



# European Parliamentary Elections Act 2002

## 2002 CHAPTER 24

An Act to consolidate the European Parliamentary Elections Acts 1978, 1993 and 1999. [24th July 2002]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

- C1 Act: The functions of the Secretary of State to be exercisable concurrently with the Lord Chancellor (25.11.2002) by virtue of [The Transfer of Functions \(Transport, Local Government and the Regions\) Order 2002 \(S.I. 2002/2626\)](#), art. 11(1), [Sch. 1](#) (with arts. 12, 13)
- C2 Act: functions transferred (19.8.2003) by virtue of [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), arts. 1(2), 4, [Sch. 1](#)
- C3 Act: modified (E.W.S.) (23.3.2004) by [The European Parliamentary Elections Regulations 2004 \(S.I. 2004/293\)](#), regs. 1(3), 10, [Sch. 2 paras. 2\(7\)\(b\)](#), 7(3)
- C4 Act: power to modify conferred by [Government of Wales Act 2006 \(c. 32\)](#), [s. 13\(4\)](#) (with [Sch. 11 para. 22](#)) the amending provision coming into force immediately after the 2007 election (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of the initial period (which ended with the day of the first appointment of a First Minister on 25.5.2007) see ss. 46, 161(1)(4)(5) of the amending Act.

### Introductory

#### [<sup>F1</sup>1] Number of MEPs and electoral regions

- (1) There shall be 87 members of the European Parliament (“MEPs”) elected for the United Kingdom.

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- (2) For the purposes of electing those MEPs—
- (a) England is divided into the nine electoral regions specified in Schedule 1; and
  - (b) Scotland, Wales and Northern Ireland are each single electoral regions.
- (3) The number of MEPs to be elected for each electoral region is as follows—

East Midlands	6
Eastern	8
London	10
North East	4
North West	10
South East	11
South West	7
West Midlands	8
Yorkshire and the Humber	7
Scotland	8
Wales	5
Northern Ireland	3.]

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**Textual Amendments**

**F1** S. 1 substituted (8.5.2003) by [European Parliament \(Representation\) Act 2003 \(c. 7\)](#), ss. 1, 28(3)(4)

**[<sup>F2</sup>1A Periodic reviews of distribution of MEPs**

Schedule 1A (which provides for periodic reviews by the Electoral Commission of the distribution of MEPs between the electoral regions) has effect.]

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**Textual Amendments**

**F2** S. 1A inserted (8.5.2003) by [European Parliament \(Representation\) Act 2003 \(c. 7\)](#), ss. 7(1), 28(3)(4)

*General elections*

**2 Voting system in Great Britain**

- (1) The system of election of MEPs in an electoral region in Great Britain is to be a regional list system.
- (2) The Secretary of State must by regulations—
- (a) make provision for the nomination of registered parties in relation to an election in such a region, and
  - (b) require a nomination under paragraph (a) to be accompanied by a list of candidates numbering no more than the MEPs to be elected for the region.

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- (3) The system of election must comply with the following conditions.
- (4) A vote may be cast for a registered party or an individual candidate named on the ballot paper.
- (5) The first seat is to be allocated to the party or individual candidate with the greatest number of votes.
- (6) The second and subsequent seats are to 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 are to be divided by the number of seats allocated plus one.
- (7) In allocating the second or any subsequent seat there are to 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.
- (8) Seats allocated to a party are to be filled by the persons named on the party's list of candidates in the order in which they appear on that list.
- (9) For the purposes of subsection (6) fractions are to be taken into account.
- (10) In this section "registered party" means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

### **3 Voting system in Northern Ireland**

The system of election of MEPs in Northern Ireland is to 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.

### **4 Date of elections**

The poll at each general election of MEPs is to be held on a day appointed by order of the Secretary of State.

#### *Vacant seats*

### **5 Filling vacant seats**

- (1) The Secretary of State must by regulations make 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 2 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 must 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.

### *Conduct of elections*

## 6 Returning officers

- (1) There is to be a returning officer for each electoral region.
- (2) For a region in England [<sup>F3</sup>and Wales (including the combined region)] , the returning officer is to be a person who—
  - (a) is an acting returning officer by virtue of section 28(1) of the Representation of the People Act 1983 (c. 2), and
  - (b) is designated for the purposes of this subsection by order of the Secretary of State.
- (3) For Scotland the returning officer is to be a person who—
  - (a) is a returning officer by virtue of section 25 of that Act, and
  - (b) is designated for the purposes of this subsection by order of the Secretary of State.
- (4) For Northern Ireland the returning officer is to be the Chief Electoral Officer.
- [<sup>F4</sup>(5) The Secretary of State may by regulations confer functions on the returning officers for the electoral regions and on local returning officers.
- (5A) For the purposes of subsection (5) “local returning officer” means—
  - (a) a person who is, in relation to parliamentary elections, an acting returning officer (in England and Wales) or a returning officer (in Scotland); or
  - (b) the European electoral registration officer for Gibraltar (within the meaning of section 14 of the European Parliament (Representation) Act 2003).]
- (6) There are to be charged on, and paid out of, the Consolidated Fund—
  - (a) charges to which persons on whom functions are conferred under subsection (5) are entitled under regulations under this Act, and
  - (b) any sums required by the Secretary of State for expenditure on the provision of training relating to functions conferred under subsection (5).
- (7) Where functions are conferred on a person under subsection (5) in relation to an electoral region,
  - [<sup>F5</sup>(a) in the case of an electoral region other than the combined region, the council of a relevant area falling wholly or partly within that region; and
  - (b) in the case of the combined region, the council of a relevant area falling wholly or partly within that region and the Government of Gibraltar,
 must] place the services of their officers at his disposal for the purpose of assisting him in the discharge of those functions.

