Draft Order laid before Parliament under section 13(5) of the European Parliament (Representation) Act 2003 and section 156(4) of the Political Parties, Elections and Referendums Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2004 No.

NATIONAL ELECTION EXPENDITURE
POLITICAL PARTIES
REPRESENTATION OF THE PEOPLE

The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004

Made - - - - 2004

Coming into force in accordance with article 1(2)

The Secretary of State, in exercise of the powers conferred on him by sections 11, 12, 13, 23(2), 25(3) and 26 of the European Parliament (Representation) Act 2003(**1**), after consultation with the Electoral Commission in accordance with sections 11(3) and 12(5) of that Act, and by paragraph 4 of Schedule 8 to, and section 156(5) of, the Political Parties, Elections and Referendums Act 2000(**2**), following a recommendation of the Electoral Commission under paragraph 4(2)(a) of Schedule 8 to that Act, hereby makes the following Order, a draft of which has been laid before and approved by a resolution of each House of Parliament:

Citation, commencement and extent

1.—(1) This Order may be cited as the European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004.

(2) It shall come into force on the day after the day on which it is made.

(3) It extends to the United Kingdom and Gibraltar.

(**1**) 2003 (c. 7).
(**2**) 2000 (c. 41).

The combined region

2. The existing electoral region in England and Wales which is to be combined with Gibraltar to form the combined region for the purposes of the European Parliament (Representation) Act 2003 is the South West electoral region(**3**).

Amendments to the European Parliamentary Elections Act 2002

3.—(1) The European Parliamentary Elections Act 2002(**4**) shall be amended as follows.

(2) In section 1(2)(a) (number of MEPs and electoral regions) for "England is" substitute "the area of England and Gibraltar is";

(3) In section 2 (voting system in Great Britain)—

(a) in the heading, at the end, insert "and Gibraltar"; and

(b) in subsection (1) for "in Great Britain" substitute "other than Northern Ireland".

(4) In section 9(2) (double voting) after "United Kingdom" insert "and Gibraltar".

(5) In section 11(2) (judicial determination of disqualification) for "in England, or is Wales" substitute "an electoral region in England and Wales or the combined region".

(6) In Schedule 1 (electoral regions in England)—

(a) in the heading after "England" insert "and Gibraltar";

(b) in paragraph 1 after "England" insert "and Gibraltar";

(c) in paragraph 2(2) after "United Kingdom" insert "and Gibraltar"; and

(d) in column (2) of the Table in the list of areas comprising the South West electoral region, below "Isles of Scilly", insert "Gibraltar".

Consequential etc. amendments to the Political Parties, Elections and Referendums Act 2000

4.—(1) In section 163 (short title, commencement, transitional provisions and extent) of the Political Parties, Elections and Referendums Act 2000 after subsection (10) insert—

"(11) The following provisions of this Act extend to Gibraltar—

(a) Part 1 (The Electoral Commission), except sections 9, 12 and 14 to 20;

(b) Part 2 (Registration of Political Parties), except sections 36 and 38;

(c) Part 3 (Accounting requirements for registered parties);

(d) Part 4 (Control of donations to registered parties and their members etc.);

(e) Part 5 (Control of campaign expenditure);

(f) Part 6 (Controls relating to third party national election campaigns); and

(g) Part 10 (Miscellaneous and general), except sections 141, 142, 144 and 158."

(2) The further amendments to that Act specified in the Schedule shall have effect.

Extension to Gibraltar and modification of Orders made under the Political Parties, Elections and Referendums Act 2000

5.—(1) The following Orders shall extend to Gibraltar—

(**3**) Following a recommendation of the Electoral Commission under section 10(1)(b) of the European Parliament (Representation) Act 2003 (c. 7).

(**4**) 2002 (c. 24); which is amended by sections 1, 8, 20, 21, 22, 23 and 25, and extended to Gibraltar by section 19, of the European Parliament (Representation) Act 2003 (c. 7).

(a) the Registered Parties (Non-constituent and Non-affiliated Organisations) Order 2000(**5**);

(b) the Registration of Political Parties (Fees) Order 2001(**6**);

(c) the Registration of Political Parties (Prohibited Words and Expressions) Order 2001(**7**);

(d) the Political Parties, Elections and Referendums Act 2000 (Disapplication of Part IV for Northern Ireland Parties, etc.) Order 2001(**8**);

(e) the Registered Parties (Non-constituent and Non-affiliated Organisations) (Amendment) Order 2002(**9**); and

(f) the Electoral Commission (Limit on Public Awareness Expenditure) Order 2002(**10**).

