Draft Order laid before Parliament under section 6(5) of the European Parliament (Representation) Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No. xxxx

REPRESENTATION OF THE PEOPLE

The European Parliament (Number of MEPs and Distribution between Electoral Regions) (United Kingdom and Gibraltar) Order 2008

Made - - - -

Coming into force in accordance with article 1.

The Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union signed at Luxembourg on 25th April 2005 ("the Luxembourg Treaty") changed the number of MEPs to be elected for the United Kingdom(**1**).

The Luxembourg Treaty (which has been approved by Parliament and become part of the Community Treaties by virtue of the European Union (Accessions) Act 2006(**2**)) was ratified by the United Kingdom on 5th April 2006 and entered into force on 1st January 2007(**3**).

This Order implements the recommendation of the Electoral Commission dated 31st July 2007 made in accordance with section 3 of the European Parliament (Representation) Act 2003 ("the 2003 Act")(**4**) as to the distribution between the electoral regions of the changed number of United Kingdom MEPs (**5**).

The Secretary of State has consulted the Electoral Commission about this Order in accordance with section 5(7) of the 2003 Act.

A draft of this Order has been laid before and approved by resolution of each House of Parliament.

Accordingly, the Secretary of State, in exercise of the powers conferred on him by sections 5(1) and 6(3) of the 2003 Act, makes the following Order:

(**1**) Article 9 of the Act annexed to the Luxembourg Treaty. The text of the Luxembourg Treaty is set out in Cm.6657.

(**2**) 2006 c.2. Section 1(1) of the European Union (Accessions) Act 2006 inserted section 1(2)(r) into the European Communities Act 1972 (c.68), which includes the Luxembourg Treaty in the definition of "the Community Treaties".

(**3**) By virtue of section 5(5)(b) of the European Parliament (Representation) Act 2003 (c.7), no amendment to section 1 of the European Parliamentary Elections Act 2002 (c.24) implementing a change made by a treaty provision may come into force before that provision has both entered into force and become part of the Community Treaties specified in section 1(2) of the European Communities Act 1972 (c.68).

(**4**) 2003 c.7. Sections 3(1) and (5) and sections 5(1) and (7) of the European Parliament (Representation) Act 2003 were amended by S.I. 2003/1887 which substituted "Secretary of State" for "Lord Chancellor".

(**5**) By virtue of section 5(2) of the European Parliament (Representation) Act 2003 (c.7), an amendment to the number of MEPs to be elected in the electoral regions must be in accordance with the distribution proposed in a recommendation of the Electoral Commission which is effective on the day on which the Order is made. Under section 3(5)(b) of that Act, a recommendation of the Electoral Commission made under section 3 of that Act ceases to have effect at the end of the period of one year beginning on the day on which it is made.