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- (8) In subsection (7), “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.

#### Textual Amendments

- F3** Words in s. 6(2) substituted (7.1.2004 for certain purposes, otherwise 5.2.2004) by [European Parliament \(Representation\) Act 2003 \(c. 7\), ss. 20\(2\), 28\(3\)\(4\); S.I. 2004/24, art. 2\(a\)\(i\); S.I. 2004/320, art. 2\(a\)\(i\)](#)
- F4** S. 6(5)(5A) substituted (7.1.2004 for certain purposes, otherwise 5.2.2004) for s. 6(5) by [European Parliament \(Representation\) Act 2003 \(c. 7\), ss. 20\(3\), 28\(3\)\(4\); S.I. 2004/24, art. 2\(a\)\(i\); S.I. 2004/320, art. 2\(a\)\(i\)](#)
- F5** S. 6(7)(a)(b) substituted (7.1.2004 for certain purposes, otherwise 5.2.2004) for words by [European Parliament \(Representation\) Act 2003 \(c. 7\), ss. 20\(3\), 28\(3\)\(4\); S.I. 2004/24, art. 2\(a\)\(i\); S.I. 2004/320, art. 2\(a\)\(i\)](#)

#### Modifications etc. (not altering text)

- C5** S. 6(2) excluded (E.W.) (23.3.2004) by [The Representation of the People \(Combination of Polls\) \(England and Wales\) Regulations 2004 \(S.I. 2004/294\), regs. 1\(1\), 7\(2\)\(a\)](#)
- C6** S. 6(5A) excluded (5.11.2008) [The Local Elections \(Ordinary Day of Elections in 2009\) Order 2008 \(S.I. 2008/2857\), arts. 1\(1\), 7\(3\)\(a\)](#)
- C7** S. 6(5A)(a) excluded (E.W.) (23.3.2004) by [The Representation of the People \(Combination of Polls\) \(England and Wales\) Regulations 2004 \(S.I. 2004/294\), regs. 1\(1\), 7\(5\)\(a\)](#)

## 7 Regulation-making powers: general

- (1) The Secretary of State may, subject to the provisions of this Act, by regulations make provision as to—
- (a) the conduct of elections to the European Parliament, and
  - (b) the questioning of such an election and the consequences of irregularities.
- (2) Regulations under this Act may make provision (including the creation of criminal offences)—
- (a) about the limitation of election expenses of candidates;
  - (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 (whether by being nominated as a candidate or by being included in a party’s list of candidates).
- (3) Regulations under this Act may apply, with such modifications or exceptions as may be specified in the regulations—
- (a) any provision of the Representation of the People Acts or of any other enactment relating to parliamentary elections or local government elections, and
  - (b) any provision made under any enactment.
- (4) Regulations under this Act may amend any form contained in regulations made under the Representation of the People Acts so far as may be necessary to enable it to be

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used both for the purpose indicated in regulations so made and for the corresponding purpose in relation to elections to the European Parliament.

[<sup>F6</sup>(4A) Without prejudice to the generality of the power under which they are made, regulations under this Act may make different provision for different electoral regions and, in particular, for the part of the combined region which is in England and Wales and for Gibraltar.]

(5) Section 26 of the Welsh Language Act 1993 (c. 38) (power to prescribe Welsh version) applies in relation to regulations under this Act as it applies in relation to Acts of Parliament.

#### Textual Amendments

**F6** S. 7(4A) inserted (7.1.2004 for certain purposes, otherwise 23.3.2004) by [European Parliament \(Representation\) Act 2003 \(c. 7\)](#), ss. 22, 28(3)(4); S.I. 2004/24 {art. 2(a)(i)}; S.I. 2004/1035, [art. 2](#)

### *Entitlement to vote*

## 8 Persons entitled to vote

- (1) A person is entitled to vote as an elector at an election to the European Parliament in an electoral region if he is within any of subsections (2) to (5).
- (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 of the Representation of the People Act 1985 (c. 50) (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 the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 (S.I. 2001/1184) (citizens of the European Union other than Commonwealth and Republic of Ireland citizens).
- (6) Subsection (1) has effect subject to any provision of regulations made under this Act which provides for alterations made after a specified date in a register of electors to be disregarded.

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- (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).

## 9 Double voting

- (1) A person is guilty of an offence if, on any occasion when elections to the European Parliament are held in all the member states under Article 9 of the Act annexed to Council Decision 76/787, he votes as an elector more than once in those elections, whether in the United Kingdom or elsewhere.
- (2) Subsection (1) is without prejudice to any enactment relating to voting offences, as applied by regulations under this Act to elections of MEPs held in the United Kingdom.
- (3) The provisions of the Representation of the People Act 1983 (c. 2), as applied by regulations under this Act, have effect in relation to an offence under this section as they have effect in relation to an offence under section 61(2) of that Act (double voting).
- (4) In particular, the following provisions of that Act apply—
- (a) section 61(7) (which makes an offence under section 61(2) an illegal practice but allows any incapacity resulting from conviction to be mitigated by the convicting court), and
  - (b) section 178 (prosecutions for offences committed outside the United Kingdom).

