
DRAFT STATUTORY INSTRUMENTS

2004 No.

European Parliamentary Elections
(Northern Ireland) Regulations 2004

PART 4

Legal Proceedings

Time for presentation or amendment of European Parliamentary election petition

81.—(1) Subject to the provisions of this regulation, a European Parliamentary election petition shall be presented within 21 days after the day on which the relevant result was declared in accordance with rule 60 of the European Parliamentary elections rules.

(2) If the petition questions the election or return upon an allegation of corrupt practices and specifically alleges a payment of money or other reward to have been made by the MEP or on his account or with his privity since the time of that declaration of the result of the election in pursuance or in furtherance of the alleged corrupt practice, it may be presented within 28 days after the date of the payment.

(3) A petition questioning the election or return upon an allegation of an illegal practice may, so far as respects that illegal practice, be presented—

- (a) within 21 days after the day specified in paragraph (4); or
- (b) if specifically alleging a payment of money or some other act to have been made or done since the day so specified by the MEP to whose election the petition relates or an agent of his, or with the privity of that member or his election agent, in pursuance or in furtherance of that alleged illegal practice, within 28 days after the date of the payment or other act.

(4) The day referred to in paragraph (3) is the tenth day after the end of the time allowed for delivering to the returning officer returns as to election expenses at the election or, if later—

- (a) that on which the returning officer receives the return and declarations as to election expenses by that MEP and his election agent; or
- (b) where the return and declarations are received on different days, the last of those days; or
- (c) where there is an authorised excuse for failing to make the return and declarations, the date of the allowance of the excuse, or if there was a failure as regards two or more of them, and the excuse was allowed at different times, the date of the allowance of the last excuse.

(5) An election petition presented within the time limited by paragraph (1) or (2) may, for the purpose of questioning the election or return upon an allegation of an illegal practice, be amended with the leave of the High Court within the time within which a petition questioning the election upon the allegation of that illegal practice could be presented under paragraph (3).

(6) Paragraphs (3), (4) and (5) apply—

- (a) notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice; and
- (b) to a corrupt practice under regulation 42, as if it were an illegal practice.