



European Parliamentary Elections Act 1999

1999 CHAPTER 1

An Act to amend the European Parliamentary Elections Act 1978 so as to alter the method used in Great Britain for electing Members of the European Parliament; to make other amendments of enactments relating to the election of Members of the European Parliament; and for connected purposes. [14th January 1999]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Commons in this present Parliament assembled, in accordance with the provisions of the Parliament Acts 1911 and 1949, and by the authority of the same, as follows:—

1 Number of MEPs, electoral regions and electoral system

For sections 1 to 3 of the European Parliamentary Elections Act 1978 (election and number of representatives) there shall be substituted—

“1 Election of MEPs

This Act makes provision for the election in the United Kingdom of Members of the European Parliament (“MEPs”).

2 Electoral regions and number of MEPs

- (1) The United Kingdom shall be divided into electoral regions.
- (2) England shall be divided into nine electoral regions.
- (3) Scotland, Wales and Northern Ireland shall each constitute a single electoral region.
- (4) The number of MEPs elected in the United Kingdom shall be 87, of whom—
 - (a) 71 shall be elected for electoral regions in England,

- (b) 8 shall be elected for Scotland,
 - (c) 5 shall be elected for Wales, and
 - (d) 3 shall be elected for Northern Ireland.
- (5) Schedule 2 (which sets out the electoral regions in England and makes provision for the number of MEPs to be elected for each region) shall have effect.

3 Electoral system in Great Britain

- (1) The system of election in an electoral region in Great Britain shall be a regional list system complying with the following conditions.
- (2) A vote may be cast for a registered party, or an individual candidate, named on the ballot paper.
- (3) The first seat shall be allocated to the party or individual candidate with the greatest number of votes.
- (4) The second and subsequent seats shall be allocated in the same way, except that the number of votes given to a party to which one or more seats have already been allocated shall be divided by the number of seats allocated plus one.
- (5) In allocating the second or any subsequent seat there shall be disregarded any votes given to—
 - (a) a party to which there has already been allocated a number of seats equal to the number of names on the party's list of candidates, and
 - (b) an individual candidate to whom a seat has already been allocated.
- (6) Seats allocated to a party shall be filled by the persons named on the party's list of candidates in the order in which they appear on that list.
- (7) For the purposes of subsections (3) and (4) fractions shall be taken into account.
- (8) In this section—
 - (a) "registered party" means a party registered under any enactment providing for the registration of political parties;
 - (b) a reference to a party's "list of candidates" is a reference to the list submitted in accordance with regulations made as required by paragraph 2(3B) of Schedule 1.

3A Electoral system in Northern Ireland

The system of election in Northern Ireland shall be a single transferable vote system under which—

- (a) a vote is capable of being given so as to indicate the voter's order of preference for the candidates, and
- (b) a vote is capable of being transferred to the next choice—
 - (i) when the vote is not required to give a prior choice the necessary quota of votes, or
 - (ii) when, owing to the deficiency in the number of votes given for a prior choice, that choice is eliminated from the list of candidates.

3B Electoral system: supplementary

Schedule 1 (which makes supplementary provision about the holding of elections, the filling of vacancies, and disqualification) shall have effect.