### *Entitlement to be MEP*

## 10 Disqualification

- (1) A person is disqualified for the office of MEP if—
- (a) he is disqualified for membership of the House of Commons, or
  - (b) he is a Lord of Appeal in Ordinary.
- (2) But a person is not disqualified for the office of MEP under subsection (1)(a) merely because—
- (a) he is a peer,
  - (b) he is a Lord Spiritual,
  - (c) he holds an office mentioned in section 4 of the House of Commons Disqualification Act 1975 (c.24) (stewardship of Chiltern Hundreds etc.), or
  - (d) he holds any of the offices described in Part 2 or 3 of Schedule 1 to that Act which are designated by order by the Secretary of State for the purposes of this section.
- (3) A citizen of the European Union who is resident in the United Kingdom [<sup>F7</sup>or Gibraltar] is not disqualified for the office of MEP under subsection (1)(a) merely because he is disqualified for membership of the House of Commons under section 3 of the Act of Settlement (12&13 Will 3 c.2.) (disqualification of persons, other than Commonwealth and Republic of Ireland citizens, who are born outside Great Britain and Ireland and the dominions).

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- (4) A person is disqualified for the office of MEP for a particular electoral region if, under section 1(2) of the House of Commons Disqualification Act 1975 (c. 24), he is disqualified for membership of the House of Commons for any parliamentary constituency wholly or partly comprised in that region.
- [<sup>F8</sup>(4A) The Secretary of State may by order provide for persons of a description connected to Gibraltar (including any description of persons who are disqualified for membership of the Gibraltar House of Assembly) to be disqualified from the office of MEP.
- (4B) The Secretary of State must consult the Electoral Commission before making an order under subsection (4A).]
- (5) A person who—
- (a) is a citizen of the European Union, and
  - (b) is not a Commonwealth citizen or a citizen of the Republic of Ireland,
- is disqualified for the office of MEP if he is disqualified for that office through a criminal law or civil law decision under the law of the member state of which he is a national (and in this subsection “criminal law or civil law decision” has the same meaning as in Council Directive 93/109/EC).
- (6) If a person who is returned as an MEP for an electoral region under section 2, 3 or 5—
- (a) is disqualified under this section for the office of MEP, or
  - (b) is disqualified under this section for the office of MEP for that region,
- his return is void and his seat vacant.
- (7) If an MEP becomes disqualified under this section for the office of MEP or for the office of MEP for the electoral region for which he was returned, his seat is to be vacated.
- (8) Subsection (1) is without prejudice to Article 6(1) of the Act annexed to Council Decision 76/787 (incompatibility of office of MEP with certain offices in or connected with Community institutions).

#### Textual Amendments

- F7** Words in s. 10(3) inserted (7.1.2004 for certain purposes, otherwise 5.2.2004) by [European Parliament \(Representation\) Act 2003 \(c. 7\)](#), [ss. 21\(1\)\(a\)](#), 28(3)(4); S.I. 2004/24, [art. 2\(a\)\(i\)](#); S.I. 2004/320, [art. 2\(a\)\(i\)](#)
- F8** S. 10(4A)(4B) inserted (7.1.2004 for certain purposes, otherwise 5.2.2004) by [European Parliament \(Representation\) Act 2003 \(c. 7\)](#), [ss. 21\(1\)\(b\)](#), 28(3)(4); S.I. 2004/24, [art. 2\(a\)\(i\)](#); S.I. 2004/320, [art. 2\(a\)\(i\)](#)

## 11 Judicial determination of disqualification

- (1) Any person may apply to the appropriate court for a declaration or (in Scotland) declarator that a person who purports to be an MEP for a particular electoral region—
- (a) is disqualified under section 10 (whether generally or for that region), or
  - (b) was so disqualified at the time when, or at some time since, he was returned as an MEP under section 2, 3 or 5.
- (2) For the purposes of subsection (1), the appropriate court is—
- (a) the High Court, if the electoral region concerned is in England, or is Wales,



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- (b) the Court of Session, if the electoral region concerned is Scotland, or
  - (c) the High Court of Justice in Northern Ireland, if the electoral region concerned is Northern Ireland.
- (3) The decision of the court on an application under this section is final.
- (4) On an application under this section—
- (a) the person in respect of whom the application is made is to be the respondent or (in Scotland) the defender, and
  - (b) the applicant must give such security for the costs or expenses of the proceedings, not exceeding £5000, as the court may direct.
- (5) The Secretary of State may by order
- [<sup>F9</sup>(a)] substitute another figure for the figure in subsection (4)(b).
  - [<sup>F10</sup>; and
  - (b) prescribe a different figure for applications where the electoral region concerned is the combined region.]
- (6) No declaration or declarator is to be made under this section in respect of any person on grounds which subsisted at the time of his election if there is pending, or has been tried, an election petition in which his disqualification on those grounds is, or was, in issue.
- (7) Any declaration or declarator made by the court on an application under this section must be certified in writing to the Secretary of State immediately by the court.

