*Draft Regulations laid before Parliament under section 13(2) of the European Parliamentary Elections Act 2002 and paragraph 2(2) of Schedule 2 to the European Communities Act 1972, for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

# 2013 No.

# REPRESENTATION OF THE PEOPLE, NORTHERN IRELAND

## The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2013

*Made - - - -* ***

*Coming into force - -* *1st January 2014*

The Secretary of State is a minister designated for the purposes of section 2(2) of the European Communities Act 1972(**1**) in relation to the European Parliament(**2**).

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 6(5) and 7(1)(a), (2) and (4A) of the European Parliamentary Elections Act 2002(**3**) and section 2(2) of the European Communities Act 1972.

The Secretary of State has consulted the Electoral Commission pursuant to section 7(1) and (2)(a) of the Political Parties, Elections and Referendums Act 2000(**4**).

In accordance with section 13(2) of the European Parliamentary Elections Act 2002 and paragraph 2(2) of Schedule 2 to the European Communities Act 1972(**5**), a draft of these Regulations was laid before and approved by a resolution of each House of Parliament.

### Citation, commencement, extent, application and interpretation

**1.**—(1) These Regulations may be cited as the European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2013.

(2) These Regulations come into force on 1st January 2014.

(**1**) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by the Schedule to the European Union (Amendment) Act 2008 (c. 7).
(**2**) S.I. 2013/1445.
(**3**) 2002 c. 24; section 6(5) was substituted by section 20 of the European Parliament (Representation) Act 2003 (c. 7) ; and section 7 was amended by section 22 of that Act.
(**4**) 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 (c. 24).
(**5**) Paragraph 2(2) of Schedule 2 to the European Communities Act 1972 was amended by section 27(2)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51).

(3) These Regulations shall have effect in relation to vacancies arising on or after the day on which they come into force.

(4) These Regulations extend to Northern Ireland only.

(5) In these Regulations, a reference to a numbered regulation, rule or Schedule means the regulation, rule or Schedule so numbered in the European Parliamentary Elections (Northern Ireland) Regulations 2004(**6**).

**Amendment of the European Parliamentary Elections (Northern Ireland) Regulations 2004**

**2.** In regulation 2 (interpretation)(**7**), after the definition of "registration officer" insert—

""relevant disqualifying decision" has the meaning given by section 10(5A) of the 2002 Act(**8**);".

**3.** In regulation 5 (polling districts and places), in paragraph (2)—

(a) for "parliamentary" substitute "local"; and

(b) for "those responsible for designating parliamentary polling districts and places" substitute "the Chief Electoral Officer for Northern Ireland".

**4.**—(1) Regulation 29 (offences in connection with candidature)(**9**) is amended as follows.

(2) In paragraph (1), for "required by rule 7(1)" substitute "made under regulation 76I(3) or rule 7(4)".

(3) After paragraph (1) insert—

"(1A) A person is guilty of an illegal practice who, in the case of a general European Parliamentary election, consents to—

(a) nomination as a candidate in the electoral region, and

(b) nomination as an individual candidate, or being nominated in a list submitted by a registered party, in another electoral region.

(1B) In this regulation, "registered party" means a party registered under Part 2 of the 2000 Act.".

**5.** In regulation 76H (by-elections)(**10**), in paragraph (1) for "76I(4)" substitute "76I(8)(b)".

**6.** For regulation 76I (relevant citizens of the Union) substitute—

"**Relevant citizens of the Union**

**76I.**—(1) This regulation applies where the person nominated in accordance with regulation 76C(2) or 76D(2), or the person contacted in accordance with regulation 76G(2), (as the case may be, "P") is a relevant citizen of the Union.

(2) The declaration required under regulation 76C(4) or 76D(4) or, as the case may be, the response provided under regulation 76G(4), must be accompanied by a declaration under paragraph (3).