3C Franchise

- (1) A person shall be entitled to vote as an elector at a European Parliamentary election in an electoral region if he is within any of subsections (2) to (5) below.
- (2) A person is within this subsection if on the day of the poll he would be entitled to vote as an elector at a parliamentary election in a parliamentary constituency wholly or partly comprised in the electoral region, and—
 - (a) the address in respect of which he is registered in the relevant register of parliamentary electors is within the electoral region, or
 - (b) his registration in the relevant register of parliamentary electors results from an overseas elector's declaration which specifies an address within the electoral region.
- (3) A person is within this subsection if—
 - (a) he is a peer who on the day of the poll would be entitled to vote at a local government election in an electoral area wholly or partly comprised in the electoral region, and
 - (b) the address in respect of which he is registered in the relevant register of local government electors is within the electoral region.
- (4) A person is within this subsection if he is entitled to vote in the electoral region by virtue of section 3(2) to (9) of the Representation of the People Act 1985 (peers resident outside the United Kingdom).
- (5) A person is within this subsection if he is entitled to vote in the electoral region by virtue of Part III of the European Parliamentary Elections (Changes to the Franchise and Qualifications of Representatives) Regulations 1994 (relevant citizens of the European Union).
- (6) Subsection (1) shall have effect subject to any provision of regulations made under paragraph 2 of Schedule 1 which provides for alterations made after a specified date in a register of electors to be disregarded.
- (7) In subsection (3) "local government election" includes a municipal election in the City of London (that is, an election to the office of mayor, alderman, common councilman or sheriff and also the election of any officer elected by the mayor, aldermen and liverymen in common hall).

3D Date of elections

- (1) The poll at each general election of MEPs shall be held on a day appointed by order of the Secretary of State.
- (2) A statutory instrument made under this section shall be laid before Parliament after being made."

2 Electoral regions in England

For Schedule 2 to the European Parliamentary Elections Act 1978 (European Parliamentary constituencies in Great Britain) there shall be substituted the Schedule set out in Schedule 1 to this Act.

3 Amendments and repeals

- (1) Schedule 2 (minor and consequential amendments of Schedule 1 to the European Parliamentary Elections Act 1978) shall have effect.
- (2) Schedule 3 (other minor and consequential amendments) shall have effect.
- (3) The enactments and instrument listed in Schedule 4 are hereby repealed or revoked to the extent specified.

4 Expenses

For section 7(1)(a) of the European Parliamentary Elections Act 1978 (expenses: Consolidated Fund) there shall be substituted—

- “(a) charges to which persons on whom functions are conferred by regulations made by virtue of paragraph 4(2) of Schedule 1 are entitled by virtue of regulations under this Act, and
- (aa) any sums required by the Secretary of State for expenditure on the provision of training relating to functions conferred by regulations made by virtue of paragraph 4(2) of Schedule 1;”.

5 Commencement

- (1) The preceding provisions of this Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument.
- (2) An order under subsection (1) may—
 - (a) appoint different days for different purposes;
 - (b) include such transitional provisions and savings as the Secretary of State thinks expedient.

6 Short title

This Act may be cited as the European Parliamentary Elections Act 1999.

SCHEDULES

SCHEDULE 1

Section 2.

NEW SCHEDULE 2 TO THE EUROPEAN PARLIAMENTARY ELECTIONS ACT 1978

“SCHEDULE 2

ELECTORAL REGIONS IN ENGLAND

Electoral regions

- 1 The electoral regions for England shall be those listed in the Table below.
- 2 (1) Subject to sub-paragraph (2), a reference in the Table to a local government or administrative area is a reference to that area as it is for the time being.
(2) Where an area specified in column (2) of the Table is altered, the alteration shall not have effect for the purposes of this Act until the first general election of MEPs at which the poll in the United Kingdom takes place after the alteration comes into force for all other purposes.

Number of MEPs elected for each region

- 3 The number of MEPs elected for each electoral region in England shall be the number specified in column (3) of the Table.
- 4 (1) As soon as possible after 16th February in each pre-election year the Secretary of State shall—
 - (a) consider whether the ratio of registered electors to MEPs is as nearly as possible the same for every electoral region in England, and
 - (b) make by order such amendments of column (3) of the Table as he considers necessary to ensure that result.
- (2) An order under sub-paragraph (1) shall not alter the total number of MEPs elected for electoral regions in England.
- (3) For the purposes of sub-paragraph (1) the Secretary of State shall consider the number of registered electors as at 16th February of the pre-election year.
- (4) For the purposes of sub-paragraph (1) a registered elector for an electoral region is a person whose name appears in a relevant register, or part of a relevant register, which relates to the region, other than a person who is—
 - (a) a relevant citizen of the Union within the meaning of section 202(1) of the Representation of the People Act 1983 (interpretation), and
 - (b) registered only for the purposes of local government elections.
- (5) The relevant registers are—
 - (a) registers of parliamentary electors;

