



YOUR LONDON. YOUR VOTE

The
Electoral
Commission

Greater London Authority
(GLA) elections

Guidance for candidates and agents

Part 1 of 6 – Can you stand for
election?

This document applies to Greater London Authority elections (Mayor of London and London Assembly) only. It does not apply to district, borough, county borough, unitary authority, other mayoral or parish/community council elections. Our full suite of guidance and resources, including guidance for those elections can be found on our website at:

www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents/

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Essential information

This section of the document contains our guidance on whether or not you can stand for election as a London Mayoral or Assembly candidate at a Greater London Authority (GLA) election. Supplementary information, which may only be of relevance to some candidates, is provided at the back of this document. You can access this supplementary guidance by clicking on the links within this document or by clicking on the chapter heading on the contents page.

We are here to help, so please contact London Elects or the Commission's London office if you have any questions. See our [Overview document](#) for contact details.

In this document we use **'must'** to refer to a specific legal requirement and **'should'** for recommended practice. For further information on the terminology used in this guidance, see our [Overview document](#). Deadlines mentioned in this document are generic. For deadlines relating to the 3 May 2012 scheduled GLA elections, please see our [election timetable](#).

Qualifications for standing for election

1.1 To be able to stand as a Mayoral, Constituency or London Member candidate you must:

- be at least 18 years old on the day of your nomination;
- be a British citizen, an [eligible Commonwealth citizen](#) or a citizen of any [other member state of the European Union](#);
- meet at least one of the following four qualifications:
 - I. You are, and will continue to be, registered as a local government elector for the Greater London area. See paragraph [1.6](#) for further information.
 - II. You have occupied as owner or tenant any land or other premises in Greater London during the whole of the 12 months before the day of your nomination and the day of election. For more details, see paragraph [1.7](#).
 - III. Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in Greater London. More information is provided in paragraph [1.15](#).
 - IV. You have lived in Greater London during the whole of the 12 months before the day of your nomination and the day of election. See paragraph [1.16](#) for further details; and
- not be disqualified.

An **eligible**

Commonwealth citizen is a Commonwealth citizen who either:

- does not need leave to remain in the United Kingdom, or
- has indefinite leave to remain in the United Kingdom

Disqualifications

1.2 Apart from meeting the qualifications for standing for election, you must also not be disqualified from standing. There are certain people who are disqualified from standing for and being elected to the GLA. You cannot be a candidate if at the time of your nomination and on the day of the election:

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- I. You are a member of staff of the GLA. For further information, see paragraph [1.18](#).
- II. You hold an office or appointment designated by the Secretary of State as disqualifying you from being the Mayor, or a Constituency or London Member. For further details, see paragraph [1.22](#).
- III. You are a paid officer of a London borough council who is employed under the direction of that council's executive (where executive arrangements are operating), or committees or joint committees whose membership includes the Mayor of London. For further details, see paragraph [1.20](#).
- IV. You hold a politically restricted post under a local authority. Note that the definition of local authority is not restricted to councils but includes other public bodies. For further details on the definition of 'local authority' and politically restricted posts, see paragraph [1.22](#).
- V. You are the subject of a [bankruptcy restrictions order or interim order](#). For more information, see paragraph [1.26](#).
- VI. You have [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.
- VII. You have [been disqualified under the Representation of the People Act 1983](#) (which covers corrupt or illegal electoral practices and offences relating to donations).
- VIII. You have been disqualified under the [Audit Commission Act 1998](#).

1.3 A person may also be disqualified from election if they have been disqualified from standing for election following a decision of the First-tier Tribunal (formerly the Adjudication Panel for England).

The full range of disqualifications is complex and if you are in any doubt about whether you are disqualified, you must do everything you can to check that you are not disqualified before submitting your nomination papers. You must be sure that you are not disqualified as you will be asked to sign one of the required nomination papers to confirm that you are not disqualified. It is a criminal offence to make a false statement on your nomination papers as to your qualifications for being elected, so if you are in any doubt you should contact your employer, consult the legislation or, if necessary, take your own independent legal advice. The Returning Officer will not be able to confirm whether or not you are disqualified.

Can I stand for election in more than one Assembly constituency?

1.4 While constituency candidates may submit nomination papers for more than one Assembly constituency, constituency candidates cannot stand for election in more than one Assembly constituency after the deadline for withdrawals. If the relevant Constituency Returning Officers accept your nomination papers and you are validly nominated in more than one constituency, you must withdraw from all constituencies but one before 12 noon on the 21st working day before the poll. If you do not, then you will be deemed to have withdrawn from all of the constituencies. For more details see: [Part 2b: Standing as a Constituency Member candidate](#).

