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

2001 No.

REPRESENTATION OF THE PEOPLE

European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001

Made - - - -	*2001*
Coming into force - -	*2001*

Whereas a draft of these Regulations has been approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State, being the Minister designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures regulating the right of citizens of the Union to vote at European Parliamentary elections, in exercise of the powers conferred on him by that provision, hereby makes the following Regulations:

Citation, interpretation and extent

1.—(1) These Regulations may be cited as the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 and shall come into force on the expiry of the period of fourteen days beginning with the day on which they are made.

(2) In these Regulations—

"the 1983 Act" means the Representation of the People Act 1983(**3**);

"citizen of the Union" is to be determined in accordance with Article 17.1 of the Treaty establishing the European Community(**4**) and "relevant citizen of the Union" means such a citizen who is not a Commonwealth citizen or citizen of the Republic of Ireland.

(3) These Regulations extend throughout the United Kingdom.

Revocation

2. Regulations 7 to 14 and 17 and 18 of the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994(**5**) are hereby revoked.

(**1**) The European Communities (Designation) (No. 3) Order 1993 (S.I.1993/2661).
(**2**) 1972 c. 68.
(**3**) 1983 c. 2.
(**4**) The reference to the Treaty is to it as renumbered in accordance with the Treaty of Amsterdam.
(**5**) S.I. 1994/342.

Relevant citizens of the Union as European Parliamentary electors

3.—(1) A person is entitled to vote as an elector at a European Parliamentary election in an electoral region if on the date of the poll he—

(a) is registered in the region in the register of relevant citizens of the Union entitled to vote at European Parliamentary elections (maintained under regulation 5(2) below);

(b) is not subject to any legal incapacity to vote (age apart);

(c) is a relevant citizen of the Union; and

(d) is of voting age (that is, 18 years or over).

(2) A person is not entitled to vote as an elector—

(a) more than once in the same electoral region at any European Parliamentary election, or

(b) in more than one electoral region at a European Parliamentary general election.

(3) In this regulation "legal incapacity" has the same meaning in relation to European Parliamentary elections as it has in the 1983 Act in relation to parliamentary elections.

Entitlement of relevant citizen of the Union to be registered as European Parliamentary elector

4.—(1) A person is entitled to be registered in the register of relevant citizens of the Union entitled to vote at European Parliamentary elections (maintained under regulation 5(2) below) for part of an electoral region if on the relevant date he—

(a) is resident in that part of the region;

(b) is not subject to any legal incapacity to vote (age apart);

(c) is a relevant citizen of the Union; and

(d) is of voting age;

and the registration officer has received in respect of him an application and declaration made in accordance with regulation 6(1) and (2) below.

(2) A person is not entitled to be registered in the register maintained under regulation 5(2) below for the electoral region of Northern Ireland unless, in addition to complying with paragraph (1) above, he has been resident in Northern Ireland during the whole of the period of three months ending on the relevant date.

(3) The preceding provisions have effect subject to—

(a) any enactment imposing a disqualification for registration as a European Parliamentary elector, and

(b) compliance with the requirements of these Regulations and any provision applied by these Regulations.

(4) A person otherwise qualified is (despite paragraph (1)(d) above) entitled to be registered in a register maintained under regulation 5(2) below if he will attain voting age before the end of the period of 12 months beginning with the 1st December next following the relevant date, but—

(a) his entry in the register shall give the date on which he will attain that age; and

(b) until the date given in the entry, he shall not by virtue of the entry be treated as an elector for any purposes other than those of an election the date of the poll for which is the date so given or any later date.

(5) In this regulation—

"enactment" includes—

(a) any provision of an Act, and

(b) any provision of subordinate legislation (within the meaning of the Interpretation Act 1978(**6**)); and

"the relevant date" means the date on which the application and declaration required by regulation 6(1) and (2) below were made.

Registration officers

5.—(1) The officer who—

(a) under subsections (2) to (4) of section 8 of the 1983 Act(**7**) is the registration officer for any of the areas referred to in those subsections for the purposes of that Act; and

(b) under the provision substituted by the Schedule to the Isles of Scilly Order 1978(**8**) is the registration officer for the Isles of Scilly for those purposes,

shall be the registration officer for the area in question for the purposes of the registration of relevant citizens of the Union as European Parliamentary electors.

(2) Each registration officer shall maintain a register of any person or persons entitled to be registered under regulation 4 above.

(3) Such a register shall, so far as practicable, be combined with—

(a) the registers of parliamentary and local government electors, and

(b) any register of peers kept under section 3 of the Representation of the People Act 1985(**9**);

and the names of persons registered under this regulation shall be marked to indicate that fact.

Form of application and declaration required by regulation 4(1)

6.—(1) An application under this regulation may be made by a relevant citizen of the Union ("the applicant"), shall be signed and dated by him and shall state—

(a) the full name of the applicant;

(b) the address in respect of which the applicant claims to be registered and whether he is resident there on the relevant date;

(c) in the case of an application in Northern Ireland, that the applicant was resident in Northern Ireland for the whole of the period of three months ending on that date;

(d) if the applicant is not resident on the relevant date at the address in respect of which he claims to be registered, whether he has made a declaration of local connection;

(e) if the applicant is a merchant seaman on the relevant date, that fact; and

(f) either that the applicant is aged 18 or over or, if not, the date of his birth.

