

SCHEDULES

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.
- (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);

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- (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”,

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(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.”.