

By-election to Andreas Parish Commissioners 2024

Under Section 3(6) of the Elections (Keys and Local Authorities) Act 2020 & Section 7 Elections (Local Authorities) Regulations 2022

Please complete this form in full and, **together with proof of compliance with section 19 (1) of the Elections (Keys and Local Authorities) Act 2020** deliver it to the Deputy Returning Officer for the relevant electoral area, at a mutually agreeable time between **10.00am on 10 April 2024** and **1.00pm on 17 April 2024**

Personal Details

Surname

Forename(s)

Place of Residence

Telephone Number

Email Address (if any)

Name of Political Party (if any)

Local Authority Polling District

Statement

I, the person named above, state as follows (tick box to confirm):

- I meet the qualification criteria requirements for membership of the Local Authority as set out in section 19 (1) of the Elections (Keys and Local Authorities) Act 2020 to stand as a candidate and to be elected to Andreas Parish Commissioners and;
- I am not disqualified under sections 20 (1) or (2) of the Elections (Keys and Local Authorities) Act 2020 to stand as a candidate for and to be elected to be a member of Andreas Parish Commissioners

Signature of Candidate

Date

Signature of Witness*

Date

Name of Witness*

* required only where the candidate does not deliver the form in person to the Deputy Returning Officer

Subscription of Nomination Paper

We, being electors for the said Local Authority, hereby nominate the aforementioned person as a candidate for Andreas Parish Commissioners.

PROPOSERSurname Forename(s) Address
Elector
Polling District Elector
Polling Number Signature **SECONDER**Surname Forename(s) Address
Elector
Polling District Elector
Polling Number Signature **Electors**

The nomination paper should be subscribed by no less than 8 Electors

1.

Full Name Address
Elector
Polling District Elector
Polling
Number Signature

2.

Full Name Address
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Number Signature

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Elector Polling District

Elector Polling Number

Signature

OFFICIAL USE To be completed by Deputy Returning Officer

Tick box to confirm

- Proof of compliance with section 19 (1) Elections (Keys and Local Authorities) Act 2020 provided by nominee as detailed below:

- Nomination paper deemed acceptable and valid; **OR**
- For the following reason, in accordance with regulation 12 of the Elections (Local Authorities) Regulations 2022, the Nomination Paper is deemed invalid.

Objections received: Yes/No* Upheld/Refused* (provide further information)

*delete as appropriate

Details

Date Candidate Advised:

Signature of Deputy Returning Officer

Date

Legislative provision

Section 19 of the Elections (Keys and Local Authorities) Act 2020 provides for qualifications for holding office as member of Andreas Parish Commissioners:

(1) A person may stand as a candidate for, and be elected as a member of a local authority for any district if at the time of nomination as a candidate the person —

- (a) has attained the age of 18 years;
 - (b) is either a British citizen or has the right to remain in the Island;
 - (c) is ordinarily resident in the Island and has been so resident for a period of, or for periods amounting in the aggregate to, five years or more; and
 - (d) is registered on the register of electors for any electoral area in the Island,
- provided that the person is not disqualified under subsection (2).

(2) For the purposes of subsection (1)(b), a person has the right to remain in the Island if the person —

(a) has indefinite leave to remain in the Island, within the meaning of the Immigration Act 1971 (of Parliament), as it has effect in the Island (the "1971 Act"); or Section 20 Elections (Keys and Local Authorities) Act 2020

(b) does not under the 1971 Act require leave to enter or remain in the Island, by virtue of section 7(1) of the Immigration Act 1988 (of Parliament), as it has effect in the Island,

and, in either case, the person is not liable to deportation under section 3(5) or (6) of the 1971 Act.

Section 20 provides for disqualification for holding office as member of Andreas Parish Commissioners:

(1) A person is disqualified for being a candidate for election as a member of a local authority for any district if at the time the person is nominated as a candidate the person —

- (a) is the holder of an office of profit under the government of any country or territory outside the Island;
- (b) has been convicted of a relevant offence, unless the conviction is spent for the purposes of the Rehabilitation of Offenders Act 2001;
- (c) is incapable of being elected to be a member of a local authority by virtue of section 126 (incapacities on report or conviction of corrupt or illegal practice);
- (d) is serving a custodial sentence following conviction for any offence;
- (e) is an undischarged bankrupt;
- (f) is subject to any incapacity by virtue of this or any other Act;
- (g) holds any paid office of employment (other than the office of mayor), appointments to which are or may be made or confirmed by the local authority or any committee or sub-committee of the local authority or by a joint board or joint committee on which the local authority are represented or by any person holding any such office or employment; or
- (h) has, within five years before the day of election or since his or her election, been convicted of an offence —
 - (i) in the Island or, if it would have been an offence had it been committed in the Island, in any other jurisdiction; and
 - (ii) for which he or she has been sentenced to custody (whether suspended or not) for a period of not less than three months without the option of a fine.

(2) A paid officer of a local authority who is employed under the direction of a joint board or joint committee —

- (a) on which the local authority is represented; and
- (b) any member of which is appointed by or on the nomination of some other local authority, Elections (Keys and Local Authorities) Act 2020 Section 21 is disqualified for being elected or being a member of that other local authority.

(3) For the purposes of subsection (1)(h), the date of the conviction is —

- (a) the ordinary date on which the period allowed for making an appeal with respect to the conviction expires; or
- (b) if such an appeal is made, the date on which the appeal —
 - (i) is finally disposed of;
 - (ii) is abandoned; or
 - (iii) fails on account of its not having been prosecuted.

(4) For the purposes of subsection (1)(b), a "relevant offence" is an offence (wherever committed) involving corruption, bribery or dishonesty, or an offence (of any kind) under this Act or under the legislation of another country or territory equivalent to this Act.

Full copies of the legislation can be found at <https://legislation.gov.im/cms/#> . If you are in any doubt as to the provisions you must take your own professional or legal advice.

Privacy Notice

The Cabinet Office collects and processes personal information to fulfil its legal and statutory functions. We only use, gather and share personal information where we have an appropriate legal basis to do so under the Annex to the Data Protection (Application of the GDPR) Order 2018 (SD 2018/0143) ("Applied GDPR").

The legal basis for the processing of your data will be Article 6(1)(c) or Article 6(1)(e) of the Applied GDPR – namely that processing is necessary for compliance with a legal obligation to which the controller is subject or that the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller and where the official functions are underpinned by common law or statute.

Electoral Candidacy

The Cabinet Office will use information from candidates standing for election to fulfil statutory responsibilities under the Elections (Keys and Local Authorities) Act 2020 and Elections (Local Authorities) Regulations 2022.

The Cabinet Office has appointed a Data Protection Officer (DPO) to help ensure that we fulfil our legal obligations when processing personal information.

The DPO can be contacted by emailing DPO-CabOff@gov.im