



YOUR LONDON. YOUR VOTE

The  
Electoral  
Commission

Greater London Authority  
(GLA) election

# Guidance for candidates and agents

Part 1 of 6 – Can you stand  
for election?

This document applies to the May 2016 Greater London Authority election, covering the election of the Mayor of London and election to the London Assembly. Guidance and resources for other elections in the UK can be accessed from the Commission's website at:

[www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents/](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 guidance on whether or not you can stand for election to the Greater London Authority. 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 all candidates standing at the Greater London Authority election. Where our guidance only applies to a particular type of candidate, this will be specifically stated.

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 use the term ‘Greater London’ to cover the whole of the 32 London boroughs and the City of London.

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 London Elects 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 Mayor of London candidate, a Constituency Assembly Member candidate or a London-wide Assembly 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](#), and
- meet at least one of the following four qualifications:
  - a. You are, and will continue to be, registered as a local government elector in Greater London from the day of your nomination onwards. See paragraph **1.9** for further information.
  - b. 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 **1.10**.
  - c. 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 **1.18**.
  - d. 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 **1.19** for further details.

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 There are certain people who are disqualified from being elected as the Mayor of London or a Constituency / London-wide Assembly Member. You cannot be a candidate if at the time of your nomination and on the day of the election:

- a. You are a **member of staff of the GLA**. For further information, see paragraph **1.21**.
- b. You **hold an office or appointment designated by the Secretary of State** as disqualifying you from being the Mayor of London or a Constituency or London-wide Member of the London Assembly. The Order listing the disqualifying offices and appointments is The Greater London Authority (Disqualification) Order 2000 (as amended)<sup>1</sup>.
- c. **You are paid officer of a London borough council** who is employed under the direction of that council's executive (where executive arrangements are operating) or of committees or joint committees whose membership includes the Mayor of London. For further details, see paragraph **1.22**.
- d. You hold a **politically restricted post**. For further details, see paragraph **1.24**.
- e. You are the subject of a **bankruptcy restrictions order or interim order**. For more information, see paragraph **1.28**.
- f. You have **been sentenced to a term of imprisonment** of three months or more (including a

Legislation is published by the National Archives.

Legislation, including The Greater London Authority (Disqualification) Order 2000 is available at [www.legislation.gov.uk](http://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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<sup>1</sup> We understand that there will be a new Order providing for disqualifications before the May 2016 election. We will update the guidance once the Order has been made by Parliament.

suspended sentence), without the option of a fine, during the five years before polling day.

- g. You have **been disqualified under the Representation of the People Act 1983** (which covers corrupt or illegal electoral practices and offences relating to donations). 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.

1.4 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), or the Adjudication Panel for Wales.

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

1.5 While Constituency Assembly Member candidates may submit nomination papers for more than one Assembly constituency, they cannot stand for election in more than one Assembly constituency after the deadline for withdrawals.

1.6 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 by not later than 4pm on the 24<sup>th</sup> working day before the poll, i.e. by 4pm on Thursday 31 March. If you do not, then you will be deemed to have withdrawn from all of the constituencies.

1.7 For more details see [Part 2b: Standing at the Constituency Member](#) election.

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## Standing for election in more than one contest at a GLA election

1.8 There is no restriction other than that set out in paragraphs **1.5** to **1.7** above on standing in more than one contest at a GLA election. However, if a candidate stands for election as the London Mayor and as a candidate in a London Assembly Member constituency and is successful in both, they will be returned as the Mayor of London but not as a Constituency Assembly Member. If a candidate is returned either as the London Mayor or as an Assembly Constituency Member, they will not also be returned as a London-wide Assembly Member.

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

## The qualifications

1.9 When completing your consent to nomination form you will be asked to indicate which qualifications you meet. You should indicate on the form all those qualifications that apply to you.

### a. Being a registered local government elector

1.10 To be able to use this qualification, your name must appear on any one of the local government electoral registers in Greater London 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.

### b. Occupying as owner or tenant any land or other premises in Greater London

1.11 To be able to use this qualification, you must 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 before polling day.

1.12 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

The relevant Part 2 guidance document contains details of how to obtain nomination papers:

- [Part 2a: Standing as a candidate for London Mayor](#)
- [Part 2b: Standing at the Constituency Member election to the London Assembly](#)
- [Part 2c: Standing at the London-wide Member election to the London Assembly](#)

by occupying land only. There are some structures that might, 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.

1.13 If the land or premises crosses the Greater London boundary, the land/premises is 'in that area' with respect to both Greater London and the adjoining local authority.

1.14 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.

1.15 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 'lived in Greater London').

1.16 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 all of your land or premises to another person, this will point against you having 'occupied' it yourself.

1.17 Finally, you must 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.

### c. Your main or only place of work is in Greater London

1.18 To be able to use this qualification, your main or only place of work must have been in Greater London 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 Greater London. Assembly Members whose main or only job is being an Assembly Member would be able to use this qualification, provided that their office is within Greater London.

### d. Living in Greater London

1.19 To be able to use this qualification, 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 Greater London during the whole of those 12 months.

1.20 If in the last 12 months you have lived at more than one address in Greater London, you should list on your consent to nomination, which is 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 Greater London from the date of nomination to polling day.

The relevant Part 2 guidance document contains details of how to obtain nomination papers:

- [Part 2a: Standing as a candidate for London Mayor](#)
- [Part 2b: Standing at the Constituency Member election to the London Assembly](#)
- [Part 2c: Standing at the London-wide Member election to the London Assembly](#)

## Further information on certain disqualifications

### Working for the GLA

1.21 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

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avoid having a contract of employment with the GLA at that time.

## Certain paid officers at London borough councils

1.22 You are disqualified from standing for election as Mayor of London 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 the membership of which includes the Mayor or one or more persons appointed on the nomination of the GLA acting by the Mayor
- a joint committee the membership of which 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 is operating executive arrangements and the membership of which 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 is operating executive arrangements and that member is also the Mayor or a person appointed on the nomination of the GLA acting by the Mayor

1.23 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 human resources 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.

## Politically restricted posts

1.24 If you are an employee of a local authority anywhere in Great Britain you must check that you do not hold a politically restricted post. If you hold a politically restricted post, you are disqualified from standing for election as Mayor or as a London Assembly Member.

1.25 In this context, the term ‘local authority’ includes other public bodies such as the GLA, Transport for London, the London Fire and Emergency Planning Authority, any Mayoral Development Corporation (at the time of writing, the London Legacy Development Corporation and Old Oak and Park Royal Development Corporation), the Mayor’s Office for Policing and Crime and local policing bodies.

1.26 The posts that are politically restricted are:

- the Head of the Paid Service
- the statutory chief officers (chief finance officer, chief education officer, the chief officer at certain fire brigades, or the director of social services)
- non-statutory chief officers (including a person who, for 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)

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.

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- speaking on behalf of the authority on a regular basis to journalists or broadcasters

1.27 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.

## Bankruptcy restrictions or interim order

1.28 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