person is disqualified for being elected or holding office as the mayor for the area of a combined authority if the person—
- (a) holds any paid office or employment (other than the office of mayor or deputy mayor) appointments or elections to which are or may be made by or on behalf of the combined authority or any of the constituent councils;
 - (b) is the subject of—
 - (i) a debt relief restrictions order or an interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act 1986, or
 - (ii) a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986;
 - (c) has in the five years before being elected, or at any time since being elected, been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence and been sentenced to a period of imprisonment of three months or more without the option of a fine;
 - (d) is disqualified for being elected or for being a member of a constituent council under Part 3 of the Representation of the People Act 1983 (consequences of corrupt or illegal practices).
 - [is incapable of being elected to or holding—
 - ^{F3}(e)
 - (i) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 ([S.I. 2001/2599](#))) (undue influence);
 - (ii) the office of member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence).]
- (2) For the purposes of sub-paragraph (1)(c), a person is to be treated as having been convicted on—
- (a) the expiry of the ordinary period allowed for making an appeal or application with respect to the conviction, or
 - (b) if an appeal or application is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.
- (3) In this paragraph, “constituent council” means—
- (a) a county council the whole or any part of whose area is within the area of the combined authority, or
 - (b) a district council whose area is within the area of the combined authority.

Textual Amendments

- F3** Sch. 5B para. 9(1)(e) inserted (1.11.2023) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 5 para. 6**; S.I. 2023/1145, **reg. 3(g)** (with Sch. para. 9(2)(4))

Modifications etc. (not altering text)

- C1** Sch. 5B para. 9(1)(a) applied (with modifications) (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 1 para. 16(2)**
- C2** Sch. 5B para. 9(1)(a) modified (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), 33(2), **Sch. 5 para. 16(2)**

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F49A (1) A person is disqualified for being elected or holding office as the mayor for the area of a combined authority if the person is subject to—
- (a) any relevant notification requirements, or
 - (b) a relevant order.
- (2) In this paragraph “relevant notification requirements” mean—
- (a) the notification requirements of Part 2 of the Sexual Offences Act 2003;
 - (b) the notification requirements of Part 2 of the Sex Offenders (Jersey) Law 2010;
 - (c) the notification requirements of Part 2 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law 2013;
 - (d) the notification requirements of Schedule 1 to the Criminal Justice Act 2001 (an Act of Tynwald: c. 4).
- (3) In this paragraph “relevant order” means—
- (a) a sexual harm prevention order under section 345 of the Sentencing Code;
 - (b) a sexual harm prevention order under section 103A of the Sexual Offences Act 2003;
 - (c) a sexual offences prevention order under section 104 of that Act;
 - (d) a sexual risk order under section 122A of that Act;
 - (e) a risk of sexual harm order under section 123 of that Act;
 - (f) a risk of sexual harm order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005;
 - (g) a sexual risk order under section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016;
 - (h) a restraining order under Article 10 of the Sex Offenders (Jersey) Law 2010;
 - (i) a child protection order under Article 11 of that Law;
 - (j) a sexual offences prevention order under section 18 of that Law;
 - (k) a risk of sexual harm order under section 22 of that Law;
 - (l) a sexual offences prevention order under section 1 of the Sex Offenders Act 2006 (an Act of Tynwald: c. 20);
 - (m) a risk of sexual harm order under section 5 of that Act.
- (4) For the purposes of sub-paragraph (1)(a), a person who is subject to any relevant notification requirements is not to be regarded as disqualified until—
- (a) the expiry of the ordinary period allowed for making an appeal or application against the conviction, finding, caution, order or certification in respect of which the person is subject to the relevant notification requirements, or

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- (b) if such an appeal or application is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.
- (5) For the purposes of sub-paragraph (1)(b), a person who is subject to a relevant order is not to be regarded as disqualified until—
- (a) the expiry of the ordinary period allowed for making an appeal against the relevant order, or
 - (b) if such an appeal is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.]

Textual Amendments

F4 Sch. 5B para. 9A inserted (28.6.2022) by [Local Government \(Disqualification\) Act 2022 \(c. 17\)](#), **ss. 2(2), 6(2)** (with s. 5)

Modifications etc. (not altering text)

C3 Sch. 5B para. 9A: power to amend conferred (28.6.2022) by [Local Government \(Disqualification\) Act 2022 \(c. 17\)](#), **ss. 4(1)(2)(b), 6(2)** (with s. 5)

- 10 Paragraph 9 of Schedule 5C contains further provision about disqualification in the case of mayors who exercise PCC functions.
- 11 The acts of a person elected as a mayor for the area of a combined authority who acts in that office are, despite any disqualification or lack of qualification—
- (a) in respect of being, or being elected as, a mayor, or
 - (b) in respect of being, or being elected as, the mayor for that area,
- as valid and effectual as if the person had not been so disqualified or as if the person had been qualified.]

Changes to legislation:

There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Cross Heading: Qualification and disqualification.