

Police and Crime Commissioner election in England and Wales

Guidance for candidates and agents

Part 1 of 6 – Can you stand for election?

This document applies to the May 2016 Police and Crime Commissioner election. Our guidance and resources for other elections in the UK can be accessed from our website at:

<http://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 at a Police and Crime Commissioner election in England (excluding London) and Wales. Supplementary information, which may only be relevant to some candidates, is provided at the back of this document. You can view this supplementary guidance by clicking on the links within this document or by clicking on the chapter heading on the contents page.

In this document, we use 'you' to refer to the candidate.

We use 'must' when we refer to a specific requirement.

We use 'should' for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

We have included relevant deadlines throughout this document, but you can also find a separate [election timetable](#) setting out all the key dates on our website.

We are here to help, so please contact your local Commission team if you have any questions.

See our [Overview document](#) for contact details.

This guidance has been developed based on the legislation as it currently stands and makes some assumptions about what further legislation will provide for, and so it may be subject to change.

We will update and re-publish the guidance as appropriate once the legislation is clear.

Qualifications for standing for election

1.1 To be able to stand as a candidate at a Police and Crime Commissioner election in England (excluding London, and Wales, you must be:

- at least 18 years old on the day of your nomination
- a British citizen, an [eligible Commonwealth citizen](#) or a citizen of any other [other member state of the European Union](#), and
- registered as a local government elector in a local council area that is within the police area in which you wish to stand, both at the time of your nomination and on polling day.

An **eligible** Commonwealth citizen is a Commonwealth citizen who either:

- does not need leave to enter or 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.

1.3 Most disqualifications apply on the day you are nominated and on polling day (see paragraph **1.4**), but some will only apply on taking up office (see paragraph **1.5**).

Disqualifications that apply on nomination and on polling day

1.4 You cannot stand for election if on the day of your nomination and on polling day:

- I. You have been **nominated as a candidate** at a Police and Crime Commissioner election taking place on the same day **for a different police area**.
- II. You have ever been **convicted of an imprisonable offence**. This disqualification applies even if you were

Legislation is published by the National Archives.

Legislation, including the House of Commons Disqualification Act 1975, can be accessed on www.legislation.gov.uk

However, the legislation on the website may not always reflect the legislation as it currently stands – for example, at the time of writing, there are outstanding changes to the House of Commons Disqualification Act 1975, which have not yet been reflected in the version on the website.

If you are in any doubt, you should seek your own independent legal advice.
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not actually imprisoned for that offence, or the conviction has been spent.

- III. You are a **police officer or are directly or indirectly employed by the police**. For further information, see paragraph **1.8**
- IV. You are disqualified under certain provisions of the House of Commons Disqualification Act 1975, (as amended), if you are a **civil servant**, a **member of the armed forces** or hold any **judicial office** specified in Part 1 of Schedule 1 of the House of Commons Disqualifications Act 1975 (as amended).
- V. You are a member of the **legislature of any country or territory outside the UK**.
- VI. You are a **member of staff of a local council** that falls wholly or partly within the police area in which you wish to stand, or you are employed in an organisation that is under the control of a local council in the police area in which you wish to stand.

Note that you may be employed by an organisation that is under the control of a local council, for example, if you work for certain fire services or health services. This list is not exhaustive. For further information see paragraph **1.13**.

At a Police and Crime Commissioner election you are **not** treated as being employed by a local council if you work at a school (either as a teacher or a member of non-teaching staff) that is maintained or assisted by a local council.

Elected members of councils are not disqualified from being elected at a Police and Crime Commissioner election.

- VII. You are the subject of a **bankruptcy restrictions order or interim order**. For more information, see paragraph **1.20**.

For the purposes of VI, a local council is:

- a county council
- a county borough council
- a district council
- a parish council
- a community council
- the Council of the Isles of Scilly

You may, however, be employed in an organisation that is under the control of a parish or community council.

