

2003 No. 1557

REPRESENTATION OF THE PEOPLE

**The Local and European Parliamentary Elections
(Registration of Citizens of Accession States)
Regulations 2003**

Made - - - - - *12th June 2003*

Laid before Parliament *13th June 2003*

Coming into force - - *9th July 2003*

The Secretary of State, being the Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b), in exercise of the powers conferred on him by that provision, hereby makes the following Regulations:

Citation and interpretation

1.—(1) These Regulations may be cited as the Local and European Parliamentary Elections (Registration of Citizens of Accession States) Regulations 2003 and shall come into force on 9th July 2003.

(2) In these Regulations—

“the 1983 Act” means the Representation of the People Act 1983(c), and expressions defined in the 1983 Act shall have the same meaning in these Regulations;

“the 1989 Act” means the Elected Authorities (Northern Ireland) Act 1989(d), and expressions defined in the 1989 Act shall have the same meaning in these Regulations;

“the 2001 Franchise Regulations” means the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001(e);

“Accession State” means any of the following states—

- (a) the Czech Republic,
- (b) the Republic of Estonia,
- (c) the Republic of Cyprus,
- (d) the Republic of Latvia,
- (e) the Republic of Lithuania,
- (f) the Republic of Hungary,
- (g) the Republic of Malta,
- (h) the Republic of Poland,
- (i) the Republic of Slovenia, or
- (j) the Slovak Republic;

(a) The European Communities (Designation) (No. 3) Order 1993 (S.I. 1993/2661).
(b) 1972 c. 68.
(c) 1983 c. 2.
(d) 1989 c. 3.
(e) S.I. 2001/1184.

“citizen of an Accession State” means a national of one of the Accession States and “relevant citizen of an Accession State” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland; and

“Treaty of Athens” means the Treaty signed at Athens on 16th April 2003 concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union.

Modification of the 1983 Act

2.—(1) The provisions of the 1983 Act shall apply for the purposes of—

- (a) the registration of relevant citizens of the Accession States as local government electors before 1st May 2004,
- (b) making arrangements for persons so registered to exercise the right to vote if they become relevant citizens of the Union on 1st May 2004, and
- (c) the alteration or removal of entries on the register in relation to relevant citizens of the Accession States after that date,

subject to the following modifications.

(2) In section 4 (entitlement to registration)(a), insert after subsection (3)—

“(3A) The entry in the register of local government electors for a relevant citizen of an Accession State shall, subject to subsection (3B) below, include a mark against his name in the register consisting of the letter “Y” to indicate that he is registered as a relevant citizen of an Accession State and, before the date on which that Accession State accedes to the European Union, he shall not be treated as an elector for any purposes other than those of an election the poll for which is held on or after that date.

(3B) Where a relevant citizen of an Accession State is registered in the register of local government electors, and that State accedes to the European Union on 1st May 2004, the mark referred to in subsection (3A) above shall be removed from his entry in the register.

(3C) From 1st May 2004, no relevant citizen of an Accession State shall be entitled to be registered in the register of local government electors under subsection (3)(c) unless he has become a relevant citizen of the Union following the accession to the European Union of the Accession State of which he is a national.”.

(3) In—

- (a) section 4(3)(c);
- (b) section 7B(3)(e)(b);
- (c) section 7B(7)(a);
- (d) section 15(5)(a)(c);
- (e) section 16(e)(d); and
- (f) section 17(1)(c)(e),

for “relevant citizen of the Union” substitute in each case “relevant citizen of the Union or of an Accession State”.

(4) In section 49(f) (effect of registers), insert after subsection (5)—

“(5A) Nothing in subsection (5) shall prevent a relevant citizen of an Accession State from being excluded from voting on the ground that the Accession State of which he is a national has not acceded to the European Union.”.

(a) Section 4 was substituted by section 1(2) of the Representation of the People Act 2000 (c. 2).