#### Textual Amendments

- F9** S. 11(5): "(a)" inserted (7.1.2004 for certain purposes, otherwise prosp.) by [European Parliament \(Representation\) Act 2003 \(c. 7\), ss. 21\(2\), 28\(3\)\(4\); S.I. 2004/24, art. 2\(a\)\(i\)](#)
- F10** S. 11(5)(b) and word inserted (7.1.2004 for certain purposes, otherwise prosp.) by [European Parliament \(Representation\) Act 2003 \(c. 7\), ss. 21\(2\), 28\(3\)\(4\); S.I. 2004/24, art. 2\(a\)\(i\)](#)

### *European Parliament*

## 12 Ratification of treaties

- (1) No treaty which provides for any increase in the powers of the European Parliament is to be ratified by the United Kingdom unless it has been approved by an Act of Parliament.
- (2) In this section “treaty” includes—
- (a) any international agreement, and
  - (b) any protocol or annex to a treaty or international agreement.

### *Supplementary*

## 13 Regulations and orders

- (1) Regulations and orders made under this Act must be made by statutory instrument.

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- (2) No regulations may be made under this Act unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House of Parliament.
- (3) A statutory instrument containing an order under—
- (a) section 10(2)(d) or 11(5),<sup>F11</sup> . . .
  - (b) <sup>F11</sup> . . . . .
- is subject to annulment in pursuance of a resolution of either House of Parliament.
- [<sup>F12</sup>(3A) An order under section 10(4A) may not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.
- (3B) Subsection (3A) does not apply if it appears to the [<sup>F13</sup>Secretary of State] that by reason of urgency the order should be made without being approved in draft.
- (3C) Where an order is made without being approved in draft, by virtue of subsection (3A)
- (a) it must be laid before Parliament after being made; and
  - (b) if it is not approved by a resolution of each House of Parliament within the period of 40 days after the date on which it is made, the order shall cease to have effect at the end of that period.]
- (4) A statutory instrument containing an order under section 4 or 5(3) is to be laid before Parliament after being made.

#### Textual Amendments

- F11** S. 13(3)(b) and the preceding word "or" inserted (8.5.2003) by [European Parliament \(Representation\) Act 2003 \(c. 7\), ss. 8\(2\), 28\(3\)](#)
- F12** S. 13(3A)-(3C) inserted (7.1.2004 for certain purposes, otherwise 5.2.2004) by [European Parliament \(Representation\) Act 2003 \(c. 7\), ss. 21\(3\), 28\(3\)\(4\)](#); S.I. 2004/24, [art. 2\(a\)\(i\)](#); S.I. 2004/320, [art. 2\(a\)\(i\)](#)
- F13** Words "in the inserted section 13(3B)" substituted (19.8.2003) by virtue of [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), arts. 1(2), 9, [Sch. 2 para. 15\(1\)\(b\)](#)

#### 14 Transitional provisions

Schedule 2 (transitional provisions) has effect.

#### 15 Consequential amendments

Schedule 3 (consequential amendments) has effect.

#### 16 Repeals and revocation

The enactments and instrument specified in Schedule 4 are repealed or revoked to the extent specified.

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## General

### 16A Functions of the Lord Chancellor

F14 .....

#### Textual Amendments

F14 S. 16A repealed (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), arts. 1(2), 9, Sch. 2 para. 14

### 17 Interpretation

In this Act—

“enactment” includes an enactment contained in—

- (a) an Act of the Parliament of Northern Ireland,
- (b) an Order in Council made under the Northern Ireland (Temporary Provisions) Act 1972 (c. 22), or
- (c) a Measure of the Northern Ireland Assembly;

“the Act annexed to Council Decision 76/787” is the Act concerning the election of MEPs annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20th September 1976;

“citizen of the European Union” is to be determined in accordance with Article 17.1 of the Treaty establishing the European Community.

[<sup>F15</sup>“combined region” means the electoral region which includes Gibraltar.]

#### Textual Amendments

F15 Words in s. 17 inserted (7.1.2004 for certain purposes, otherwise 5.2.2004) for words by European Parliament (Representation) Act 2003 (c. 7), ss. 20(5), 28(3)(4); S.I. 2004/24, art. 2(a)(i); S.I. 2004/320, art. 2(a)(i)

### 18 Short title and commencement

- (1) This Act may be cited as the European Parliamentary Elections Act 2002.
- (2) This Act comes into force at the end of the period of 3 months beginning with the day on which it is passed.

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# SCHEDULES

## SCHEDULE 1

Section 1.

### ELECTORAL REGIONS IN ENGLAND

(<sup>F16</sup>) The electoral regions in England are listed in column (1) of the Table below and comprise the areas specified in column (2) of the Table.)

**Textual Amendments**

**F16** Sch. 1 para. 1 substituted (8.5.2003) for Sch. 1 para. 1 and heading by [European Parliament \(Representation\) Act 2003 \(c. 7\), ss. 8\(3\)\(a\), 28\(3\)\(4\)](#)

- 2 (1) A reference [<sup>F17</sup>to an area specified in column (2) of the Table] is a reference to that area as it is for the time being.
- (2) But where an area specified in column (2) of the Table is altered, the alteration does 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.

**Textual Amendments**

**F17** Words in Sch. 1 para. 2(1) substituted (8.5.2003) by [European Parliament \(Representation\) Act 2003 \(c. 7\), ss. 8\(3\)\(b\), 28\(3\)\(4\)](#)

<sup>F18</sup> . . .

3 <sup>F18</sup> . . . . .

