
STATUTORY INSTRUMENTS

1994 No. 342

**The European Parliamentary Elections
(Changes to the Franchise and Qualification
of Representatives) Regulations 1994**

PART II

**CHANGES TO THE QUALIFICATION OF REPRESENTATIVES AND
ASSOCIATED AMENDMENTS ABOUT CITIZENS OF THE UNION**

Amendments to paragraph 5 of Schedule 1 to the Act of 1978

3.—(1) After paragraph 5(2) of Schedule 1 to the Act of 1978 (disqualification for office of representative to the European Parliament) there shall be inserted the following sub-paragraphs—

“(2A) A citizen of the Union, determined in accordance with article 8.1 of the Treaty establishing the European Community (as amended by Title II of the Treaty on European Union), who is not a Commonwealth citizen or citizen of the Republic of Ireland is disqualified under this paragraph for the office of representative to the European Parliament 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.

(2B) In sub-paragraph (2A) above “a criminal law or civil law decision” has the same meaning as it has in the directive of the Council of the European Communities No.93/109/EC.”.

(2) In paragraph 5(3) of Schedule 1 to the Act of 1978 (exceptions to the disqualification for office of representative to the European Parliament that would otherwise apply by virtue of paragraph 5(1)), after paragraph (d) there shall be inserted the following: “or

- (e) that he is disqualified under section 3 of the Act of Settlement⁽¹⁾ (disqualification for membership of either House of Parliament of persons born out of the Kingdoms of England, Scotland or Ireland or the dominions thereunto belonging except those who are Commonwealth citizens or citizens of the Republic of Ireland), provided that he is a citizen of the Union, determined in accordance with article 8.1 of the Treaty establishing the European Community (as amended by Title II of the Treaty on European Union), who is resident in the United Kingdom.”.

Offence of standing as a candidate in more than one Member State

4.—(1) If a person, on any occasion when under article 9 of the Act concerning the election of representatives of the European Parliament by direct universal suffrage annexed to the Council decision 76/787/ECSC, EEC, Euratom of 20th September 1976 elections to the European Parliament are held in all Member States, stands as a candidate at such an election in the United Kingdom and in any other Member State, he shall be guilty of an offence.

(1) 12 & 13 Will. 3 c.2, as amended by Schedule 7 to the British Nationality Act 1981 (c. 61).

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(2) An offence under this regulation shall be an illegal practice within the meaning of the Act of 1983, and the provisions of that Act which relate to illegal practices, as applied by regulations under the Act of 1978, shall accordingly have effect in relation to any such offence.

(3) For the purpose of paragraph (1) above, a person is not to be treated as standing as a candidate unless he has agreed (in the United Kingdom, by giving his consent to nomination as a candidate) to do so.

Amendments about candidates etc. to European Parliamentary Elections Regulations 1986

5.—(1) In regulation 4 of the European Regulations (interpretation of those Regulations and of provisions applied by them) —

(a) before the definition of “day of the poll” there shall be inserted—

““citizen of the Union” shall be construed in accordance with article 8.1 of the Treaty establishing the European Community (as amended by Title II of the Treaty on European Union) and “relevant citizen of the Union” means such a citizen who is not a Commonwealth citizen or citizen of the Republic of Ireland;”;

(b) before the definition of “representative” there shall be inserted—

““Regulations of 1994” means the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994;”.

(2) After regulation 7 of the European Regulations there shall be inserted:

“Punishment of false statement in declaration under rule 8(5) of elections rules

8.—(1) A person who makes a statement which he knows to be false in the declaration required by rule 8(5) of the elections rules (as inserted by the Regulations of 1994) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) The provisions of Part III of the Act of 1983 relating to the prosecution of offences, as applied by regulation 5 of, and Schedule 1 to, these Regulations, shall have effect in relation to an offence under this regulation as if it were an offence under the Act of 1983, as so applied.”.

(3) There shall be inserted the following modification of section 178 of the Act of 1983(2) (prosecution of offences committed outside the United Kingdom), as applied by the left-hand column of Schedule 1 to the European Regulations (application with modifications of provisions of the Representation of the People Acts 1983 and 1985 for the purposes of European Parliamentary elections), in the right-hand column of that Schedule:

“For the words “Republic of Ireland” there shall be substituted “Union”.”.

(4) There shall be inserted the following modification of rule 8 (consent to nomination) of the elections rules in Schedule 1 to the Act of 1983, as applied by the left-hand column of Schedule 1 to the European Regulations, after the existing modification in the right-hand column of that Schedule:

“At the end of the rule there shall be added the following paragraphs:

“(4) Where the candidate is a relevant citizen of the Union, he shall not be validly nominated unless, in addition to his consent to nomination, a declaration under paragraph (5) below and a certificate under paragraph (6) below are delivered at the place and within the time for the delivery of nomination papers.

(2) Section 178 has been substituted by Schedule 4 to the Representation of the People Act 1985.

