STATUTORY INSTRUMENTS

2015 No. 459

REPRESENTATION OF THE PEOPLE

The European Parliamentary Elections (Amendment) Regulations 2015

Made - - - -	*2nd March 2015*
Coming into force - -	*3rd March 2015*

The Lord President of the Council makes these Regulations in exercise of the powers conferred by section 7(1) of the European Parliamentary Elections Act 2002(**1**).

The Lord President of the Council has consulted the Electoral Commission in accordance with section 7(1) and (2)(a) of the Political Parties, Elections and Referendums Act 2000(**2**).

In accordance with section 13(2) of the European Parliamentary Elections Act 2002 a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the European Parliamentary Elections (Amendment) Regulations 2015.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations extend to Great Britain and, apart from regulation 5, to Gibraltar.

Amendments to the European Parliamentary Elections Regulations 2004

2. The European Parliamentary Elections Regulations 2004(**3**) are amended in accordance with regulations 3 to 5.

3. In regulation 17 (effect of registers)—

(a) in paragraph (2), for sub-paragraph (b) substitute—

"(b) that he does not or did not at any particular time satisfy any requirement for voting which relates to citizenship;";

(b) in paragraph (2), for sub-paragraph (c) substitute—

(**1**) 2002 c.24; the powers conferred on the Secretary of State by section 7(1) were made exercisable concurrently by the Lord President of the Council and the Secretary of State by the Lord President of the Council Order 2010 (S.I. 2010/1837).

(**2**) 2000 c.41; section 7(2)(a) was amended by section 15 of and paragraph 8 of Schedule 3 to the European Parliamentary Elections Act 2002.

(**3**) S.I. 2004/293, amended by S.I. 2009/186 and S.I. 2013/2876; there are other amending instruments but none is relevant.

"(c) that he is or was at any particular time otherwise subject to any other legal incapacity to vote.";

(c) for paragraph (3) substitute—

"(3) In the case of the persons referred to in paragraph (4), for "at any particular time" in each of paragraph (2)(b) and (c), substitute "on the relevant date or the date of his appointment (as the case may be)."

(d) for paragraph (4) substitute—

"(4) "The relevant date" in paragraph (3)—

(a) in the case of a Gibraltar elector, is the date on which an application for registration is made or treated as having been made by virtue of paragraph 6 of Schedule 4;

(b) in the case of a person registered as an elector by virtue of being a relevant citizen of the Union, is the date which is the relevant date for the purposes of regulation 4 of the 2001 Franchise Regulations;

(c) in the case of a peer entitled to vote by virtue of section 3 of the 1985 Act(**4**), is the date which is the relevant date for the purposes of that section."

4. In Schedule 2, in paragraph 6 (absent voting: proxies at elections)—

(a) after sub-paragraph (2) insert—

"(2A) A person is not capable of being appointed to vote, or voting, as proxy in Great Britain at a European Parliamentary election unless the person is entitled to vote at that election in accordance with section 8 of the 2002 Act(**5**).";

(b) in each of sub-paragraphs (3) and (4), after "proxy" insert "in Gibraltar".

5. In Schedule 2, after paragraph 31B (absent voting: fresh signatures following rejection of postal voting statement) insert—

"**Further notification of a rejected postal voting statement**

31C.—(1) Where a registration officer notifies an absent voter of a rejected postal statement under paragraph 31A, in relation to the European Parliamentary election on 22nd May 2014, that officer must–

(a) send that voter a further notification that the ballot paper concerned was rejected because the returning officer was not satisfied that the postal voting statement was duly completed; and

(b) do so within a period of 10 days beginning on 19thMarch 2015.

(2) The further notification must include—

(a) details of the poll where the rejection occurred,

(b) an indication that a notification was previously sent under paragraph 31A, and

(c) general information on the requirements for a duly completed postal voting statement.

(3) A registration officer need not send a further notification–

(**4**) The 1985 Act is the Representation of the People Act 1985 (c.50) (see regulation 2 of the 2004 Regulations); section 3 was substituted by paragraphs 1 and 8 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 141 of the Political Parties, Elections and Referendums Act 2000 (c.41) and paragraph 17 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

(**5**) The 2002 Act is the European Parliamentary Elections Act 2002 (c.24) (see regulation 2 of the 2004 Regulations).