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- (b) registers of local government electors;
 - (c) registers of peers maintained under section 3(2) to (9) of the Representation of the People Act 1985 (peers resident outside the United Kingdom);
 - (d) registers maintained under regulation 9 of the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994 (relevant citizens of the European Union).
- (6) In this paragraph “pre-election year” means any year after 2002 which immediately precedes a year in which general elections would be held in accordance with Article 10(2).
- (7) A statutory instrument made under sub-paragraph (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

TABLE

<i>(1)</i> <i>Name of region</i>	<i>(2)</i> <i>Counties, &c. included</i>	<i>(3)</i> <i>Number of MEPs</i>
East Midlands	County of Derbyshire	6
	County of Derby	
	County of Leicester	
	County of Leicestershire	
	County of Lincolnshire	
	County of Northamptonshire	
	County of Nottinghamshire	
	County of Nottingham	
	County of Rutland	
Eastern	County of Bedfordshire	8
	County of Cambridgeshire	
	County of Essex	
	County of Hertfordshire	
	County of Luton	
	County of Norfolk	
	County of Peterborough	
	County of Southend-on-Sea	
	County of Suffolk	
London	The administrative area of Greater London	10
North East	County of Darlington	4
	County of Durham	

<i>(1)</i> <i>Name of region</i>	<i>(2)</i> <i>Counties, &c. included</i>	<i>(3)</i> <i>Number of MEPs</i>
North West	County of Hartlepool	10
	County of Middlesbrough	
	County of Northumberland	
	County of Redcar and Cleveland	
	County of Stockton-on-Tees	
	County of Tyne and Wear	
	County of Blackburn with Darwen	
	County of Blackpool	
	County of Cheshire	
	County of Cumbria	
South East	County of Greater Manchester	11
	County of Halton	
	County of Lancashire	
	County of Merseyside	
	County of Warrington	
	County of Berkshire	
	County of Brighton and Hove	
	County of Buckinghamshire	
	County of East Sussex	
	County of Hampshire	
	County of Isle of Wight	
	County of Kent	
	County of the Medway Towns	
	County of Milton Keynes	
County of Oxfordshire		
County of Portsmouth		
County of Southampton		
County of Surrey		
County of West Sussex		

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<i>(1)</i> <i>Name of region</i>	<i>(2)</i> <i>Counties, &c. included</i>	<i>(3)</i> <i>Number of MEPs</i>
South West	County of Bath and North East Somerset County of Bournemouth County of the City of Bristol County of Cornwall County of Devon County of Dorset County of Gloucestershire County of North Somerset County of Plymouth County of Poole County of Somerset County of South Gloucestershire County of Swindon County of Torbay County of Wiltshire Isles of Scilly	7
West Midlands	County of Herefordshire County of Shropshire County of Staffordshire County of Stoke-on-Trent County of Telford and Wrekin County of Warwickshire County of West Midlands County of Worcestershire	8
Yorkshire & The Humber	County of the City of Kingston upon Hull County of the East Riding of Yorkshire County of North East Lincolnshire County of North Lincolnshire	7

(1)	(2)	(3)
<i>Name of region</i>	<i>Counties, &c. included</i>	<i>Number of MEPs</i>
	County of North Yorkshire	
	County of South Yorkshire	
	County of West Yorkshire	
	County of York”	

SCHEDULE 2

Section 3(1).