(5) The declaration referred to in paragraph (4) above must be made by or on behalf of the candidate and state, in addition to his name:

- (a) his nationality;
- (b) his home address in the United Kingdom in full;
- (c) that he is not standing as a candidate for election to the European Parliament in any other Member State at elections held in the same period; and
- (d) where his name has been entered in a register of electors in a locality or constituency in the Member State of which he is a national, the name of the locality or constituency where, so far as he knows, his name was last so entered.

(6) The certificate referred to in paragraph (4) above must be made by the competent administrative authorities in the Member State of which the candidate is a national stating either that he has not been deprived of his right to stand as a candidate in that State or that no such disqualification is known to those authorities.

(7) As soon as practicable after publication of the statement of persons nominated, the returning officer shall send to the Secretary of State a copy of the declaration made under paragraph (5) above by any candidate who stands nominated.

(8) In this rule “locality or constituency” and “competent administrative authorities” have the same meaning as they have in the directive of the Council of the European Communities No. [93/109/EC](#).”

(5) There shall be inserted the following modification of rule 12 (decisions as to the validity of nomination papers) of the elections rules in Schedule 1 to the Act of 1983, as applied by the left-hand column of Schedule 1 to the European Regulations, before the existing modification in the right-hand column of that Schedule:

“In paragraph (1) after the words “consent to it” there shall be inserted “(and, where required, a declaration and certificate under rule 8(5) and (6) above)”.”

Amendments about candidates etc. to European Parliamentary Elections (Northern Ireland) Regulations 1986

6.—(1) In regulation 4 of the European (Northern Ireland) Regulations (interpretation of those Regulations and of provisions applied by them)

- (a) before the definition of “day of the poll” there shall be inserted:

““citizen of the Union” shall be construed in accordance with article 8.1 of the Treaty establishing the European Community (as amended by Title II of the Treaty on European Union) and “relevant citizen of the Union” means such a citizen who is not a Commonwealth citizen or citizen of the Republic of Ireland;”;

- (b) before the definition of “representative” there shall be inserted:

““Regulations of 1994” means the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994;”.

- (2) After regulation 6 of the European (Northern Ireland) Regulations there shall be inserted:

“Punishment of false statement in declaration under rule 8(5) of elections rules

7.—(1) A person who makes a statement which he knows to be false in the declaration required by rule 8(5) of the elections rules (as inserted by the Regulations of 1994) is guilty of

an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) The provisions of Part III of the Act of 1983 relating to the prosecution of offences, as applied by regulation 5 of, and Schedule 1 to, these Regulations, shall have effect in relation to an offence under this regulation as if it were an offence under the Act of 1983, as so applied.”.

(3) There shall be inserted the following modification of section 178 of the Act of 1983 (prosecution of offences committed outside the United Kingdom), as applied by the left-hand column of Schedule 1 to the European (Northern Ireland) Regulations (application with modifications of provisions of the Representation of the People Acts 1983 and 1985 for the purposes of European Parliamentary elections), in the right-hand column of that Schedule:

“For the words “Republic of Ireland” there shall be substituted “Union”.”.

(4) There shall be inserted the following modification of rule 8 (consent to nomination) of the elections rules in Schedule 1 to the Act of 1983, as applied by the left-hand column of Schedule 1 to the European (Northern Ireland) Regulations, after the existing modification in the right-hand column of that Schedule:

“At the end of the rule there shall be added the following paragraphs:

“(4) Where the candidate is a relevant citizen of the Union, he shall not be validly nominated unless, in addition to his consent to nomination, a declaration under paragraph (5) below and a certificate under paragraph (6) below are delivered at the place and within the time for the delivery of nomination papers.

(5) The declaration referred to in paragraph (4) above must be made by or on behalf of the candidate and state, in addition to his name:

- (a) his nationality;
- (b) his home address in the United Kingdom in full;
- (c) that he is not standing as a candidate for election to the European Parliament in any other Member State at elections held in the same period; and
- (d) where his name has been entered in a register of electors in a locality or constituency in the Member State of which he is a national, the name of the locality or constituency where, so far as he knows, his name was last so entered.

(6) The certificate referred to in paragraph (4) above must be made by the competent administrative authorities in the Member State of which the candidate is a national stating either that he has not been deprived of his right to stand as a candidate in that State or that no such disqualification is known to those authorities.

(7) As soon as practicable after publication of the statement of persons nominated, the returning officer shall send to the Secretary of State a copy of the declaration made under paragraph (5) above by any candidate who stands nominated.

(8) In this rule “locality or constituency” and “competent administrative authorities” have the same meaning as they have in the directive of the Council of the European Communities No. [93/109/EC](#).”.

(5) There shall be inserted the following modification of rule 12 (decisions as to the validity of nomination papers) of the elections rules in Schedule 1 to the Act of 1983, as applied by the left-hand column of Schedule 1 to the European (Northern Ireland) Regulations, before the existing modification in the right-hand column of that Schedule:

“In paragraph (1) after the words “consent to it” there shall be inserted “(and, where required, a declaration and certificate under rule 8(5) and (6) above)”.”.

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