



Local Government (Disqualification) Act 2022

2022 CHAPTER 17

An Act to make provision about the grounds on which a person is disqualified from being elected to, or holding, certain positions in local government in England. [28th April 2022]

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:—

Grounds of disqualification

1 Members of local authorities in England etc

(1) In the Local Government Act 1972, after section 81 insert—

“81A Disqualification relating to sexual offences etc (England)

- (1) A person is disqualified for being elected or being a member of a local authority in England if the person is subject to—
- (a) any relevant notification requirements, or
 - (b) a relevant order.
- (2) In this section “relevant notification requirements” means—
- (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;

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- (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 section “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 the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law 2013;
 - (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 subsection (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
 - (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 subsection (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.”
- (2) In that Act, in section 80 (disqualifications for election and holding office as member of local authority), after subsection (5) insert—
- “(5A) See also section 81A (disqualification relating to sexual offences etc (England)).”

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- (3) In regulation 7 of the Charter Trustee Regulations 1996 (S.I. 1996/263) (appointment of local government electors as trustees), in paragraph (6), after “(2)” insert “, 81A”.
- (4) In the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (S.I. 2006/3305)—
 - (a) in paragraph 7(b)(i) of Schedule 2 (rules for elections of Councillors of a Parish or Community), for “and 81” substitute “, 81 and 81A”;
 - (b) in paragraph 7(b)(i) of Schedule 3 (rules for elections of Councillors of a Parish or Community where combined with other election or referendum), for “and 81” substitute “, 81 and 81A”.
- (5) In the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024)—
 - (a) in paragraph 9(b)(i) of Schedule 1 (the Mayoral Elections Rules), for “and 81” substitute “, 81 and 81A”;
 - (b) in paragraph 9(b)(i) of Schedule 3 (Mayoral Election (Combination of Polls) Rules), for “and 81” substitute “, 81 and 81A”.
- (6) In regulation 5 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (S.I. 2013/218) (appointments to Health and Wellbeing Boards), in paragraph (2)—
 - (a) after “(d)” insert “or section 81A”;
 - (b) for “or criminal conviction” substitute “, criminal conviction or sexual offences etc”.

2 Mayors of combined authorities

- (1) The Local Democracy, Economic Development and Construction Act 2009 is amended in accordance with subsections (2) and (3).
- (2) In Schedule 5B (mayors for combined authority areas: further provision about elections), after paragraph 9 insert—

“9A (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;