**Textual Amendments**

**F18** Sch. 1 paras. 3, 4, the preceding heading and column (3) of the Table repealed (8.5.2003) by [European Parliament \(Representation\) Act 2003 \(c. 7\), ss. 8\(3\)\(c\), 28\(3\)\(4\)](#)

<sup>F19</sup>4

(1)	(2)	(3)
<i>Name of Region</i>	<i>Area Included</i>	F19 ..... F19

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East Midlands	County of Derby	F19
	County of Derbyshire	.....
	County of Leicester	.....
	County of Leicestershire	.....
	County of Lincolnshire	.....
	County of Northamptonshire	.....
	County of Nottingham	.....
	County of Nottinghamshire	.....
	County of Rutland	.....
Eastern	County of Bedfordshire	F19
	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	.....
County of Thurrock	.....	
London	Greater London	F19
North East	County of Darlington	F19
	County of Durham	.....
	County of Hartlepool	.....
	County of Middlesbrough	.....
	County of Northumberland	.....
	County of Redcar and Cleveland	.....
	County of Stockton-on-Tees	.....
	County of Tyne and Wear	.....
North West	County of Blackburn with Darwen	F19
	County of Blackpool	.....
	County of Cheshire	.....
	County of Cumbria	.....
	County of Greater Manchester	.....
	County of Halton	.....
	County of Lancashire	.....
County of Merseyside	.....	
County of Warrington	.....	
South East	County of Berkshire	F19

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	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	
South West	County of Bath and North East Somerset	F19
	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	
West Midlands	County of Herefordshire	F19
	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	
Yorkshire and the Humber	County of the City of Kingston upon Hull	F19
	County of the East Riding of Yorkshire	.....
	County of North East Lincolnshire	

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County of North  
Lincolnshire  
County of North  
Yorkshire  
County of South  
Yorkshire  
County of West Yorkshire  
County of York

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**Textual Amendments**

**F19** Sch. 1 paras. 3, 4, the preceding heading and column (3) of the Table repealed (8.5.2003) by [European Parliament \(Representation\) Act 2003 \(c. 7\)](#), ss. **8(3)(c)**, 28(3)(4)

[<sup>F20</sup>SCHEDULE 1A

PERIODIC REVIEWS OF DISTRIBUTION OF MEPS

**Textual Amendments**

**F20** Sch. 1A inserted (8.5.2003) by [European Parliament \(Representation\) Act 2003 \(c. 7\)](#), ss. 7(2), 28(3)(4), Sch.

*Electoral Commission review and recommendation*

- 1
- (1) As soon as possible after 1st May in a pre-election year the Electoral Commission (“the Commission”) must, subject to paragraph 2—
    - (a) carry out a review (“the periodic review”) of the distribution of MEPs between the electoral regions; and
    - (b) report its conclusions to the Secretary of State.
  - (2) In carrying out the periodic review the Commission must consider whether (assuming that each region is entitled to be allocated at least three MEPs) the ratio of electors to MEPs is as nearly as possible the same for every electoral region.
  - (3) If the Commission concludes that the result mentioned in sub-paragraph (2) is not achieved by the current distribution of MEPs, it must include in its report a recommendation specifying a distribution that would achieve that result.
  - (4) The report must be published by the Commission and laid before Parliament by the Secretary of State.

*Exclusion or suspension of duties under paragraph 1*

- 2
- (1) The Commission may not take any step (or further step) under paragraph 1 if a 2003 Act order is made or a suspension notice is given to the Commission—
    - (a) within the period of 12 months ending with 1st May in the pre-election year in question or,

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- (b) after the end of that period but before the Commission makes its report, unless and until the duties under paragraph 1 revive by virtue of sub-paragraph (2).
- (2) If the Secretary of State withdraws a suspension notice more than nine months before the date of the poll for the next general election of MEPs, the duties under paragraph 1 revive (but subject again to this paragraph).
- (3) In this Schedule—
  - “2003 Act order” means an order under section 5 of the European Parliament (Representation) Act 2003 (orders implementing changes in the number of United Kingdom MEPs) which takes effect in relation to the next general election of MEPs after it is made; and
  - “suspension notice” means a notice stating that the Secretary of State considers it likely that a 2003 Act order will be made before the next general election of MEPs.

*Implementation of Electoral Commission recommendation*

- 3
- (1) Where a recommendation under paragraph 1(3) is made to him, the Secretary of State must—
    - (a) lay before Parliament a draft of an order giving effect to the recommendation by amending any of the numbers specified in section 1(3); and
    - (b) if the draft is approved by resolution of each House, make an order in the terms of the draft.
  - (2) An order under this paragraph may make consequential, transitional or saving provision.
  - (3) Provision made under sub-paragraph (2) may modify any enactment.
  - (4) The Secretary of State must consult the Commission before laying an order under this paragraph before Parliament.
  - (5) This paragraph has effect subject to paragraphs 4 and 5.

*Implementation of Electoral Commission recommendation*

- 4
- (1) If a motion for the approval of a draft of an order under paragraph 3 is rejected by either House or withdrawn by leave of the House, the Secretary of State may, after consulting the Commission, alter the draft order and lay it before Parliament for approval.
  - (2) But the Secretary of State may not, without the consent of the Commission, alter a draft order so as to propose a distribution of MEPs other than that recommended under paragraph 1(3).
  - (3) The Commission may not give its consent under sub-paragraph (2) unless it is satisfied that the distribution of MEPs could have been recommended under paragraph 1(3).
  - (4) If an altered draft order is approved by both Houses the Secretary of State must make an order under paragraph 3 in the terms of the altered draft.
  - (5) This paragraph has effect subject to paragraph 5.