(2) An application under this regulation shall include a declaration stating—

(a) the nationality of the applicant;

(b) the applicant's address in the United Kingdom, if different from the address given under paragraph (1)(b) above;

(c) where the applicant's name has been entered in a register of electors in a locality or constituency in the Member State of which he is a national, the name of the locality or constituency where, so far as he knows, his name was last so entered; and

(**6**) 1978 c. 30.
(**7**) Section 8 was amended by Schedule 16 to the Local Government (Wales) Act 1994 (c. 19) and by Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39).
(**8**) S.I. 1978/1844.
(**9**) 1985 c. 50; section 3 was substituted by Schedule 2 to the Representation of the People Act 2000 (c. 2).

(d) that the applicant will exercise any right which he has to vote at European Parliamentary elections at any such election only in the United Kingdom during the period for which any entry in the register of electors made in pursuance of this application remains in force.

(3) The registration officer shall supply free of charge as many copies of forms for use in connection with applications and declarations under paragraphs (1) and (2) above as appear to that officer reasonable in the circumstances to any person who satisfies that officer of his intention to use the forms in connection with the registration of relevant citizens of the Union as European Parliamentary electors.

(4) An application under paragraph (1) above and a declaration under paragraph (2) above shall be of no effect unless they are received by the registration officer concerned within the period of three months beginning with the date on which they are made.

(5) In any case where the registration officer is not required to notify the applicant of the result of the application under the regulations applied by regulation 9 below, he shall so notify the applicant under this paragraph.

(6) In this regulation—

"locality or constituency" has the same meaning as it has in the directive of the Council of the European Commissioners No.93/109/EC; and

"relevant date" has the same meaning as in regulation 4 above.

Punishment of false statement in application or declaration made under regulation 6(1) and (2)

7.—(1) A person who makes a statement which he knows to be false in an application or declaration required by regulation 6(1) and (2) above is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) The provisions of Part III of the 1983 Act relating to the prosecution of offences, as applied by regulations made under the European Parliamentary Elections Act 1978(**10**), shall have effect in relation to an offence under this regulation as they have effect in relation to an offence under the 1983 Act as so applied.

Copies of certain applications and declarations to be sent to the Secretary of State

8.—(1) As soon as practicable after the registration officer has registered the name of a relevant citizen of the Union in the register maintained under regulation 5(2) above in the circumstances set out in paragraph (2) below, he shall send a copy of the application and declaration made in pursuance of regulation 6(1) and (2) above by virtue of which he entered the name in the register to the Secretary of State.

(2) Those circumstances are where the relevant citizen of the Union would be entitled to vote at a European Parliamentary general election in pursuance of the registration.

Application, with modifications, of provisions of the 1983 Act and Representation of the People Regulations

9.—(1) The provisions of—

(a) the 1983 Act which are set out in column 1 of Part I of the Schedule to these Regulations, and

(**10**) 1978 c. 10; the regulations are currently S.I. 1999/1214 as respects Great Britain and S.I. 1986/2250 as respects Northern Ireland.

(b) the Representation of the People (England and Wales) Regulations 2001(**11**) the Representation of the People (Scotland) Regulations 2001(**12**) and the Representation of the People (Northern Ireland) Regulations 2001(**13**) which are set out in column 1 of Part II of that Schedule,

shall apply for the purposes of the registration of relevant citizens of the Union as European Parliamentary electors as they apply for the purposes of the registration of parliamentary and local government electors subject to—

(i) any modification and exceptions specified in relation to those provisions in column 2 of the Schedule to these Regulations, and

(ii) paragraph (2) below.

(2) Unless the context otherwise requires, in the provisions applied by the Schedule to these Regulations—

(a) any reference to a parliamentary elector is a reference to a European Parliamentary elector;

(b) any reference to a register is to the register maintained under regulation 5(2) above;

(c) any reference to a constituency is a reference to an electoral region; and

(d) any reference in such a provision to another provision which is so applied, is to that provision as so applied.

Removal of names from the register

10.—(1) A declaration under regulation 6(2) above may be cancelled at any time by the declarant.

(2) A relevant citizen of the Union registered in a register of electors maintained under regulation 5(2) above is entitled to remain so registered until—

(a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect,

(b) the declaration under regulation 6(2) above is cancelled under paragraph (1) above;

(c) the citizen applies for his name to be removed;

(d) any entry made in respect of him in any other register of electors maintained under regulation 5(2) above takes effect,

whichever occurs first.

(3) Where the entitlement of such a person to remain registered terminates by virtue of paragraph (2) above, the registration officer concerned shall remove the person's entry from the register, unless he is entitled to remain in pursuance of a further application and declaration under regulation 6(1) and (2) above.

(4) The registration officer shall remove the name of a relevant citizen of the Union from the register maintained under regulation 5(2) above where the Secretary of State sends to that officer a copy of any information provided by the Member State of which that citizen is a national to show that he has lost the right to vote there.

Consequential amendments

11. In—

(a) section 3C(5) of the European Parliamentary Elections Act 1978(**14**), and

(**11**) S.I. 2001/ .
(**12**) S.I. 2001/ .
(**13**) S.I. 2001/ .
(**14**) 1978 c. 10; section 3C was substituted by section 1 of the European Parliamentary Elections 1999 (c. 1).