
DRAFT STATUTORY INSTRUMENTS

2009 No.

The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2009

Amendments to the 2004 Regulations

3. For regulation 2 (interpretation) substitute the following—

“2. Unless the context otherwise requires, in these Regulations—

“1983 Act” means the Representation of the People Act 1983;

“1985 Act” means the Representation of the People Act 1985⁽¹⁾;

“2000 Act” means the Political Parties, Elections and Referendums Act 2000;

“2001 Franchise Regulations” means the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001⁽²⁾;

“2002 Act” means the European Parliamentary Elections Act 2002;

“2003 Act” means the European Parliament (Representation) Act 2003⁽³⁾;

“2006 Act” means the Electoral Administration Act 2006;

“2008 Regulations” means the Representation of the People (Northern Ireland) Regulations 2008⁽⁴⁾;

“the absent voters list” means, in relation to any election, the list kept under regulation 9(6);

“citizen of the Union” is to be construed in accordance with Article 8 of the Treaty establishing the European Community⁽⁵⁾, and “relevant citizen of the Union” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;

“completed corresponding number list” means a list prepared under rule 20 of the European Parliamentary elections rules, including the parts which are completed in accordance with rules 30(3)(d) and 39(1)(b) of those rules or paragraph 21(1) of Schedule 2 to these Regulations;

“disability”, in relation to doing a thing, includes a short term inability to do it;

“dwelling” includes any part of a building where that part is occupied separately as a dwelling;

“election” means a European Parliamentary election;

“election court” means, in relation to a European Parliamentary election petition, the judges presiding at the trial;

(1) 1985 c. 50.

(2) S.I.2001/1184, which was amended by S.I. 2003/1557. Other amendments are not relevant to these Regulations.

(3) 2003 c. 7.

(4) S.I. 2008/1741.

(5) O.J. L 278, 08.10.1976, p.21 (Cmnd.3780). Article 8 was substituted by Article 12 of the Lisbon Treaty (Cmnd. 7294, European Communities Series No.13) which was signed by the United Kingdom on 13 December 2007 but which has yet to be ratified.

“elector” means, in relation to an election, any person who has for the time being an entry in a register of electors, but does not include those shown in such a register as below voting age on the day fixed for the poll;

“European Parliamentary elections rules” means the rules in Schedule 1 to these Regulations;

“European Parliamentary election petition” means a petition presented in pursuance of Part 4 of these Regulations;

“European Parliamentary overseas elector” means a person falling within section 8(4) of the 2002 Act;

“European Parliamentary overseas elector’s declaration” means a declaration made in pursuance of regulations made under section 3 of the 1985 Act⁽⁶⁾;

“legal incapacity” includes (in addition to any incapacity by virtue of any subsisting provision of the common law) any disqualification imposed by these Regulations or by any Act;

“legal process” means a claim form, application, notice, writ, summons or other process;

“the list of proxies” means, in relation to any election, the list kept under regulation 9(6);

“marked register” is the copy of a register of electors marked in accordance with rule 39(1)(c) of the European Parliamentary elections rules;

“marked copy of the absent voters list or the proxy postal voters list” is the copy of that list marked as mentioned in paragraph 31 of Schedule 2 to these Regulations for the purposes of rule 33(1) of the European Parliamentary elections rules;

“overseas elector” means a person falling within section 8(2)(b) of the 2002 Act;

“overseas elector’s declaration” has the meaning given by section 2 of the 1985 Act⁽⁷⁾;

“the proxy postal voters list” means, in relation to any election, the list kept under regulation 11(8);

“register of electors” means any part of—

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

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

(c) a register under regulation 5 of the 2001 Franchise Regulations,

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

“registration officer” means the Chief Electoral Officer for Northern Ireland;

“service voter” means a person who has made a service declaration and is registered or entitled to be registered in pursuance of it;

“sub-agent” has the meaning given by regulation 35(1);

“universal service provider” means a universal service provider within the meaning of the Postal Services Act 2000⁽⁸⁾; and

(6) Section 3 was substituted by paragraph 4 of Schedule 2 to the Representation of the People Act 2000 (c. 2). The Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) were made under this provision.

(7) 1985 c. 50. Section 2 was substituted by section 8 of, and paragraphs 1 and 3 of Schedule 2 to, the Representation of the People Act 2000 (c. 2) and sub-section (2) was subsequently amended by section 12(9) of the Electoral Administration Act 2006 (c. 22). S.I. 2008/1741 was also made under this section.

(8) 2000 c. 26.

“voter” means a person voting at an election and includes a person voting as proxy and, except in the European Parliamentary elections rules, a person voting by proxy; and “vote” (whether noun or verb) is to be construed accordingly, except that in those rules any reference to an elector voting or an elector’s vote is to include a reference to an elector voting by proxy or an elector’s vote given by proxy.”