

These notes refer to the European Parliamentary Elections Act 1999 (c.1) which received Royal Assent on 14 January 1999

EUROPEAN PARLIAMENTARY ELECTIONS ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: Number of MEPs, electoral regions and electoral system

15. This section deals with the number of Members of the European Parliament (MEPs), the electoral regions, the system of election, the franchise and the date of general elections. It replaces sections 1 to 3 of the European Parliamentary Elections Act 1978 (which was enacted as the European Assembly Elections Act but the title of which was changed by the European Communities (Amendment) Act 1986).
16. *Replacement section 1* explains that the Act (as now amended) makes provision for the election in the United Kingdom of Members of the European Parliament (MEPs).
17. *Replacement section 2* creates 12 European Parliamentary electoral regions in the United Kingdom # one in each of Scotland, Wales and Northern Ireland and nine in England. It gives the number of MEPs that each electoral region returns. The total number of United Kingdom MEPs (87) and their distribution among England (71), Scotland (8), Wales (5) and Northern Ireland (3) remains as before.
18. *Subsection 2(5)* adds a new Schedule 2 into the 1978 Act (contained in Schedule 1 of the present Act) which sets out the composition of the electoral regions in England and the number of MEPs to be returned by each.
19. *Replacement section 3* describes the electoral system to be used in Great Britain for elections to the European Parliament. It provides that
 - elections in each electoral region in Great Britain shall be conducted using the regional list system set out in the rest of the section (section 3(1))
 - voters will be able to vote either for a registered political party or for an individual candidate, as named on the ballot paper (section 3(2)). the first seat in each region will be allocated to the party or individual candidate with the most votes (section 3(3))
 - all further seats will be allocated in the same way as the first except that a party's total vote is to be divided by the number of seats it has already been allocated, plus one (section 3(4))
 - if a party gains as many seats as there are candidates on its list, it should then be ignored in the process of allocating the remaining seats, as should individual candidates who have already been elected (section 3(5))
 - seats allocated to a party shall be filled by its candidate(s) in the order in which they appear on its list (section 3(6))

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- fractions should be taken into account when making the seat allocation calculations (section 3(7)).

Replacement section 3 also:

- defines (section 3(8)(a)) a "registered party" as one registered under any law dealing with registration of political parties. (The current statute is the Registration of Political Parties Act 1998.)
- provides (section 3(8)(b)) that references to a party's list of candidates relate to lists submitted under regulations governing nominations made under paragraph 2(3B) of Schedule 1 of the 1978 Act as amended by this Act (see paragraph 6 of Schedule 2 to this Act).

20. *Replacement section 3A* replicates paragraph 2(2) of the existing Schedule 1 to the European Parliamentary Elections Act 1978. Northern Ireland will continue to elect its MEPs using the single transferable vote.

21. *Replacement section 3B* introduces Schedule 1 to the 1978 Act, thereby replacing the original section 3 of that Act. This Schedule deals with supplementary matters relating to the holding of elections, filling of vacancies and disqualification.

22. *Replacement section 3C* replicates, with some minor adjustments, the rules for the franchise for elections to the European Parliament set out in the European Parliamentary Elections Act 1978. As before, those entitled to vote are:

- those entitled to vote in a parliamentary election, including British citizens overseas who are on a parliamentary electoral register (section 3C(2)). Section 3C(2)(b) replicates the effect of section 3(1) of the Representation of the People Act 1985 which Schedule 4 of the present Act repeals. (The 1978 Act does not contain an equivalent provision.)
- peers entitled to vote in local government elections (section 3C(3));
- peers resident outside the UK who may vote by virtue of having been resident in the UK in the preceding 20 years (section 3C(4)); and
- EU citizens who have opted to vote in the United Kingdom in elections to the European Parliament (section 3C(5)).

Replacement section 3C also

- allows regulations to be made to provide that alterations to the register of electors made after a certain date are to be disregarded for the purpose of the franchise for European Parliamentary elections (section 3C(6)); and
- defines the term "local government election" as including a municipal election in the City of London; that is an election to the office of mayor, alderman, common councilman or sheriff, or the election of any officer elected by the mayor, aldermen and liverymen in common hall (section 3C(7)). There was no provision equivalent to section 3C(7) in the 1978 Act.

23. *Replacement section 3D* replicates the effect of paragraph 3(1) and (5) of the 1978 Act. It provides that the date of European Parliamentary general elections will be set out in an order made by the Secretary of State which is to be laid before Parliament after being made.