(2) The Registration of Political Parties (Prohibited Words and Expressions) Order 2001(**11**) shall have effect as if—

(a) it provided that the combined region is to be regarded as part of England for the purposes of the reference to a part of Great Britain in article 2(3)(b)(i);

(b) in article 2 after paragraph (2) there were inserted—

"(2A) Paragraph (1) shall not apply as respects a party established in Gibraltar, in connection with the registration of that party in the Great Britain register in respect of England (including the combined region), to the word "Gibraltar" or "Gibraltarian" where it is qualified by the registered name of a party which is already registered in respect of England (including the combined region).''; and

(c) in Part II of the Schedule in the appropriate places the following words and expressions were inserted—

(i) "Gibraltar";

(ii) "Gibraltarian"; and

(iii) "combined region".

(3) The Political Parties, Elections and Referendums Act 2000 (Disapplication of Part IV for Northern Ireland Parties, etc.) Order 2001(**12**) shall have effect as if the combined region were regarded as part of England for the purposes of the reference to Great Britain in article 5.

Right of audience and right to conduct litigation of Gibraltar persons in proceedings connected with European Parliamentary elections in the combined region

6.—(1) Persons who have a right of audience before a court in Gibraltar shall have a right of audience(**13**) before a court in England and Wales in relation to proceedings connected with European Parliamentary elections in the combined region.

(2) Persons who have a right to conduct litigation in Gibraltar shall have a right to conduct litigation(**14**) in England and Wales in relation to proceedings connected with European Parliamentary elections in the combined region.

(**5**) S.I.2000/3183.
(**6**) S.I. 2001/83.
(**7**) S.I. 2001/82.
(**8**) S.I 2001/446.
(**9**) S.I. 2002/414.
(**10**) S.I. 2002/505.
(**11**) S.I. 2001/82.
(**12**) S.I 2001/446.
(**13**) *See* also section 27 of the Courts and Legal Services Act 1990 (c. 41).
(**14**) *See* also section 28 of the Courts and Legal Services Act 1990 (c. 41).

Amendment to Schedule 8 to the Political Parties, Elections and Referendums Act 2000: Campaign expenditure: qualifying expenses

7. In Part 1 of Schedule 8 to the Political Parties, Elections and Referendums Act 2000 (campaign expenditure: qualifying expenses)—

(a) renumber paragraph 2 as sub-paragraph (1) of that paragraph; and

(b) after that sub-paragraph insert—

"(2) Sub-paragraph (1)(a) does not apply in relation to any expenses which are incurred—

(a) in respect of newsletters or similar publications issued by or on behalf of a party with a view to giving electors in a particular electoral area information about the opinions or activities of, or other personal information relating to, a member of the European Parliament elected in Great Britain (including the combined region) or existing or prospective candidates for such election; and

(b) within the period of four months ending with the date of the poll for an election to the European Parliament."

Signed by authority of the Secretary of State for Constitutional Affairs

Parliamentary Under Secretary of State,
Department for Constitutional Affairs

Date

SCHEDULE

Article 4

Amendments to the Political Parties, Elections and Referendums Act 2000

1. The Political Parties, Elections and Referendums Act 2000(**15**) shall be amended as follows.

2. In section 13 (education about electoral and democratic systems) after subsection (1) insert—

"(1A) Subsection (1) applies to the promotion of public awareness in Gibraltar with the following modifications—

(a) in paragraph (a), for "in the United Kingdom" there is substituted "for elections to the European Parliament in the United Kingdom and Gibraltar"; and

(b) paragraph (b) is omitted."

3. In section 24(8)(b) (office-holders to be registered) after "relevant election" insert ", an election to the House of Assembly of Gibraltar".

4. In section 28 (registration of parties)—

(a) after subsection (3) insert—

"(3A) A declaration under subsection (2)(a) or (b) which specifies that the party is applying to be registered in respect of England may include a statement that the party intends to contest one or more elections to the European Parliament in the combined region."; and

(b) in subsection (8) omit the "and" after paragraph (a) and, after paragraph (b) insert—

"(c) any statement made under subsection (3A); and

(d) if the party—

(i) is established in Gibraltar (in this Act referred to as a "Gibraltar party"); and

(ii) has made a statement under subsection (3A), a notice that it is a Gibraltar party."

5. In section 30 (changes to the register)—

(a) in subsection (1) after paragraph (b) insert—

"(ba) (if registered in the Great Britain register in respect of England) the addition or removal of a statement that the party intends to contest one or more elections to the European Parliament in the combined region;"; and

(b) after subsection (2) insert—

"(2A) If the party—

(a) is a Gibraltar party; and

(b) the Commission grants an application to have its entry in the register altered by the addition of a statement that it intends to contest one or more elections to the European Parliament in the combined region,

the Commission shall include in the party's entry in the register a notice that it is a Gibraltar party."

6. In section 31 (notification of changes in party's officers etc.)—

(a) in subsection (3) after "section" insert "(other than under subsection (3A))";

(b) after subsection (3) insert—

(**15**) 2000 (c. 41).