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Standing for election in more than one contest

1.5 There is no restriction on standing in more than one contest. However, if a candidate stands for election at the Mayoral election and at the Constituency election and is successful in both contests, they will lose their constituency seat. If a candidate is returned either as the London Mayor or Constituency member, they will not be returned as London-wide Member.

Supplementary information

Qualifications

Qualification 1: being a registered local government elector

1.6 The qualification of being a registered local government elector for the Greater London area requires your name to appear on any one of the electoral registers in the Greater London area at the time of your nomination and throughout your term of office should you be elected. Unlike the other qualifications that must only be satisfied on the day of your nomination and on polling day, this is an on-going qualification. We therefore recommend that if you meet any of the other qualifications as well, you also indicate this on your consent to nomination, which is one of the required nomination papers.

Qualification 2: occupying as owner or tenant any land or other premises in Greater London

1.7 You must have occupied as owner or tenant any land or other premises in the Greater London area during the whole of the 12 months before the day of your nomination and before polling day.

1.8 You must occupy 'land or other premises' to meet this qualification. The inclusion of the words 'other premises' can be taken as something other than land (i.e. some form of structure). Because 'land' and 'other premises' are alternatives it is, in theory, possible for a person to meet this qualification by occupying land only. There are some structures that might,

See the relevant Part 2 document for details of how to obtain nomination papers:

- [Part 2a: Standing as a Mayoral candidate](#)
- [Part 2b: Standing as a Constituency Member candidate](#)
- [Part 2c: Standing as a London Member](#)

arguably, fall outside the term 'premises' (e.g. a tent, caravan, house boat or mobile home). However, a person occupying such a structure need only establish occupancy of the land on which, for example their caravan, is located.

1.9 If the land or premises crosses the Greater London boundary, the land/premises is 'in that area' with respect to both the Greater London area and the adjoining local authority, provided the land or premises on both sides of the boundary was occupied as owner or tenant for the relevant period.

1.10 You must also occupy the land or other premises as an 'owner' or 'tenant'. Ownership may be established by showing title to the land or premises in question. Tenancy is established by showing a lease over the land. In a number of circumstances, a lease will survive even though it has expired and the parties have failed to sign a new lease, and the tenancy survives through tacit agreement between the parties. Therefore, there may be circumstances in which a person's tenancy of land or premises might need to be established by evidence other than a current lease.

1.11 You must also have 'occupied' the land or premises. Therefore, in addition to establishing legal ownership or legal tenancy, you must establish that you have actually occupied the land or premises. This is a question of fact in each case. The interpretation of the term 'occupy' in other legal contexts suggests that it is not necessary for a person to be personally resident on the land or premises (which may in any event be covered by the qualification of 'resided in Greater London').

1.12 However, it does require something to be actually done on the land or premises - an empty unlocked house cannot be described as 'occupied', for example. It also requires a sufficient degree of control to prevent others from interfering with the land or premises. If you have sub-let your land or premises to another person, this will point against you having 'occupied' it yourself.

1.13 Finally, you must also have occupied the land or premises 'during the whole of the twelve months preceding' the day on which you are nominated and polling day. Whether an absence will prevent you from claiming that you have occupied the land or

premises for the preceding year should be worked out by taking into account all other factors: for instance, whether you have allowed others to occupy the land or premises in your absence, and the reason for your absence.

1.14 For example, a person who is absent from their home for two months caring for an elderly parent might be considered to have retained occupancy of the land or premises for the purposes of the legislation - while a person who is absent for two months because they have relocated to an alternative residence and who leases their home while they are away may not be considered to have retained occupancy for the purposes of the legislation.

Qualification 3: your main or only place of work is in the Greater London area

1.15 Your main or only place of work must have been in the Greater London area during the 12 months prior to your nomination and prior to polling day itself. You do not have to be in paid employment to qualify, as long as you satisfy the requirement of your main or only place of work being in the Greater London area. Assembly Members whose main or only job is being an Assembly Member would qualify under this heading, provided that their offices are within the Greater London area.

Qualification 4: living in the Greater London area

1.16 You are not required to have lived at the same address for the whole of the 12 months before the day on which you are nominated, but you must have lived in the Greater London area during the whole of those 12 months.