(b) Section 7B was inserted by section 6 of the Representation of the People Act 2000 (c. 2).

(c) Section 15(5)(a) was amended by Schedule 2 to S.I. 1995/1948.

(d) Section 16(e) was amended by Schedule 2 to S.I. 1995/1948.

(e) Section 17(1) was substituted by paragraph 10 of Schedule 1 to the Representation of the People Act 2000 (c. 2).

(f) Section 49 was amended by paragraph 12 of Schedule 1 to the Representation of the People Act 2000 (c. 2).

(5) In section 61(1)(a) (other voting offences), for the words “For the purposes of this subsection” to the end of the subsection, substitute—

“For the purposes of this subsection, references to a person being subject to a legal incapacity to vote do not, in relation to things done before polling day at the election or first election at which or for which they are done—

- (i) include his being below voting age if he will be of voting age on that day;
- (ii) include his being a citizen of an Accession State, and therefore not entitled to vote until the Accession State in question accedes to the European Union on 1st May 2004.”.

(6) In section 62 (offences as to declarations), insert after subsection (2)—

“(3) For the purposes of subsection (1), a person shall not be treated as being subject to a legal incapacity to vote because he is a citizen of an Accession State, and therefore not entitled to vote until the Accession State in question accedes to the European Union on 1st May 2004.”.

(7) In section 202(1)(b) of the 1983 Act—

(a) there shall be inserted at the appropriate place—

““Accession State” means any of the following States—

- (a) the Czech Republic,
- (b) the Republic of Estonia,
- (c) the Republic of Cyprus,
- (d) the Republic of Latvia,
- (e) the Republic of Lithuania,
- (f) the Republic of Hungary,
- (g) the Republic of Malta,
- (h) the Republic of Poland,
- (i) the Republic of Slovenia, or
- (j) the Slovak Republic;”;

““citizen of an Accession State” means a national of one of the Accession States and “relevant citizen of an Accession State” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland”; and

(b) in the definition of “elector”, after the word “age”, insert “, or, subject to section 4(3A), those shown in the register as a relevant citizen of an Accession State,”.

Modification of the Electoral Law (Northern Ireland) Act 1962

3.—(1) Paragraph 12A (supplementary provisions about voting offences) of Schedule 9 to the Electoral Law (Northern Ireland) Act 1962,(c) shall for the purposes of—

- (a) the registration of relevant citizens of the Accession States as local electors before 1st May 2004, and
- (b) making arrangements for persons so registered to exercise the right to vote if they become relevant citizens of the Union on 1st May 2004,

apply subject to the modification in paragraph (2).

(2) In sub-paragraph (1), for the words “For the purposes of this sub-paragraph” to the end of the sub-paragraph, substitute—

“For the purposes of this sub-paragraph, references to a person being subject to a legal incapacity to vote do not, in relation to things done before polling day at the election or first election at which or for which they are done—

- (i) include his being below voting age if he will be of voting age on that day;

(a) There are amendments to section 61 which are not relevant to these Regulations.

(b) There have been a number of amendments to section 202, which are not relevant to these Regulations.

(c) 1962 c. 14 (N.I.). Paragraph 12A of Schedule 9 to the Electoral Law (Northern Ireland) Act 1962 was substituted by S.I. 1987/168, paragraph 50, Schedule 1.

- (ii) include his being a citizen of an Accession State, and therefore not entitled to vote until the Accession State in question accedes to the European Union on 1st May 2004.”.

Modification of the 1989 Act as regards the application of the 1983 Act to local elections in Northern Ireland

4. Section 2 of, and Schedule 1 to, the 1989 Act (application of provisions of Representation of the People Act 1983 to local elections in Northern Ireland) shall for the purposes of—

- (a) the registration of relevant citizens of the Accession States as local electors before 1st May 2004,
- (b) making arrangements for persons so registered to exercise the right to vote if they become relevant citizens of the Union on 1st May 2004, and
- (c) the alteration or removal of entries on the register in relation to relevant citizens of the Accession States after that date,

apply subject to the further modifications to the 1983 Act made in regulation 2 above.