MINOR AND CONSEQUENTIAL AMENDMENTS OF SCHEDULE 1
TO THE EUROPEAN PARLIAMENTARY ELECTIONS ACT 1978

- 1 Schedule 1 to the European Parliamentary Elections Act 1978 (simple majority system for Great Britain and single transferable vote system for Northern Ireland) shall be amended as follows.
- 2 For the title substitute “System of Election, &c.”.
- 3 Omit paragraph 1.
- 4 Omit paragraph 2(1) and (2).
- 5 In paragraph 2(3)(a), omit “(including the registration of electors and the limitation of candidates' election expenses)”.
- 6 After paragraph 2(3) insert—
- “(3A) Regulations under this paragraph may make provision (including the creation of criminal offences)—
- (a) about the limitation of election expenses (including expenses incurred in relation to a general election as a whole);
- (b) for the allocation of seats in the case of an equality of votes;
- (c) for securing that no person stands for election more than once at a general election.
- For the purposes of this sub-paragraph a person stands for election if he is nominated as a candidate or is included in a party's list of candidates.
- (3B) Regulations under this paragraph shall, in relation to an election in an electoral region in Great Britain, make provision for the nomination of registered parties, including provision requiring a nomination to be accompanied by a list of candidates numbering no more than the MEPs to be elected for that region.”.
- 7 In paragraph 2(4), omit paragraph (c).
- 8 For paragraph 3 substitute—

“Filling of vacancies

- 3 (1) Regulations under paragraph 2 shall include provision prescribing the procedure to be followed when a seat is or becomes vacant.

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- (2) The regulations may—
- (a) include provision requiring a by-election to be held in specified circumstances (and provision modifying section 3 in its application to by-elections);
 - (b) require a seat last filled from a party's list of candidates to be filled, in specified circumstances, from such a list (without a by-election).
- (3) Where regulations provide for a by-election to be held—
- (a) the poll shall take place on a day, appointed by order of the Secretary of State, within such period as may be specified in the regulations, but
 - (b) the regulations may enable the Secretary of State to decline to appoint a day in certain circumstances.
- (4) A statutory instrument containing an order made by virtue of sub-paragraph (3) shall be laid before Parliament after being made.”.

9 For paragraph 4 substitute—

“Returning officers

- 4 (1) There shall be a returning officer for each electoral region who shall be—
- (a) in the case of a region in England and in the case of Wales, a person who—
 - (i) is an acting returning officer by virtue of section 28(1) of the Representation of the People Act 1983, and
 - (ii) is designated for the purposes of this sub-paragraph by order of the Secretary of State;
 - (b) in the case of Scotland, a person who—
 - (i) is a returning officer by virtue of section 25 of that Act, and
 - (ii) is designated for the purposes of this sub-paragraph by order of the Secretary of State;
 - (c) in the case of Northern Ireland, the Chief Electoral Officer.
- (2) Regulations under paragraph 2 may confer functions on the returning officers for electoral regions and on persons who are, in relation to parliamentary elections—
- (a) in the case of England and Wales, acting returning officers, or
 - (b) in the case of Scotland, returning officers.
- (3) The council of a relevant area which is wholly or partly within an electoral region shall place the services of their officers at the disposal of any person on whom functions in relation to that region are conferred in accordance with sub-paragraph (2), for the purpose of assisting him in the discharge of those functions.
- (4) In sub-paragraph (3), “relevant area” means—
- (a) a district or London borough in England,
 - (b) a county or county borough in Wales, and
 - (c) a local government area in Scotland.”.