1.17 If in the last 12 months you have lived at more than one address in the Greater London area, you should list on your consent to nomination, one of the required nomination papers, all of the addresses at which you have lived during that period. This qualification also requires you to live in the Greater London area from the date of nomination to polling day.

See the relevant Part 2 document for details of how to obtain nomination papers:

- [Part 2a: Standing as a Mayoral candidate](#)
- [Part 2b: Standing as a Constituency Member candidate](#)
- [Part 2c: Standing as a London Member](#)

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Disqualifications

Disqualification 1: working for the GLA

1.18 You are disqualified from standing as a candidate if you are a member of staff of the GLA. This disqualification applies on both the date of your nomination and on polling day. If you were employed by the Authority, you must have resigned and served any notice period before the date of your nomination to avoid having a contract of employment with the Authority at that time.

Disqualification 2: disqualifying offices and appointments

1.19 You cannot stand as a candidate if you hold an office or appointment designated by the Secretary of State as disqualifying you from being the Mayor or a Constituency or London Member. The Order listing the disqualifying offices and appointments is The Greater London Authority (Disqualification) Order 2000 (as amended).

Disqualification 3: certain paid officers at London borough councils

1.20 You are disqualified from standing as Mayor or as an Assembly member if you are a paid officer of a London borough council **and** you are employed under the direction of:

- any of that council's committees or sub-committees whose membership includes the Mayor or one or more persons appointed on the nomination of the GLA acting by the Mayor
- a joint committee whose membership includes one or more members appointed on the nomination of that council and one or more members appointed on the nomination of the GLA acting by the Mayor
- the executive or any committee of the executive of that council, where that council are operating executive arrangements and whose membership includes the Mayor

or one or more persons appointed on the nomination of the GLA acting by the Mayor

- a member of the executive of that council, where the council are operating executive arrangements and that member is also the Mayor or a person appointed on the nomination of the GLA acting by the Mayor

1.21 As a general rule, if you work for a London borough council or an organisation funded by the council, you should seek advice from your council's HR department to help you establish whether any of the above apply to you. Sometimes employment relationships can be complex and, if this is the case for you, we recommend that you seek your own legal advice.

Disqualification 4: politically restricted posts

1.22 If you are an employee or office holder of a local authority anywhere in Great Britain you must check that you do not hold a politically restricted post. In this context, the term 'local authority' includes other public bodies such as the GLA, the London Development Agency, Transport for London, the London Fire and Emergency Planning Authority, any Mayoral Development Corporation (including the London Legacy Development Corporation), the Mayor's Office for Policing and Crime and local policing bodies¹. This list is not exhaustive and if you are in any doubt you should check with the human resources department of the organisation in question. Where an organisation is a 'local authority' for this purpose it will have politically restricted posts as set out in paragraph 1.24 below.

1.23 If you hold a politically restricted post, you are disqualified from standing for election as Mayor or as an Assembly member.

Section 21 of the Local Government and Housing Act 1989 (as amended) and Section 68 of the Greater London Authority Act 1999 set out a list of organisations that are deemed to be local authorities for the purposes of determining whether someone holds a politically restricted post.

¹ Exemptions apply to members of former police authorities who transfer to new policing bodies and are carrying out the same, or substantially the same, duties.

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1.24 The posts that are politically restricted are:

- the Head of the Paid Service
- the statutory chief officers (chief finance officer, chief education officer, chief social work officer or the chief officer at certain fire brigades)
- non-statutory chief officers (including a person who, as respects all or most of the duties of their post, is required to report directly or is directly responsible to the local authority or any committee or sub-committee of the authority or the head of the authority's paid service)
- deputy chief officers (a person who, as respects all or most of the duties of their post, is required to report directly or is directly accountable to one or more of the chief officers)
- the monitoring officer
- officers exercising delegated powers
- assistants to political groups
- a sensitive post which meets one or both of the following duties-related criteria:
 - giving advice on a regular basis to the authority (including committees, sub-committees and joint committees on which the authority is represented)
 - speaking on behalf of the authority on a regular basis to journalists or broadcasters

1.25 You should check with the HR department of your employer if you are not sure whether your organisation is a 'local authority' for this purpose or if you are unsure whether you hold a politically restricted post.

Disqualification 5: bankruptcy restrictions or interim order

1.26 Bankruptcy in itself is not a disqualification. If you are or have been bankrupt you are not disqualified from standing for election or being a member of the GLA on that basis.

1.27 Only those who are subject to a bankruptcy restrictions order or interim order are disqualified from standing for election

or being a member of the GLA. The disqualification ends at the same time as the order ends.