Amendment of the 2001 Franchise Regulations: applications and declarations to be sent to the appointed person

5. Regulation 8 (copies of certain applications and declarations to be sent to the Secretary of State) of the 2001 Franchise Regulations shall be amended as follows—

- (a) in paragraph (1), for “Secretary of State” substitute “the person shown as the representative of the State in respect of which the applicant is a national in a direction containing a list of such representatives issued by the Lord Chancellor in accordance with paragraph (3) below”.
- (b) insert after paragraph (2)—

“(3) The Lord Chancellor shall issue directions identifying the representative for each Member State of the European Union to whom the documents referred to in paragraph (1) above are to be sent.”.

Modification of the 2001 Franchise Regulations

6. The provisions of the 2001 Franchise Regulations shall apply for the purposes of—

- (a) the registration of relevant citizens of the Accession States as European Parliamentary electors before 1st May 2004,
- (b) making arrangements for persons so registered to exercise the right to vote if they become relevant citizens of the Union on 1st May 2004, and
- (c) the alteration or removal of entries on the register in relation to relevant citizens of the Accession States after that date,

subject to the modifications made in Schedule 1 to these Regulations.

Consequential modifications

7. The provisions of the Representation of the People (England and Wales) Regulations 2001(a), the Representation of the People (Scotland) Regulations 2001(b), the Representation of the People (Northern Ireland) Regulations 2001(c), the Local Elections (Northern Ireland) Order 1985(d), the Scottish Parliament (Elections etc) Order 2002(e) and the National Assembly for Wales (Representation of the People) Order 2003(f) shall apply for the purposes of—

- (a) the registration of relevant citizens of the Accession States as local electors before 1st May 2004,
- (b) making arrangements for persons so registered to exercise the right to vote if they become relevant citizens of the Union on 1st May 2004, and

(a) S.I. 2001/341.

(b) S.I. 2001/497.

(c) S.I. 2001/400.

(d) S.I. 1985/454, amended by S.I. 1987/168.

(e) S.I. 2002/2779.

(f) S.I. 2003/284.

(c) the alteration or removal of entries on the register in relation to relevant citizens of the Accession States after that date,
subject to the modifications made in Schedule 2 to these Regulations.

Signed by authority of the First Secretary of State

12th June 2003

Nick Raynsford
Minister of State,
Office of the Deputy Prime Minister

SCHEDULE 1

Regulation 6

APPLICATION OF THE 2001 FRANCHISE REGULATIONS WITH MODIFICATIONS

Modification of the 2001 Franchise Regulations: interpretation

1.—(1) Regulation 1(2) of the 2001 Franchise Regulations (citation, interpretation and extent) is modified as follows.

(2) After the definition of “the 1983 Act” insert—

““Accession State” means any of the following states—

- (a) the Czech Republic,
- (b) the Republic of Estonia,
- (c) the Republic of Cyprus,
- (d) the Republic of Latvia,
- (e) the Republic of Lithuania,
- (f) the Republic of Hungary,
- (g) the Republic of Malta,
- (h) the Republic of Poland,
- (i) the Republic of Slovenia, or
- (j) the Slovak Republic;” and

““citizen of an Accession State” means a national of one of the Accession States and “relevant citizen of an Accession State” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;”.

Modification of the 2001 Franchise Regulations: entitlement to be registered

2. In regulation 4 of the 2001 Franchise Regulations (entitlement of relevant citizen of the Union to be registered as European parliamentary elector)—

- (a) in paragraph (1)(c), after “is a relevant citizen of the Union” insert “or, subject to paragraph (1C) below, a relevant citizen of an Accession State”.
- (b) after paragraph (1), insert—

“(1A) The entry in the register maintained under regulation 5(2) below for a relevant citizen of an Accession State shall, subject to paragraph (1B) below, include a mark against his name in the register consisting of the letter “Y” to indicate that he is registered as a relevant citizen of an Accession State and, before the date on which that State accedes to the European Union, he shall not be treated as an elector for any purposes other than those of an election the poll for which is held on or after that date.