(3) The declaration must be made by P and must state, in addition to P's name—

(**6**) S.I. 2004/1267; these Regulations were amended by S.I. 2004/1374, S.I. 2004/1771, S.I. 2005/2114, S.I. 2009/813; S.I. 2010/1175, S.I. 2011/2085 and S.I. 2012/1809.
(**7**) Regulation 2 was substituted by S.I. 2009/813 and amended by S.I. 2011/2085 and S.I. 2012/1809.
(**8**) Section 10(5A) of the European Parliamentary Elections Act 2002 (c. 24) is inserted by regulation 3 of the European Parliamentary Elections (Amendment) Regulations 2013 (coming into force on 1st January 2014).
(**9**) Regulation 29 was amended by S.I. 2009/813.
(**10**) Regulations 76 to 76I were inserted by S.I. 2010/1175.

(a) P's nationality, date and place of birth, last address in the member State of which P is a national and home address in the United Kingdom;

(b) that P is not standing as a candidate for election to the European Parliament in any other member State;

(c) where P's name has been entered on an electoral roll in a locality or constituency in the member State of which P is a national, the name of the locality or constituency where, so far as P knows, P's name was last entered; and

(d) that P has not been deprived of the right to stand as a candidate through a relevant disqualifying decision in the member State of which P is a national.

(4) Where the Chief Electoral Officer receives a declaration made under paragraph (3)—

(a) the Chief Electoral Officer must send a copy to the Secretary of State as soon as practicable after the declaration is received;

(b) regulation 76C(5), 76D(5) or 76G(7), as the case may be, applies as if for "without delay" there were substituted "as soon as practicable after the expiry of the relevant period under regulation 76I".

(5) Where the Secretary of State has received a copy of a declaration in accordance with paragraph (4)(a), the Secretary of State must send a notice to the designated contact point in the member State of which P is a national.

(6) The notice referred to in paragraph (5)—

(a) must notify the member State of the declaration made by P under paragraph (3);

(b) must ask whether P has been deprived of the right to stand as a candidate through a relevant disqualifying decision in that member State; and

(c) may request a response by a specified date.

(7) The Secretary of State must send to the Chief Electoral Officer a copy of any response to the notice as soon as practicable after the response is received.

(8) If, during the relevant period, the Chief Electoral Officer receives information under paragraph (7) that P has been deprived of the right to stand as a candidate through a relevant disqualifying decision in the member State of which P is a national—

(a) regulation 76C(5), 76D(5) or 76G(7), as the case may be, does not apply;

(b) the Chief Electoral Officer must notify the Secretary of State that this is the case; and

(c) regulation 76H (by-elections) applies.

(9) In this regulation—

"electoral roll" and "locality or constituency" have the same meaning as they have in Council Directive 93/109/EC(**11**), and "designated contact point" means a contact point designated by a Member State in accordance with Article 6(3) of that Directive.

"relevant period" means the period of six days calculated in accordance with rule 2 of Schedule 1 and beginning with the day P's declaration was sent to the Secretary of State under paragraph (4)(a).".

**7.** After regulation 115 insert—

(**11**) O.J. L 329 30.12.1993 page 34; the Directive was amended by Council Directive 2013/1/EU, O.J. L 026 26.01.2013 page 27.

"**Requirement to provide information about candidate standing in other member State**

**115A.**—(1) This regulation applies when the Secretary of State receives a notice from another member State in accordance with Article 6 of Council Directive 93/109/EC that a person who falls to be treated as a national of the United Kingdom for the purposes of the EU treaties has made a declaration in that member State under Article 10 of that Directive.

(2) The Secretary of State must, within the period specified in paragraph (3), provide the member State with any information that is available to the Secretary of State as to whether the person has been deprived of the right to stand as a candidate at European Parliamentary elections through a relevant disqualifying decision in the United Kingdom.

(3) The period referred to in paragraph (2) is five days calculated in accordance with rule 2 of Schedule 1 and beginning with the day the notice is received by the Secretary of State, or such shorter period as is requested by the member State if it is possible for the Secretary of State to provide the information within that period.".