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*Exclusion or suspension of duties and powers under paragraph 3 or 4*

- 5
- (1) The Secretary of State may not take any step (or further step) under paragraph 3 or 4 if a 2003 Act order is made before he would otherwise have taken it.
  - (2) Subject to that, the Secretary of State is not required to take any step (or further step) under paragraph 3 or 4 if and so long as he is of the opinion that it is likely that a 2003 Act order will be made before the next general election of MEPs.
  - (3) But if he ceases to be of that opinion, the Secretary of State—
    - (a) may not make an order under paragraph 3 on or after the relevant day; and
    - (b) is not required to take any other step under paragraph 3 or 4 if he does not consider that it will be practicable to make an order under paragraph 3 before the relevant day.
  - (4) In sub-paragraph (3) “the relevant day” means the first day of the period of four months ending with the day on which the poll for the next general election of MEPs is to be held.

*Supplementary]*

- 6
- (1) In this Schedule—
    - “general election of MEPs” means an election required to be held in the United Kingdom by virtue of Article 10(2) of the Act annexed to Council Decision 76/787;
    - “pre-election year” means a year (including 2003) which immediately precedes a year in which a general election of MEPs is to be held; and
    - “relevant register” means—
      - (a) a register of parliamentary electors;
      - (b) a register of local government electors;
      - (c) a register of peers maintained under section 3 of the Representation of the People Act 1985 (c. 50) (peers resident outside the United Kingdom); and
      - (d) a register maintained under regulation 5 of the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 (SI 2001/1184) (citizens of the European Union other than Commonwealth and Republic of Ireland citizens).
  - (2) For the purposes of paragraph 1(2) a person is an “elector”, in relation to an electoral region, if his name appears on 1st May in the pre-election year concerned in (or in any part of) a relevant register which relates to the region.
  - (3) In calculating the total number of electors for any electoral region—
    - (a) persons who are registered but have not attained the age of 18 are to be counted as electors;
    - (b) a citizen of the European Union (not being a Commonwealth citizen or a citizen of the Republic of Ireland) who is registered only for the purposes of local government elections is to be disregarded; and

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- (c) the Electoral Commission may assume that each relevant register is accurate and that names appearing more than once on registers (or parts of registers) which relate to an electoral region are the names of different electors.

## SCHEDULE 2

Section 14.

### TRANSITIONAL PROVISIONS

- 1 The repeal and re-enactment of provisions in this Act does not affect the continuity of the law.
- 2 Anything done, or having effect as if done, under or for the purposes of a provision repealed by this Act (including subordinate legislation so made or having effect as if so made), and in force or effective immediately before the commencement of this Act, has effect after that commencement as if done under or for the purposes of the corresponding provision of this Act.
- 3 A reference, express or implied, in this Act, another enactment or an instrument or document, to a provision of this Act is, subject to its context, to be read as being or including a reference to the corresponding provision repealed by this Act, in relation to times, circumstances or purposes in relation to which the repealed provision had effect.
- 4 (1) A reference, express or implied, in any enactment, instrument or document, to a provision repealed by this Act is, subject to its context, to be read as being or including a reference to the corresponding provision of this Act, in relation to times, circumstances or purposes in relation to which that provision has effect.
- (2) In particular, where a power conferred by an Act is expressed to be exercisable in relation to enactments contained in Acts passed before or in the same Session as the Act conferring the power, the power is also exercisable in relation to provisions of this Act that reproduce such enactments.
- 5 Paragraphs 1 to 4 have effect in place of section 17(2) of the Interpretation Act 1978 (c. 30) (but are without prejudice to any other provision of that Act).

## SCHEDULE 3

Section 15.

### CONSEQUENTIAL AMENDMENTS

#### *European Communities Act 1972 (c.68)*

- 1 In section 1(2) of the European Communities Act 1972 (interpretation) in the definition of “the Treaties”, and “the Community Treaties”, after paragraph (k) there is to continue to be inserted—
- “and
- (l) the decision, of 1st February 1993, of the Council amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage annexed to Council Decision [76/787/ECSC](#), EEC, Euratom of 20th September 1976.”

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*Juries Act 1974 (c. 23)*

- 2 In Part 3 of Schedule 1 to the Juries Act 1974 (persons excused from jury service in England and Wales) (as amended by section 3(1) of the European Communities (Amendment) Act 1986 (c. 58)), for “Representatives to the European Parliament” and the preceding heading substitute—

*“European Parliament*

Members of the European Parliament.”

*Juries (Northern Ireland) Order 1974 (S.I. 1974/2143)*

- 3 In Schedule 2 to the Juries (Northern Ireland) Order 1974 (exemptions from jury service in Northern Ireland) (as amended by section 3(1) of the European Communities (Amendment) Act 1986), for “Representatives to the European Parliament” and the preceding heading substitute—

*“European Parliament*

Members of the European Parliament.”