(1B) Where a relevant citizen of an Accession State is registered in the register maintained under regulation 5(2) below, and that State accedes to the European Union on 1st May 2004, the mark referred to in paragraph (1A) above shall be removed from his entry in the register.

(1C) From 1st May 2004, no relevant citizen of an Accession State shall be entitled to be registered in the register maintained under regulation 5(2) below under paragraph (3)(c) unless he has become a relevant citizen of the Union following the accession to the European Union of the Accession State of which he is a national.”.

Modification of the 2001 Franchise Regulations: registration officers

3. In regulation 5(1) (registration officers), after “registration of relevant citizens of the Union” insert “and relevant citizens of the Accession States”.

Modification of the 2001 Franchise Regulations: application for registration

4. In regulation 6 (form of application and declaration required by regulation 4(1))—
 - (a) in paragraph (1), after “relevant citizen of the Union” insert “or of an Accession State”;
 - (b) in paragraph (2)(c), after “in the Member State” insert “or Accession State”;
 - (c) in paragraph (3), after “relevant citizens of the Union” insert “or of an Accession State”.

Modification of the 2001 Franchise Regulations: applications and declarations to be sent to the appointed person

5. In regulation 8 (copies of certain applications and declarations to be sent to the Secretary of State) as amended by regulation 5 of these Regulations—
 - (a) in paragraph (1), after “relevant citizen of the Union” insert “or of an Accession State”;
 - (b) in paragraph (2), after “relevant citizen of the union” insert “or of an Accession State”;
 - (c) in paragraph (3), after “Member State” insert “and Accession State”.

Modification of the 2001 Franchise Regulations: application of the 1983 Act

6. In regulation 9(1) (application, with modifications, of provisions of the 1983 Act and Representation of the People Regulations), after “relevant citizens of the Union” insert “and of the Accession States”.

Modification of the 2001 Franchise Regulations: removal of names from the register

7. In regulation 10 (removal of names from the register)—
 - (a) in paragraph (2), after “relevant citizen of the Union” insert “and, subject to paragraph (5) below, a relevant citizen of an Accession State”;
 - (b) in paragraph (4), substitute “Lord Chancellor” for “Secretary of State”;
 - (c) after paragraph (4), insert—

“(5) The registration officer shall remove the name of a relevant citizen of an Accession State registered in a register of electors maintained under regulation 5(2) if the Accession State of which he is a citizen does not accede to the European Union on 1st May 2004.”.

Modification of the 2001 Franchise Regulations: Schedule

- 8.—(1) The Schedule (application, with modifications, of provisions of the 1983 Act and Representation of the People Regulations) shall be modified as follows.

- (2) In Part I, in column 2, for the entry (b) relating to subsection (3) of section 63 of the 1983 Act, substitute—

“(b) for the words from “relating to” to the end, substitute “relating to the registration of relevant citizens of the Union or relevant citizens of the Accession States as European Parliamentary electors”.”.

- (3) In column 2, in the entry relating to section 202 of the 1983 Act, add the following additional definitions—

““Accession State” means any of the following states—

- (a) the Czech Republic,
- (b) the Republic of Estonia,
- (c) the Republic of Cyprus,
- (d) the Republic of Latvia,
- (e) the Republic of Lithuania,
- (f) the Republic of Hungary,
- (g) the Republic of Malta,
- (h) the Republic of Poland,
- (i) the Republic of Slovenia, or
- (j) the Slovak Republic;” and

““citizen of an Accession State” means a national of one of the Accession States and “relevant citizen of an Accession State” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;”.