- 10 In paragraph 5—
- (a) for “representative to”, in each place, substitute “Member of”,
 - (b) for “constituency”, in each place where it occurs in relation to a European Parliamentary constituency, substitute “electoral region”,
 - (c) for sub-paragraph (4) substitute—
 - “(4) If a person who is disqualified under this paragraph for the office of MEP is returned as an MEP under—
 - (a) section 3, or
 - (b) regulations made in accordance with paragraph 3(1),his return shall be void and his seat vacant.
 - (4A) If a person who is disqualified under this paragraph for the office of MEP for a particular electoral region is returned as an MEP for that region under—
 - (a) section 3, or
 - (b) regulations made in accordance with paragraph 3(1),his return shall be void and his seat vacant.”, and
 - (d) in sub-paragraph (5), for “elected” substitute “returned”.
- 11 (1) Paragraph 6 shall be amended as follows.
- (2) For sub-paragraph (1) substitute—
- “6 (1) Any person may apply to the court for a declaration or, as the case may be, a declarator that a person who purports to be an MEP—
- (a) is disqualified, or
 - (b) was disqualified at the time when, or at some time since, he was returned as an MEP under section 3 or under regulations made in accordance with paragraph 3(1).
- (1A) The decision of the court on an application under this paragraph shall be final.”.
- (3) In sub-paragraph (2), for “£200” substitute “£5,000”.
- (4) In sub-paragraph (5)—
- (a) for “constituency”, in each place, substitute “electoral region”, and
 - (b) for “representative to” substitute “Member of”.
- (5) At the end insert—
- “(6) The Secretary of State may by order substitute another figure for the figure in sub-paragraph (2).
- (7) A statutory instrument made under sub-paragraph (6) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

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SCHEDULE 3

Section 3(2).

MINOR AND CONSEQUENTIAL AMENDMENTS

The European Parliamentary Elections Act 1978 (c. 10)

- 1 In section 4(1) of the European Parliamentary Elections Act 1978 (double voting) for “representatives to the European Parliament” substitute “MEPs”.

The European Parliament (Pay and Pensions) Act 1979 (c. 50)

- 2 In the following provisions of the European Parliament (Pay and Pensions) Act 1979 for “constituency” and “a constituency”, in each place, substitute “electoral region” and “an electoral region”—
- (a) section 3(1) (resettlement grants);
 - (b) section 7(2) (expenses: Northern Ireland);
 - (c) section 8(1) (interpretation).

The Representation of the People Act 1985 (c. 50)

- 3 (1) Section 3 of the Representation of the People Act 1985 (extension of franchise for European Parliamentary elections) shall be amended as follows.
- (2) Omit subsection (1).
- (3) In subsections (2) to (4A) for “constituency”, in each place, substitute “electoral region”.
- (4) In subsection (8) for the words from “and references to the register of local government electors” to the end substitute—
- “and references to the register of local government elections include a reference to a register of electors prepared—
- (a) for the purposes of local elections, or
 - (b) for the purposes of municipal elections in the City of London (that is, elections to the office of mayor, alderman, common councilman or sheriff and also elections of officers elected by the mayor, aldermen and liverymen in common hall).”.

The European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994 (S.I. 1994/342)

- 4 (1) The European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994 shall be amended as follows.
- (2) In regulation 4 (offence of standing as a candidate in more than one Member State), omit paragraph (3).
- (3) In regulations 7 and 9 (extension of the franchise to relevant citizens of the Union), for “constituency”, in each place, substitute “electoral region”.

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SCHEDULE 4

Section 3(3).

REPEALS AND REVOCATIONS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1978 c. 10.	The European Parliamentary Elections Act 1978.	Section 8(1). In Schedule 1— paragraph 1, paragraph 2(1) and (2), in paragraph 2(3)(a), the words “(including the registration of electors and the limitation of candidates election expenses)”, and paragraph 2(4)(c).
1981 c. 8.	The European Parliamentary Elections Act 1981.	The whole Act.
1985 c. 50.	The Representation of the People Act 1985.	Section 3(1).
1986 c. 56.	The Parliamentary Constituencies Act 1986.	In Schedule 3, paragraph 5.
1993 c. 41.	The European Parliamentary Elections Act 1993.	Section 1. Section 2. The Schedule.
1994 c. 19.	The Local Government (Wales) Act 1994.	In Schedule 16, paragraph 54.
S.I. 1994/342.	The European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994.	Regulation 4(3).