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

- 4 In the European Parliament (Pay and Pensions) Act 1979, in—  
(a) section 3(1) (resettlement grants),  
(b) section 7(2) (expenses: Northern Ireland), and  
(c) section 8(1) (interpretation),  
for “constituency” and “a constituency”, in each place, there is to continue to be substituted “electoral region” and “an electoral region”.

*Broadcasting Act 1996 (c.55)*

- 5 In paragraph 30 of Schedule 10 to the Broadcasting Act 1996 (minor and consequential amendments), for “paragraph 2 of Schedule 1 to the European Parliamentary Elections Act 1978” substitute “section 7 of the European Parliamentary Elections Act 2002”.

*Government of Wales Act 1998 (c.38)*

- 6 In section 11(3)(a) of the Government of Wales Act 1998 (power to make provision about elections etc.), for “the European Parliamentary Elections Act 1978” substitute “the European Parliamentary Elections Act 2002”.

*Scotland Act 1998 (c.46)*

- 7 (1) The Scotland Act 1998 is amended as follows.  
(2) In section 12(4)(a) (power to make provision about elections), for “the European Parliamentary Elections Act 1978” substitute “the European Parliamentary Elections Act 2002”.

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- (3) In Section B3 of Part 2 of Schedule 5 (reserved matters), for paragraph (a) substitute—  
“(a) the European Parliamentary Elections Act 2002.”

*Political Parties, Elections and Referendums Act 2000 (c.41)*

- 8 (1) The Political Parties, Elections and Referendums Act 2000 is amended as follows.
- (2) In section 7(2)—
- (a) in paragraph (a) (consultation of Electoral Commission), for the words from “paragraph” to “elections)” substitute “ the European Parliamentary Elections Act 2002 ”, and
- (b) in paragraph (b) (designation of returning officers), for “paragraph 4(1)(a) or (b) of that Schedule” substitute “ section 6(2)(b) or (3)(b) of that Act ”.
- (3) In section 8(3)(c) (functions of Secretary of State exercisable only on recommendation of Electoral Commission), for the words from “paragraph” to “1978” substitute “ section 7(2)(a) of the European Parliamentary Elections Act 2002 ”.

SCHEDULE 4

Section 16.

REPEALS AND REVOCATIONS

<i>Enactment</i>	<i>Extent of repeal or revocation</i>
European Parliamentary Elections Act 1978 (c. 10)	The whole Act.
Representation of the People Act 1983 ( c. 2)	In Schedule 8, paragraphs 21 to 23.
Welsh Language Act 1993 (c. 38)	Section 35(3).
European Parliamentary Elections Act 1993 (c. 41)	Section 3.
European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994 (S.I.1994/342)	Regulation 3.
European Parliamentary Elections Act 1999 ( c. 1)	The whole Act.
Representation of the People Act 2000 ( c. 2)	In Schedule 6, paragraph 2.
Political Parties, Elections and Referendums Act 2000 (c. 41)	Section 142. In Schedule 21, paragraph 5.
House of Commons (Removal of Clergy Disqualification) Act 2001 (c. 13 )	In Schedule 1, paragraph 2.
The European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 (S.I.2001/1184)	Regulation 11(a).

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## TABLE OF ORIGINS

### Notes:

1 This Table shows the origin of the provisions of the Act.

2 The following abbreviations are used in the Table:—

#### *Acts of Parliament*

1978 = European Parliamentary Elections Act 1978 (c. 10) (formerly known as the European Assembly Elections Act 1978 (c. 10))

1999 = European Parliamentary Elections Act 1999 (c. 1)

#### *Subordinate Legislation*

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

### PROSPECTIVE

3 The Table does not separately acknowledge the provisions of section 3 of the European Communities (Amendment) Act 1986 (c. 58) by virtue of which references to the European Parliament were substituted for references to the Assembly of the European Communities.

### PROSPECTIVE

4 Where the Act incorporates the effect of subordinate legislation, the Table gives the relevant provision of the subordinate instrument but does not refer to the statutory provision under which the instrument was made.

<i>Provision</i>	<i>Origin</i>
1(1)	1978 s. 1, 2(2), (3); 1999 s. 1.
(2)	1978 s. 2(4); 1999 s. 1.
(3)	1978 s. 2(5); 1999 s. 1.
2(1)	1978 s. 3(1); 1999 s. 1.
(2)	1978 Sch. 1 para. 2(3B); 1999 s. 1, Sch. 2 para. 6.
(3)	1978 s. 3(1); 1999 s. 1.
(4) to (9)	1978 s. 3(2) to (7); 1999 s. 1.
(10)	1978 s. 3(8)(a); Registration of Political Parties Act 1998 (c. 48) Sch. 3 para. 1; 1999 s. 1; Political Parties, Elections and Referendums Act 2000 (c. 41) Sch. 21 para. 5(2).
3	1978 s. 3A; 1999 s. 1.