(4) In column 2, for the entry relating to regulation 24 of the Representation of the People (England and Wales) Regulations 2001(a), substitute—

“In paragraph (2), for sub-paragraphs (b) to (d) substitute “(b) evidence of his status as a national of a Member State or of an Accession State or a statutory declaration as to that nationality.”.”

(5) In column 2, for the entry relating to regulation 24 of the Representation of the People (Scotland) Regulations 2001(b), substitute—

“In paragraph (2), for sub-paragraphs (b) to (d) substitute “(b) evidence of his status as a national of a Member State or of an Accession State or a statutory declaration as to that nationality.”.”

(6) In column 2, for the entry relating to regulation 24 of the Representation of the People (Northern Ireland) Regulations 2002, substitute—

“In paragraph (2), for sub-paragraphs (b) to (d) substitute “(b) evidence of his status as a national of a Member State or of an Accession State or a statutory declaration as to that nationality.”.”

SCHEDULE 2

Regulation 7

MODIFICATIONS CONSEQUENTIAL UPON THE REGISTRATION OF CITIZENS OF ACCESSION STATES AS LOCAL ELECTORS

Modification of the Representation of the People (England and Wales) Regulations 2001

1.—(1) The Representation of the People (England and Wales) Regulations 2001 shall be modified as follows.

(2) In regulation 3(e) (interpretation), there shall be inserted in the appropriate place—

““Accession State” means any of the following states—

- (a) the Czech Republic,
- (b) the Republic of Estonia,
- (c) the Republic of Cyprus,
- (d) the Republic of Latvia,
- (e) the Republic of Lithuania,
- (f) the Republic of Hungary,
- (g) the Republic of Malta,
- (h) the Republic of Poland,
- (i) the Republic of Slovenia, or
- (j) the Slovak Republic;”;

““citizen of an Accession State” means a national of one of the Accession States and “relevant citizen of an Accession State” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;” and

““Treaty of Athens” means the Treaty signed at Athens on 16th April 2003 concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union;”.

(3) In—

- (a) regulation 24(2)(d)(ii);
- (b) regulation 26(3)(b)(d); and
- (c) regulation 42(3),

for “relevant citizen of the Union” substitute in each case “relevant citizen of the Union or of an Accession State”.

(4) In regulation 33(2)—

- (i) at the end of sub-paragraph (d), omit “or”;
- (ii) insert after sub-paragraph (3)(e)—
“; or

(a) S.I. 2001/341.

(b) S.I. 2001/497.

(c) S.I. 2001/341, amended by regulations 2 and 3, S.I. 2001/1700 and regulation 5, S.I. 2002/1871.

(d) Regulation 26(3) was amended by regulation 8, S.I. 2002/1871.

(f) has been informed by the Lord Chancellor that the Accession State of which the relevant citizen is a national has not acceded to the European Union”.

(5) In regulation 71—

- (a) insert at the beginning of paragraph (2), “Subject to paragraph (3) below,”;
- (b) after paragraph (2), insert “(3) In the case of a relevant citizen of an Accession State, no postal ballot paper or declaration of identity may be issued by the returning officer before he has been informed by the Lord Chancellor that the Accession State in question has ratified the Treaty of Athens.”.

Modification of the Representation of the People (Scotland) Regulations 2001

2.—(1) The Representation of the People (Scotland) Regulations 2001(a) shall be modified as follows.

(2) In regulation 3 (interpretation)(b), there shall be inserted in the appropriate place—

““Accession State” means any of the following states—

- (a) the Czech Republic,
- (b) the Republic of Estonia,
- (c) the Republic of Cyprus,
- (d) the Republic of Latvia,
- (e) the Republic of Lithuania,
- (f) the Republic of Hungary,
- (g) the Republic of Malta,
- (h) the Republic of Poland,
- (i) the Republic of Slovenia, or
- (j) the Slovak Republic;”;

““citizen of an Accession State” means a national of one of the Accession States and “relevant citizen of an Accession State” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;” and

““Treaty of Athens” means the Treaty signed at Athens on 16th April 2003 concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union;”.

