



# European Parliamentary Elections Act 2002

## 2002 CHAPTER 24

### *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);
  - (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.