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4	1978 s. 3D(1); 1999 s. 1.
5	1978 Sch. 1 para. 3(1) to (3); 1999 Sch. 2 para. 8.
6(1) to (4)	1978 Sch. 1 para. 4(1); 1999 Sch. 2 para. 9.
(5)	1978 Sch. 1 para. 4(2); 1999 Sch. 2 para. 9.
(6)	1978 s. 7(1)(a) and (aa); 1999 s. 4.
(7) and (8)	1978 Sch. 1 para. 4(3) and (4); 1999 Sch. 2 para. 9.
7(1)	1978 Sch. 1 para. 2(3); 1999 Sch. 2 para. 5.
(2)	1978 Sch. 1 para. 2(3A); 1999 Sch. 2 para. 6; Political Parties, Elections and Referendums Act 2000 (c. 41) Sch. 21 para. 5(3).
(3)	1978 Sch. 1 para. 2(4)(a).
(4)	1978 Sch. 1 para. 2(4)(b).
(5)	1978 Sch. 1 para. 2(5); Welsh Language Act 1993 (c. 38) s. 35(3).
8	1978 s. 3C; 1999 s. 1; European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 (S.I. 2001/1184), reg. 11(a).
9(1)	1978 ss. 4(1) and 8(2)(a).
(2)	1978 s. 4(1); 1999 Sch. 3 para. 1.
(3)	1978 s. 4(2); Representation of the People Act 1983 (c. 2) Sch. 8 para. 21(a) and (b).
(4)	1978 s. 4(2); Representation of the People Act 1983 (c. 2) Sch. 8 para. 21(c) and (d).
10(1)	1978 Sch. 1 para. 5(1); 1999 Sch. 2 para. 10(a).
(2)	1978 Sch. 1 para. 5(3)(a) to (d); 1999 Sch. 2 para. 10(a); House of Commons (Removal of Clergy Disqualification) Act 2001 (c. 13), Sch. 1 para. 2.
(3)	1978 Sch. 1 para. 5(3)(e); S.I. 1994/342 reg. 3(2); 1999 Sch. 2 para. 10(a).

## TABLE OF ORIGINS

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(4)	1978 Sch. 1 para. 5(2); 1999 Sch. 2 para. 10(a), (b).
(5)	1978 Sch. 1 para. 5(2A) and (2B); S.I. 1994/342 reg. 3(1); 1999 Sch. 2 para. 10(a).
(6)	1978 Sch. 1 para. 5(4) and (4A); 1999 Sch. 2 para. 10(c); Political Parties, Elections and Referendums Act 2000 (c. 41) s. 142(2).
(7)	1978 Sch. 1 para. 5(5); 1999 Sch. 2 para. 10(a), (b) and (d).
(8)	1978 Sch. 1 para. 5(1) and s. 8(2)(a).
11(1)	1978 Sch. 1 para. 6(1) and (5) (“disqualified”); 1999 Sch. 2 para. 11(2) and (4); Political Parties, Elections and Referendums Act 2000 (c. 41)s. 142(3).
(2)	1978 Sch. 1 para. 6(5) (court); 1999 Sch. 2 para. 11(4).
(3)	1978 Sch. 1 para. 6(1A); 1999 Sch. 2 para. 11(2).
(4)	1978 Sch. 1 para. 6(2); 1999 Sch. 2 para. 11(3).
(5)	1978 Sch. 1 para. 6(6); 1999 Sch. 2 para. 11(5).
(6)	1978 Sch. 1 para. 6(3).
(7)	1978 Sch. 1 para. 6(4).
12	1978 s. 6.
13(1)	1978 s. 9(2).
(2)	1978 Sch. 1 para. 2(6).
(3)(a)	1978 Sch. 1 paras. 5(6), 6(7); 1999 Sch. 2 para. 11(5).
(3)(b)	1978 Sch. 2 para. 4(7); 1999 Sch. 1.
(4)	1978 s. 3D(2) and Sch. 1 para. 3(4); 1999 s. 1 and Sch. 2 para. 8.
14	
15	
16	
17	“enactment”: 1978 s. 8(2)(b) “Act annexed to Council Decision 76/787”: 1978 s. 8(2)(a)

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	“citizen of the European Union”: 1978 Sch. 1 para. 5(2A) and (3)(e); 1994/342 reg. 3.
18	
Sch. 1	
paras. 1 to 3	1978 Sch. 2 paras. 1 to 3; 1999 Sch. 1.
para. 4(1)	1978 Sch. 2 para. 4(5A); 1999 Sch. 1; Representation of the People Act 2000 (c. 2) Sch. 6 para. 2(4).
(2)	1978 Sch. 2 para. 4(1), (3) and (4); 1999 Sch. 1; Representation of the People Act 2000 (c. 2) Sch. 6 para. 2(2) and (3).
(3)	1978 Sch. 2 para. 4(4)(a) and (b), (5A); Representation of the People Act 1983 (c. 2)s. 202(1) and Local Government Elections (Changes to the Franchise and Qualification of Members) Regulations 1995 (S.I. 1995/1948) reg. 4(2); 1999 Sch. 1; Representation of the People Act 2000 (c. 2) Sch. 6 para. 2(4).
(4)	1978 Sch. 2 para. 4(2); 1999 Sch.1.
(5)	1978 Sch. 2 para. 4(6), s. 8(2)(a); 1999 Sch. 1.
(6)	1978 Sch. 2 para. 4(5); 1999 Sch. 1. Paragraph 9 of 1994/342 was repealed and replaced by the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 (S.I. 2001/1184). The cross-reference is therefore to the relevant provision of those regulations.
Table	1978 Sch. 2 Table; 1999 Sch. 1.
Sch. 2	
Sch. 3	
para. 1	European Parliamentary Elections Act 1993 (c. 41) s. 3(2).
paras. 2 and 3	1978 s. 5(1).
para. 4	1999 Sch. 3 para. 2.
paras. 5 to 8	
Sch. 4	



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