

Local Government Act 1972

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

- (1) 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 or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive) 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 or National Park authority on which the authority are represented or by any person holding such office or employment; or
 - (b) is a person who has been adjudged bankrupt, or made a composition or arrangement with his creditors; or
 - (c) ...
 - (d) has within five years before the day of election or since his election has been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has 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 the Audit Commission Act 1998.
- (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.
- (2AA) A paid member of staff of the Greater London Authority who is employed under the direction of a joint committee the membership of which includes –
 - (a) One or more persons appointed on the nomination of the Authority Acting by the mayor, and
 - (b) One or more members of one or more London borough councils Appointed to the committee on the nomination of those councils shall be disqualified for being elected or being a member of any of those London borough councils.
- (2A) Subsection (2) above shall have effect as if the reference to a joint board included a reference to a national park authority.
- (2B) For the purpose of this section a local authority shall be treated as represented on a national park authority if it is entitled to make any appointment of a local of authority member of the National Park 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.
- (4) ...
- (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 the ... conviction, as the case may be.

Words were omitted from subsection (1)(a) by the Local Government and Housing Act 1989 and the words in square brackets in that subsection were inserted by Schedule 10 to the Environment Act 1995; subsection (1)(b) was substituted by the Enterprise Act 2002; the words in square brackets in subsection (1)(c) were inserted by Schedule 3 to the Audit Commission Act 1998 and Schedule 8 to the 1983 Act; subsection (2) was amended by the Local Government Act 1985; subsection (2AA) was inserted by the Greater London Authority Act 1999; subsections (2A) and (2B) were inserted by Schedule 10 to the Environment Act 1995; subsection (4) was repealed by the Transport Act 1985 and the words omitted from subsection (5) were repealed by the Local Government Finance Act 1982.

Section 81. - Exception to provisions of section 80

- (1) ... (2) ... (3) ...
- (4) Section 80(2) and (3) above shall not operate so to disqualify –
 - (a) 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;

Subsections (1) and (2) ceased to have effect from 1 April 2004 under section 267 of the Enterprise Act 2002; subsections (3) and (4)(b) were repealed by the Local Government Act 1985; and the words omitted from subsection (4)(a) were repealed by Schedule 13 to the Education Reform Act 1988.

Local Government Act 2000

Section 79. - Decisions of case tribunals

- (1) A case tribunal which adjudicates on any matter must decide whether or not any person to which that matter relates has failed to comply with the code of conduct of the relevant authority concerned.
- (2) Where a case tribunal decides that a person has not failed to comply with the code of conduct of the relevant authority concerned, it must give notice to that effect to the standards committee of the relevant authority concerned.
- (3) Where a case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned, it must decide whether the nature of the failure is such that the person should be suspended or disqualified in accordance with subsection (4).
- (4) A person may be-
 - (a) suspended or partially suspended from being a member or co-opted member of the relevant authority concerned, or
 - (b) disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority.
- (5) Where a case tribunal makes such a decision as is mentioned in subsection (4)(a), it must decide the period for which the person should be suspended or partially suspended (which must not exceed one year or, if shorter, the remainder of the person's term of office).
- (6) Where a case tribunal makes such a decision as is mentioned in subsection (4)(b), it must decide the period for which the person should be disqualified (which must not exceed five years).
- (7) Where a case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned but should not be suspended or disqualified as mentioned in subsection (4), it must give notice to the standards committee of the relevant authority concerned-
 - (a) stating that the person has failed to comply with that code of conduct, and
 - (b) specifying the details of that failure.
- (8) Where a case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned and should be suspended or partially suspended as mentioned in subsection (4)(a), it must give notice to the standards committee of the relevant authority concerned-
 - (a) stating that the person has failed to comply with that code of conduct,
 - (b) specifying the details of that failure, and
 - (c) stating that the person must be suspended or partially suspended by the relevant authority concerned for the period, and in the way, which the tribunal has decided.
- (9) A relevant authority must comply with any notice given to its standards committee under subsection (8).
- (10) Where a case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned and should be disqualified as mentioned in subsection (4)(b), it must give notice to the standards committee of the relevant authority concerned-
 - (a) stating that the person has failed to comply with that code of conduct,
 - (b) specifying the details of that failure, and
 - (c) stating that the person is disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority for the period which the tribunal has decided.
- (11) The effect of a notice given to the standards committee of a relevant authority under subsection (10) is to disqualify the person concerned as mentioned in subsection (10)(c).
- (12) A copy of any notice under this section-
 - (a) must be given-
 - (i) to the Standards Board for England, where the relevant authority concerned is in England,
 - (ii) to the Commission for Local Administration in Wales, where the relevant authority concerned is in Wales,
 - (b) must be given to any person who is the subject of the decision to which the notice relates, and
 - (c) must be published in one or more newspapers circulating in the area of the relevant authority concerned.
- (13) Where the person concerned is no longer a member or co-opted member of the relevant authority concerned but is a member or co-opted member of another relevant authority in the same country (that is to say, England or Wales)-
 - (a) a copy of any notice under subsection (2), (7) or (10) must also be given to the standards committee of that other relevant authority,
 - (b) the references in subsections (4)(a) and (8)(c) to the relevant authority concerned are to be treated as references to that other relevant authority,
 - (c) the duty to give notice to the standards committee of the relevant authority concerned under subsection (8) is to be treated as a duty-
 - (i) to give that notice to the standards committee of that other relevant authority, and
 - (ii) to give a copy of that notice to the standards committee of the relevant authority concerned,
 - (d) the reference in subsection (12)(c) to the relevant authority concerned is to be treated as including a reference to that other relevant authority.
- (14) A case tribunal must take reasonable steps to inform any person who made any allegation which gave rise to the adjudication of the decision of the case tribunal under this section.
- (15) Where a case tribunal decides under this section that a person has failed to comply with the code of conduct of the relevant authority concerned, that person may appeal to the High Court against that decision, or any other decision under this section which relates to him.