(3) In—

- (a) regulation 24(2)(d)(ii);
- (b) regulation 26(3)(b)(c); and
- (c) regulation 42(2),

for “relevant citizen of the Union” substitute in each case “relevant citizen of the Union or of an Accession State”.

(4) In regulation 33(2)(a)—

- (a) at the end of sub-paragraph (iv), omit “or”;
- (b) at the end of sub-paragraph (v), substitute “or” for “and”;
- (c) insert after sub-paragraph (v)—

“; or

(vi) has been informed by the Secretary of State that the Accession State of which the relevant citizen is a national has not acceded to the European Union; and”.

(5) In regulation 71—

- (a) insert at the beginning of paragraph (2) “Subject to paragraph (3) below,”;
- (b) after paragraph (2), insert “(3) In the case of a relevant citizen of an Accession State, no postal ballot paper or declaration of identity may be issued by the returning officer before he has been informed by the Secretary of State that the Accession State in question has ratified the Treaty of Athens.”.

Modification of the Local Elections (Northern Ireland) Order 1985

3.—(1) Part III of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 is modified as follows.

(a) S.I. 2001/497.

(b) Regulation 3 has been amended by regulation 5, S.I. 2002/1872.

(c) Regulation 26(3) was amended by regulation 7(5) of S.I. 2002/1872.

(2) In paragraph 3 (interpretation), there shall be inserted in the appropriate place—

““Accession State” means any of the following states—

- (a) the Czech Republic,
- (b) the Republic of Estonia,
- (c) the Republic of Cyprus,
- (d) the Republic of Latvia,
- (e) the Republic of Lithuania,
- (f) the Republic of Hungary,
- (g) the Republic of Malta,
- (h) the Republic of Poland,
- (i) the Republic of Slovenia, or
- (j) the Slovak Republic;”;

““citizen of an Accession State” means a national of one of the Accession States and “relevant citizen of an Accession State” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;”;

““Treaty of Athens” means the Treaty signed at Athens on 16th April 2003 concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union;”.

(3) After paragraph 7 (refusal to issue ballot paper) insert—

“7A In the case of a relevant citizen of an Accession State, no postal ballot paper may be issued by the returning officer before he has been informed by the Secretary of State that the Accession State in question has ratified the Treaty of Athens.”

Modification of the Representation of the People (Northern Ireland) Regulations 2001

4.—(1) The Representation of the People (Northern Ireland) Regulations 2001(a) are modified as follows.

(2) In regulation 3 (interpretation)(b), there shall be inserted in the appropriate place—

““Accession State” means one of the following states—

- (a) the Czech Republic,
- (b) the Republic of Estonia,
- (c) the Republic of Cyprus,
- (d) the Republic of Latvia,
- (e) the Republic of Lithuania,
- (f) the Republic of Hungary,
- (g) the Republic of Malta,
- (h) the Republic of Poland,
- (i) the Republic of Slovenia, or
- (j) the Slovak Republic;”;

““citizen of an Accession State” means a national of one of the Accession States and “relevant citizen of an Accession State” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;”;

““Treaty of Athens” means the Treaty signed at Athens on 16th April 2003 concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union;”.

(3) In—

- (a) regulation 24(2)(d)(ii);
- (b) regulation 26(3)(b); and
- (c) regulation 42(3),

for “relevant citizen of the Union” substitute in each case “relevant citizen of the Union or of an Accession State”.

(a) S.I. 2001/400.

(b) Regulation 3 has been amended by regulation 5, S.I. 2002/1873.

