Draft Regulations laid before Parliament under paragraph 2(2) of Schedule 2 to the European Communities Act 1972, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No.

REPRESENTATION OF THE PEOPLE

The European Parliamentary Elections (Franchise of Relevant Citizens of the Union) (Amendment) Regulations 2009

Made - - - -	***
Coming into force - -	***

The Secretary of State, who is the Minister designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to the right of Citizens of the Union to vote at European Parliamentary elections, makes the following Regulations in exercise of the powers conferred by that provision.

In accordance with paragraph 2(2) of Schedule 2 to that Act(**3**), a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) (Amendment) Regulations 2009 and shall come into force on the day after the day on which they are made.

(2) In these Regulations—

"the 2001 Regulations" means the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001(**4**).

Amendment of the 2001 Regulations

2.—(1) The 2001 Regulations are amended as follows.

(2) In regulation 8 (copies of certain applications and declarations to be sent to the Secretary of State)—

(**1**) The Secretary of State is designated by virtue of the European Communities (Designation) (No.3) Order 1993 (S.I.1993/2661).
(**2**) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and is to be amended by the Schedule to the European Union (Amendment) Act 2008 (c.7), from a date to be appointed.
(**3**) Paragraph 2(2) of Schedule 2 was amended by section 27(2)(a) of the Legislative and Regulatory Reform Act 2006 (c.51).
(**4**) S.I. 2001/1184; amended by paragraph 16 to Schedule 4 to the European Parliamentary Elections Act 2002 (c.24) and S.I.2003/1557.

(a) in paragraph (1) for "a copy of" substitute "information contained in"; and

(b) in paragraph (3) for "documents" substitute "information" and for "are" substitute "is".

(3) In regulation 9(1)(b) (application, with modifications, of provisions of the 1983 Act and Representation of the People Regulations) for "the Representation of the People (Northern Ireland) Regulations 2001" substitute "the Representation of the People (Northern Ireland) Regulations 2008(**5**)".

(4) For the Schedule (application with modifications of the 1983 Act and various Representation of the People Regulations for registration under these Regulations) substitute the Schedule to these Regulations.

Signed by the authority of the Secretary of State

Minister of State
Ministry of Justice

Date

(**5**) S.I. 2008/1741, which revoked and replaced S.I. 2001/400.

SCHEDULE Regulation 2(4)

"SCHEDULE Regulation 9

APPLICATION WITH MODIFICATIONS OF THE 1983 ACT AND VARIOUS REPRESENTATION OF THE PEOPLE REGULATIONS FOR REGISTRATION UNDER THESE REGULATIONS

1	*2*
Provision applied	*Modification*
PART I	
THE 1983 ACT	
Section 5 (residence: general)(**6**)	In subsection (1) from the words "section 4" to the end substitute "regulation 4 of the 2001 Regulations falls to be determined for the purposes of that regulation.". In subsections (3) and (6) for "section 4 above" substitute "regulation 4 of the 2001 Regulations".
Section 6 (residence: merchant seamen)(**7**)	For "section 4 above" substitute "regulation 4 of the 2001 Regulations".
Section 7 (residence: patients in mental hospitals who are not detained offenders or on remand)(**8**)	In subsection (1)(b) omit "section 3A above or". In subsection (2) for "section 4 above" substitute "regulation 4 of the 2001 Regulations". In subsection (3)(aa) for "regulations" substitute "the Representation of the People Regulations as applied by the 2001 Regulations".
Section 7A (residence: persons remanded in custody etc.)(**9**)	In subsection (2) for "section 4 above" substitute "regulation 4 of the 2001 Regulations". In subsection (3)(aa) for "regulations" substitute "the Representation of the People Regulations as applied by the 2001 Regulations".

(**6**) Section 5 was substituted by section 3 of the Representation of the People Act 2000 (c.2).
(**7**) Section 6 was amended by paragraphs 1 and 2 of Schedule 1 to the Representation of the People Act 2000 (c.2).
(**8**) Section 7 was substituted by section 4 of the Representation of the People Act 2000 (c.2). Subsection (3)(aa) was inserted by section 12(1) of the Electoral Administration Act 2006 (c.22) and subsection (6)(b) was amended by S.I. 2005/2078 and S.I.I. 2005/465.
(**9**) Section 7A was inserted by section 5 of the Representation of the People Act 2000 (c.2). Subsection (3)(aa) was inserted by section 12(2) of the Electoral Administration Act 2006 (c.22) and subsection (6) was amended by S.I. 2005/2078 and S.I.I. 2005/465.

