

UK Parliamentary by- elections

Guidance for candidates and agents

Part 1 of 6 – Can you stand for election?

August 2022

This document applies to UK Parliamentary by-elections in Great Britain. If you are a candidate or agent in Northern Ireland, please see our [guidance for candidates and agents at a UK Parliamentary by-election in Northern Ireland](#).

Our guidance and resources for other elections in the UK can be accessed from our website at: www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents.

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Can you stand for election?

This document contains our guidance on whether or not you can stand as a candidate at a UK Parliamentary by-election.

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 generic deadlines throughout this document to give you an indication of the timings for key processes. You should, however, obtain a copy of the specific timetable for the by-election from the (Acting) Returning Officer.

We are here to help, so please contact your local Commission team if you have any questions. See our [Overview document](#) for contact details.

Data protection legislation to the processing of all personal data.

Please contact the [Information Commissioner's Office](#) for further information about how the legislation affects you.

Qualifications for standing for election

1.1 To be able to stand as a candidate at a UK Parliamentary by-election in Great Britain you must, on the day you are nominated and on polling day, be:

- at least 18 years old¹, and
- either a British citizen, a citizen of the Republic of Ireland or an eligible [Commonwealth citizen](#)²

1.2 Citizens of other countries are not eligible to become a Member of the UK Parliament.

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

1.3 There is no requirement in law for you to be a registered elector in the UK.

Disqualifications

1.4 Apart from meeting the qualifications for standing for election, you must also not be disqualified from standing at the time of nomination and on the day of the election.

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 disqualified³. It is a criminal offence to make a false statement on your nomination papers⁴ 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 (Acting) Returning Officer will not be able to confirm whether or not you are disqualified.

Disqualifying offices⁵

1.5 Certain post-holders are disqualified from becoming a Member of Parliament. These include:

- civil servants
- members of police forces
- members of the armed forces
- government-nominated directors of commercial companies
- judges
- members of the legislature of any country or territory outside the Commonwealth
- peers who sit and can vote in the House of Lords
- bishops of the Church of England (known as the Lords Spiritual) who are entitled to sit and vote in the House of Lords

1.6 This list is not comprehensive and detailed lists of disqualifying offences are set out in the House of Commons Disqualification Act 1975 (as amended).

Bankruptcy

1.7 Bankruptcy in itself is not a disqualification. You are, however, disqualified if⁶:

- 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

1.8 If a person has been adjudged bankrupt by a court in England, Wales or Northern Ireland, or is subject to an interim bankruptcy restrictions order, they are not disqualified on that basis, as long as they are not also currently subject to any of the particular bankruptcy disqualifications listed above.

Imprisonment and court decisions

1.9 You are disqualified under the Representation of the People Act 1981 if you have been convicted of an offence and have been sentenced to be imprisoned or detained for more than a year and are detained anywhere in the UK, the Republic of Ireland, the Channel Islands or the Isle of Man, or are unlawfully at large⁷.

1.10 The nomination of a person disqualified on this basis is void, and the (Acting) Returning Officer is entitled to reject their nomination paper⁸.

1.11 You are also 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 practice⁹ or of an offence 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 years¹⁰. The disqualification for a corrupt practice begins from the date a person has been

UK legislation is published by the National Archives and is available on www.legislation.gov.uk

However, at the time of writing, there were outstanding changes not yet made by the legislation.gov.uk editorial team to the House of Commons Disqualification Act 1975. If in doubt, you should seek your own independent legal advice.

reported guilty by an election court or convicted and lasts for five years¹¹.

Standing in more than one constituency

1.12 You cannot stand in more than one constituency if there is more than one UK Parliamentary by-election on the same date¹².

¹ Electoral Administration Act 2006 (EAA 2006) s.17(1)

² EAA 2006 s.18

³ RPA 1983 sch 1 rule 8(3)

⁴ RPA 1983 s. 65A(1A)

⁵ House of Commons Disqualification Act 1975 s.1

⁶ s.426A (for England, Wales & Northern Ireland) and s.427 (for Scotland) of the Insolvency Act 1986

⁷ Representation of the People Act 1981 s.1

⁸ Representation of the People Act 1981 s.2 and RPA 1983 sch 1 rule 12(2)

⁹ RPA 1983 Part 3 s.160, s.173

¹⁰ RPA 1983 Part 3 s.160(5)(b), s.173(3)(b)

¹¹ RPA 1983 Part 3 s.160(5)(a), s.173(3)(a)

¹² RPA 1983 sch 1 rule 8(3)(c)