Draft Regulations laid before Parliament under paragraph 2(6) of Schedule 1 to the European Parliamentary Elections Act 1978 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

1999 No.

REPRESENTATION OF THE PEOPLE

European Parliamentary Elections Regulations 1999

Made - - - -	*1999*
Coming into force - -	*1999*

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

Now, therefore, the Secretary of State in exercise of the powers conferred on him by paragraph 2 of Schedule 1 to the European Parliamentary Elections Act 1978(**1**) and, being a Minister designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to measures relating to the right of citizens of the Union to vote at and stand as a candidate at European Parliamentary elections, in exercise of the powers conferred on him by the said section 2(2) hereby makes the following Regulations:

PART I

GENERAL

Citation, commencement and extent

1.—(1) These Regulations may be cited as the European Parliamentary Elections Regulations 1999.

(2) These Regulations shall come into force on the fifth day after the day on which they are made.

(3) These Regulations shall not extend to Northern Ireland.

(**1**) 1978 c. 10; the citation of this Act was amended by section 3(1)(b) and (2)(b) of the European Communities (Amendment) Act 1986 (c. 58) and the powers in paragraph 2 have been amended by paragraphs 5 to 7 of Schedule 2 to the European Parliamentary Elections Act 1999 (c. 1) and extended by paragraphs 3 and 4 of Schedule 1 to the 1978 Act, as substituted by paragraphs 8 and 9 of Schedule 2 to the 1999 Act.

(**2**) The European Communities (Designation) (No. 3) Order 1993 (S.I. 1993/2661).

(**3**) 1972 c. 68.

Interpretation

2. Unless the context otherwise requires, in these Regulations and in any provision applied by these Regulations—

"1978 Act" means the European Parliamentary Elections Act 1978;

"1983 Act" means the Representation of the People Act 1983(**4**);

"1985 Act" means the Representation of the People Act 1985(**5**);

"1986 Regulations" means the Representation of the People Regulations 1986(**6**);

"1986 (Scotland) Regulations" means the Representation of the People (Scotland) Regulations 1986(**7**);

"1994 Regulations" means the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994(**8**);

"citizen of the Union" shall be construed in accordance with Article 8.1 of the Treaty establishing the European Community (as amended by Title II of the Treaty on European Union), and "relevant citizen of the Union" means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;

"elections rules" and "parliamentary elections rules" mean the rules in Schedule 1 to the 1983 Act, as applied by regulation 3 of, and Schedule 1 to, these Regulations;

"European Parliamentary overseas elector" means a person falling within section 3C(4) of the 1978 Act(**9**);

"European Parliamentary overseas elector's declaration" means a declaration made in pursuance of section 2 of the 1985 Act, as applied by regulation 14 of, and Schedule 3 to, the 1986 Regulations or regulation 13 of, and Schedule 3 to, the 1986 (Scotland) Regulations;

"list" means a list of candidates submitted by a registered party to accompany its nomination for election;

"local returning officer" means the person who is, in relation to a parliamentary election—

(a) in England and Wales, the acting returning officer, or

(b) in Scotland, the returning officer;

and, as respects any parliamentary constituency for which he acts, includes any person designated as a returning officer for the European Parliamentary electoral region;

"national election agent" means a person appointed under regulation 10 below;

"nominating officer" means the person registered under the Registration of Political Parties Act 1998(**10**) as the officer with responsibility for the matters referred to in paragraph 5(2) of Schedule 1 to that Act in respect of a registered party;

"overseas elector" means a person falling within subsection (2) of section 3C of the 1978 Act by virtue of paragraph (b) of that subsection;

"overseas elector's declaration" has the meaning given in section 2 of the 1985 Act;

"register of electors" means any part of—

(a) a register of parliamentary or, in the case of peers, local government electors,

(**4**) 1983 c. 2.
(**5**) 1985 c. 50.
(**6**) S.I. 1986/1081.
(**7**) S.I. 1986/1111 (S.93).
(**8**) S.I. 1994/342.
(**9**) Section 3C was substituted by section 1 of the European Parliamentary Elections Act 1999.
(**10**) 1998 c. 48.

(b) a register under section 3 of the 1985 Act, and

(c) a register under regulation 9 of the 1994 Regulations,

in force within an electoral region at the time of a European Parliamentary election in that region;

"registered party" means a party registered under the Registration of Political Parties Act 1998; and

"registration officer" means an officer appointed under section 8 of the 1983 Act(**11**).

PART II

CONDUCT OF ELECTIONS

Application of certain provisions for European Parliamentary elections

3.—(1) The provisions of the 1983 Act and the 1985 Act which are specified in the left-hand column of Schedule 1 to these Regulations shall, subject to—

(a) any modifications and exceptions specified in relation to those provisions in the right-hand column of that Schedule,

(b) paragraph (4) below, and

(c) any modifications necessary in consequence of those provisions,

apply for the purposes of a European Parliamentary election.

(2) The provisions of the 1986 Regulations and the 1986 (Scotland) Regulations which are specified in the left-hand column of Schedule 2 to these Regulations shall, subject to—

(a) any modifications and exceptions specified in relation to those provisions in the right-hand column of that Schedule,

(b) paragraph (4) to (6) below, and

(c) any modifications necessary in consequence of those provisions,

apply for the purposes of a European Parliamentary election.