1	*2*
Provision applied	*Modification*
Section 7B (notional residence: declarations of local connection)(**10**)	In subsection (2)(c) for "section 4 above" substitute "regulation 4 of the 2001 Regulations". In subsection (3)(e) omit the words from "a Commonwealth citizen" to "elections)". Omit subsections (6) and (7).
Section 7C (effect of declaration of local connection)(**11**)	In subsection (1) for "section 4 above" substitute "regulation 4 of the 2001 Regulations". In subsection (2)(aa) for "regulations" substitute "the Representation of the People Regulations as applied by the 2001 Regulations".
Section 9 (registers of electors)(**12**), subsections (2), (3), (4), (7) and (8)	
Section 9B (anonymous registration)(**13**)	In subsection (1)— (a) for "parliamentary electors or local government electors" substitute "European Parliamentary electors"; and (b) for "the requirements prescribed for the purposes of section 10A(1)(a) below" substitute "regulations 4 and 6 of the 2001 Regulations". In subsection (4) after "this Act" insert "and the 2001 Regulations". In subsection (7)(b) omit the words from "(including" to the end. For subsection (11) substitute— "(11) In this section, "determines" means determines in accordance with the Representation of the People Regulations as applied by the 2001 Regulations."

(**10**) Section 7B was inserted by section 6 of the Representation of the People Act 2000 (c.2).
(**11**) Section 7C was inserted by section 6 of the Representation of the People Act 2000 (c.2). Subsection (2)(aa) was inserted by section 12(3) of the Electoral Administration Act 2006 (c.22).
(**12**) Section 9 was substituted by paragraphs 1 and 3 of Schedule 1 to the Representation of the People Act 2000 (c.2). Subsection (2) was amended by paragraphs 2 and 4 of Schedule 1 to, the Electoral Administration Act 2006 (c.22).
(**13**) Section 9B was inserted by section 10(1) of the Electoral Administration Act 2006 (c.22). Subsection (9) was repealed by section 20(a) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (2006 asp 14).

1	*2*
Provision applied	*Modification*
	After subsection (11) insert— "(12) A relevant citizen of the Union who— (a) applies to be registered in a register of European Parliamentary electors, and (b) has an existing anonymous entry in a register of local government electors, shall be anonymously registered in a register of European Parliamentary electors maintained under regulation 5(2) of the 2001 Regulations.".
Section 9C (removal of anonymous entry)(**14**)	After subsection (1) insert— "(1A) A person's entitlement to an anonymous entry in a register of European Parliamentary electors maintained under regulation 5(2) of the 2001 Regulations by virtue of section 9B(12) terminates at the same time as his entitlement to have an anonymous entry in a register of local government electors terminates by virtue of subsection (1).". In subsection (2) omit "other" and for "the Representation of the People Act 1985" substitute "the 2001 Regulations".
Section 10A (maintenance of registers: registration of electors), subsections (1)(a), (1A), (1B), (3), (3A), (3B), (4) and (9)(**15**)	In subsection (1)(a) for "the prescribed requirements, or" substitute "regulations 4 and 6 of the 2001 Regulations.". In subsection (1A) omit the words from "and the power in subsection (1)" to the end. For subsection (9) substitute— "(9) In this section— "determines" means determines in accordance with the Representation of the People Regulations as applied by the 2001 Regulations.".
Section 13 (publication of registers)(**16**)	For subsections (1) to (3) substitute—

(**14**) Section 9C was inserted by section 10(1) of the Electoral Administration Act 2006 (c.22).
(**15**) Section 10A, together with section 10, was substituted for section 10 as originally enacted by paragraphs 1 and 4 of Schedule 1 to the Representation of the People Act 2000 (c.2). Subsections (1A) and (1B) were inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c.13) and subsection (3A) was inserted by section 12(4) of, and subsection (3B) was inserted by paragraphs 2 and 6 to Schedule 1 to, the Electoral Administration Act 2006 (c.22).
(**16**) Section 13, together with sections 13A and 13B, was substituted for section 13 as originally enacted by paragraphs 1 and 6 of Schedule 1 to the Representation of the People Act 2000 (c.2). Subsection (1) was substituted by section 5(1) of, and subsection (5)(b) was amended by paragraph 3 of Schedule 4 to, the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33).