- VIII. You have been **disqualified under the Representation of the People Act 1983** (as amended) if you have been convicted or have been reported guilty of a corrupt or illegal electoral practice or of an offence relating to donations, or under the Audit Commission Act 1998. The disqualification for an illegal practice begins from the date a 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.

Disqualifications that apply on election

1.5 Members of the House of Commons, the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly or the European Parliament may stand for election as a Police and Crime Commissioner. However, if they are elected they must resign their seat before taking up the post of Police and Crime Commissioner.

1.6 If a Police and Crime Commissioner becomes a member of the House of Commons, the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly or the European Parliament, they are automatically disqualified from holding office as Police and Crime Commissioner.

1.7 Members of the House of Lords are not disqualified from being a Police and Crime Commissioner.

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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 qualification 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.

Supplementary information

Further information on certain disqualifications

Working for the police

1.8 You are disqualified from standing as a candidate at the Police and Crime Commissioner election if you are a police officer or are otherwise employed by the police.

1.9 This disqualification applies to:

- members of police forces (including special constables) in the UK, including the Metropolitan police and the City of London police
- members of the British Transport Police Force (including special constables)
- members of the Civil Nuclear Constabulary

1.10 You are also disqualified from standing if you are:

- a member of staff of a Police and Crime Commissioner
- a member of staff of the London Mayor's Office for Policing and Crime
- the Mayor of London
- a member of the Common Council of the City of London or a member of staff of that Council in its capacity as a police authority

1.11 You are also disqualified from standing at any Police and Crime Commissioner election if you are a member of, or a

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member of staff of, or hold any employment in an organisation which is under the control of:

- the British Transport Police Authority
- the Civil Nuclear Police Authority
- the Independent Police Complaints Commission
- the Serious Organised Crime Agency
- the National Policing Improvement Agency

1.12 You are also disqualified if you are employed in an organisation which is under the control of a local policing body, the chief officer of police for a police force in any police area or the City of London, or the chief officer of police of the British Transport Police Force or the Civil Nuclear Constabulary.

1.13 The working for the police disqualification applies on both the date of your nomination and on polling day. If you were employed by the police, you must have resigned and served any notice period before the date of your nomination to avoid having a contract of employment with the police at that time.

Working for a local council within the police area

1.14 You are disqualified from standing at a Police and Crime Commissioner election if you are a member of staff of or are directly or indirectly employed by a local council that falls either wholly or partly within the police area in which you are standing.

1.15 If you are a member of staff of or work for an organisation which is under the control of a county, county borough or district council or the Council of the Isles of Scilly, you will be disqualified from being elected as a Police and Crime Commissioner.

1.16 Local councils typically have committees and sub-committees. Anyone employed under the direction of such committees or sub-committees is disqualified from standing in any police area that includes all or part of the local council's area.

A local council for these purposes is:

- a county council
- a county borough council
- a district council
- a parish council
- a community council
- the Council of the Isles of Scilly

except that you may be employed in an organisation that is under the control of a parish or community council.

1.17 As a general rule, if you work in the local public sector, you should seek advice from your employer's HR department to help you establish whether the disqualification would 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.

1.18 If you are a teacher or a non-teaching member of staff at a school or other educational institution maintained or assisted by a local council, you **can** stand at a Police and Crime Commissioner election provided you meet the qualifications and are not otherwise disqualified.

1.19 The working for the local council disqualification applies on the date of nomination and on the day of election. If you were employed by the local council, you must have resigned and served any notice period before the date of your nomination to avoid having a contract of employment with the local council at that time.

Bankruptcy restrictions or interim order

1.20 Bankruptcy in itself is not a disqualification. If you have been adjudged bankrupt by a court in England, Wales or Northern Ireland, or are subject to an interim bankruptcy restrictions order, you are not disqualified on that basis, as long as you are not also currently subject to any of the particular bankruptcy disqualifications listed below:

- you are currently subject to a bankruptcy restrictions order or debt relief restrictions order made by a court in England, Wales or Northern Ireland, or
- your estate has been sequestrated by a court in Scotland and you have not been discharged