**Amendment of Schedule 1 to the European Parliamentary Elections (Northern Ireland) Regulations 2004**

**8.** In Schedule 1 (European Parliamentary elections rules)(**12**), for rule 7 (candidature by relevant citizen of the Union), substitute—

"**Candidature by relevant citizen of the Union**

**7.**—(1) A candidate who is a relevant citizen of the Union is not validly nominated as a candidate unless one of Conditions A and B is met.

(2) Condition A is that a declaration under paragraph (4) is delivered to the principal office of the returning officer between the hours of 10 a.m. and 4 p.m. on any day, whether before or after the notice of election is published, but not later than 4 p.m. on the twenty-fourth day before the date of the poll.

(3) Condition B is that a declaration under paragraph (4) and information under paragraph (5) are delivered at the place and within the time for the delivery of nomination papers.

(4) The declaration referred to in paragraphs (2) and (3) must be made by the candidate and must state, in addition to the candidate's name—

(a) the candidate's nationality, date and place of birth, last address in the member State of which the candidate is a national and home address in the United Kingdom;

(b) that the candidate is not standing for election to the European Parliament in any other member State;

(c) where the candidate's name has been entered on an electoral roll in a locality or constituency in the member State of which the candidate is a national, the name of the locality or constituency where, so far as the candidate knows, the candidate's name was last entered; and

(d) that the candidate has not been deprived of the right to stand as a candidate through a relevant disqualifying decision in the member State of which the candidate is a national.

(5) The information referred to in paragraph (3) is information which—

(**12**) Schedule 1 was substituted by S.I. 2009/813. There have been no further amendments to Schedule 1.

(a) has been provided to the candidate by the designated contact point in the member State of which the candidate is a national; and

(b) states either that the candidate has not been deprived of the right to stand as a candidate through a relevant disqualifying decision in that State or that no such disqualification is known to the designated contact point.

(6) Where the returning officer receives a declaration under paragraph (4) delivered in accordance with Condition A or B, the returning officer must send a copy to the Secretary of State as soon as practicable after the declaration is received.

(7) In this rule and in rule 7A, "electoral roll" and "locality or constituency" have the same meaning as they have in Council Directive 93/109/EC, and "designated contact point" means a contact point designated by a Member State in accordance with Article 6(3) of that Directive.".

**9.** In Schedule 1, after rule 7, insert—

"**Request for information where candidate is relevant citizen of the Union**

**7A.**—(1) This rule applies where the candidate is a relevant citizen of the Union and the Secretary of State has received a copy of a declaration in accordance with rule 7(6).

(2) The Secretary of State must send a notice to the designated contact point in the member State of which the candidate is a national.

(3) The notice referred to in paragraph (2)—

(a) must notify the member State of the declaration made by the candidate under rule 7(4);

(b) must ask whether the candidate has been deprived of the right to stand as a candidate through a relevant disqualifying decision in that member State; and

(c) may request a response by a specified date.

(4) The Secretary of State must send to the returning officer a copy of any response to the notice as soon as practicable after the response is received."

**10.**—(1) In Schedule 1, rule 11 (decisions as to validity of nomination papers) is amended as follows.

(2) In paragraph (1), for "a declaration and certificate under rule 7(1) and (3)" substitute "a declaration under rule 7(4) or, as the case may be, a declaration under rule 7(4) and information under rule 7(5)".

(3) In paragraph (2)—

(a) at the end of sub-paragraph (b) omit "or"; and

(b) at the end of sub-paragraph (c) insert "or" and after that paragraph insert—

"(d) the candidate is a relevant citizen of the Union and the returning officer has received, under rule 7A(4), information that the candidate has been deprived of the right to stand as a candidate through a relevant disqualifying decision in the member State of which the candidate is a national."

**11.**—(1) In Schedule 1, rule 39 (voting procedure) is amended as follows.

(2) At the end of paragraph (7) insert "and includes a Community licence within the meaning of those enactments".

(3) After paragraph (9) insert—