(3) Section 65(6) of the Local Government Finance Act 1988 (hereditaments to be treated as unoccupied notwithstanding use for election purposes)(**12**) and section 72 of the Post Office Act 1969 (remuneration of Post Office for services in relation to a parliamentary election)(**13**) shall apply in relation to a European Parliamentary election as they apply in relation to a parliamentary election and as though the reference in section 65(6) to a person's candidature included a reference to a registered party's; as though the reference to a returning officer was a reference to a local returning officer and as though the reference in section 72 to the 1983 Act was a reference to that Act as applied by this regulation and Schedule 1 to these Regulations.

(4) Unless the context otherwise requires, in the provisions applied by Schedules 1 and 2 to these Regulations,

(a) any provision relating to a local government election or local government electors and references in connection therewith (including a reference to a petition questioning an election under the local government Act) shall be disregarded;

(**11**) Section 8 was amended by Schedule 16 to the Local Government (Wales) Act 1994 (c. 19) and Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39).
(**12**) 1998 c. 41.
(**13**) 1969 c. 48; section 72 was amended by Schedule 8 to the 1983 Act.

(b) any reference to a parliamentary election (except the reference specified in paragraph (7) below) shall be construed as a reference to a European Parliamentary election and any reference to a general election shall accordingly be construed as a reference to a general election of MEPs;

(c) any reference to a constituency (or parliamentary constituency), except the references in sections 6(2A) and 9 of the 1985 Act(**14**), shall be construed as a reference to an electoral region;

(d) any reference to promoting or procuring the election of a candidate shall be construed as a reference to promoting or procuring the election of either—

(i) a registered party, or

(ii) an individual candidate,

as the case may be;

(e) any reference to a candidate, other than the one referred to in sub-paragraph (d) above, shall be construed as a reference to either—

(i) a candidate on the list of a registered party, or

(ii) an individual candidate,

as the case may be;

(f) any reference to a returning officer in—

(i) rules 24 to 48 and 54 to 58 of the elections rules,

(ii) regulations 78 to 96 of the 1986 Regulations, and

(iii) regulations 76 to 94 of the 1986 (Scotland) Regulations,

shall be construed as a reference to the local returning officer;

(g) any reference to a returning officer, other than the ones referred to in sub-paragraph (f) above, shall be construed as a reference to that officer at a European Parliamentary election;

(h) any reference to a parliamentary elector shall be construed as a reference to an elector at a European Parliamentary election;

(i) any reference to a member in the context of a Member of Parliament shall be construed as a reference to an MEP;

(j) any reference to a parliamentary election petition, except in the context of the rota for the trial of parliamentary election petitions, shall be construed as a reference to a European Parliamentary election petition;

(k) any reference to a return in the context of a return to the writ of election (and a return to Parliament) shall be construed as a reference to the declaration of the result by the returning officer under rule 50 of the elections rules;

(l) any reference to an election agent shall be construed in accordance with regulations 10(9) and 11(9) below;

(m) any reference to the statement of persons nominated shall be construed as a reference to the statement of parties and individual candidates nominated;

(n) any reference to an overseas elector shall be construed as including a reference to a European Parliamentary overseas elector and any reference to an overseas elector's declaration shall be construed as including a reference to a European Parliamentary overseas elector's declaration;

(**14**) Section 6(2A) was inserted by the Representation of the People Act 1990 (c. 32).

(o) any reference to a register of electors shall be construed in accordance with the definition of "register of electors" in regulation 2 above;

(p) any reference to Northern Ireland shall be disregarded; and

(q) any reference to an enactment or instrument made under an enactment shall be construed as a reference to that enactment or instrument as applied by these Regulations.

(5) In the forms in Schedule 2 to the 1986 Regulations, as applied by Schedule 2 to these Regulations, and Schedule 2 to the 1986 (Scotland) Regulations, as so applied, for the words 'REPRESENTATION OF THE PEOPLE ACTS' there shall be substituted 'EUROPEAN PARLIAMENTARY ELECTIONS ACT 1978'.

(6) The reference in regulation 70(2) of the 1986 Regulations, as applied by Schedule 2 to these Regulations, to form D and the reference in regulation 68(2) of the 1986 (Scotland) Regulations, as so applied, to form C shall, in the case of a proxy for either a relevant citizen of the Union registered as a European Parliamentary elector or a European Parliamentary overseas elector, be construed as a reference to the form set out in Part II of Schedule 4 to these Regulations.

(7) The references to "parliamentary election" to which paragraph (4)(b) above does not apply are those in section 160(4) of the 1983 Act and the first reference in section 160(5) of that Act.

Conduct of poll and count in each parliamentary constituency

4. The local returning officer for each parliamentary constituency wholly or partly comprised in an electoral region shall be responsible for—

(a) the conduct of the poll in that constituency;

(b) unless the returning officer otherwise directs, the printing of the ballot papers;

(c) the issue and receipt of postal ballot papers for electors in that constituency and their proxies;

(d) the verification of the ballot paper accounts; and

(e) the counting of the votes given in that constituency.

Offences in connection with candidature

5.—(1) A person who makes a statement which he knows to be false in the declaration required by rule 8A(2) of the elections rules is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) A person who, at a general election of MEPs—

(a) consents to nomination as an individual candidate in more than one electoral region,

(b) consents to nomination as an individual candidate in an electoral region and consents to being nominated in a list submitted by a registered party, whether in that region or some other,

(c) consents to being nominated in the list submitted by more than one registered party in the same region, or

(d) consents to being nominated in the lists submitted by a registered party or parties for more than one region,

is guilty of an illegal practice.

(3) The provisions of Part III of the 1983 Act relating to the prosecution of offences, as applied by regulation 3 of and Schedule 1 to these Regulations, shall have effect in relation to an offence under this regulation as if it were an offence under that Act, as so applied.