- (4) In regulation 33(2)—
- (a) at the end of sub-paragraph (d), omit “or”;
 - (b) insert after sub-paragraph (e)—
“; or
 - (f) has been informed by the Secretary of State that the Accession State of which the relevant citizen is a national has not acceded to the European Union.”.

Modification of the Scottish Parliament (Elections etc.) Order 2002

5.—(1) The Scottish Parliament (Elections etc.) Order 2002(a) shall be modified as follows.

(2) In article 3 (interpretation), there shall be inserted in the appropriate place—

““Accession State” means any of the following states—

- (a) the Czech Republic,
- (b) the Republic of Estonia,
- (c) the Republic of Cyprus,
- (d) the Republic of Latvia,
- (e) the Republic of Lithuania,
- (f) the Republic of Hungary,
- (g) the Republic of Malta,
- (h) the Republic of Poland,
- (i) the Republic of Slovenia, or
- (j) the Slovak Republic;” and

““citizen of an Accession State” means a national of one of the Accession States and “relevant citizen of an Accession State” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;” and

““Treaty of Athens” means the Treaty signed at Athens on 16th April 2003 concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union;”.

(3) In article 22 (effect of register), insert after paragraph (3)—

“(3A) Nothing in paragraphs (2) and (3) shall prevent a relevant citizen of an Accession State from being excluded from voting on the ground that the Accession State of which he is a national has not acceded to the European Union.”.

(4) In paragraph 7 of Schedule 4—

- (a) insert at the beginning of sub-paragraph (2) “Subject to sub-paragraph (3) below;”;
- (b) after sub-paragraph (2) insert—

“(3) In the case of a relevant citizen of an Accession State, no postal ballot paper or declaration of identity may be issued by the constituency returning officer before he has been informed by the Secretary of State that the Accession State in question has ratified the Treaty of Athens.”.

Modification of the National Assembly for Wales (Representation of the People) Order 2003

6.—(1) The National Assembly for Wales (Representation of the People) Order 2003(b) shall be modified as follows.

(2) In article 2 (interpretation), there shall be inserted in the appropriate place—

““Accession State” means any of the following states—

- (a) the Czech Republic,
- (b) the Republic of Estonia,
- (c) the Republic of Cyprus,
- (d) the Republic of Latvia,
- (e) the Republic of Lithuania,
- (f) the Republic of Hungary,
- (g) the Republic of Malta,
- (h) the Republic of Poland,

(a) S.I. 2002/2779.
(b) S.I. 2003/284.

- (i) the Republic of Slovenia, or
- (j) the Slovak Republic;”;

““citizen of an Accession State” means a national of one of the Accession States and “relevant citizen of an Accession State” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;” and

““Treaty of Athens” means the Treaty signed at Athens on 16th April 2003 concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union;”.

- (3) In article 24 (effect of registers), insert after paragraph (3)—

“(3A) Nothing in paragraphs (2) and (3) shall prevent a relevant citizen of an Accession State from being excluded from voting on the ground that the Accession State of which he is a national has not acceded to the European Union”.

- (4) In paragraph 8 of Schedule 3—

(a) insert at the beginning of sub-paragraph (2) “Subject to sub-paragraph (3) below;” and

(b) after sub-paragraph (2) insert—

“(3) In the case of a relevant citizen of an Accession State, no postal ballot paper or declaration of identity may be issued by the constituency returning officer before he has been informed by the Lord Chancellor that the Accession State in question has ratified the Treaty of Athens.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 2(2) of the European Communities Act 1972. They contain provisions enabling nationals of the 10 states which are expected to accede to the European Union on 1st May 2004 who are resident in this country to be registered as local government electors and European Parliamentary electors before this date. They also make arrangements for such persons to exercise the right to vote if the country of which they are a national joins the European Union.

The states in question are the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (“the Accession States”). Nationals of the Accession States do not have the right to vote in European Parliamentary and local government elections before the State in question has acceded to the European Union, but must be entered on the relevant electoral registers before this date if they are to be able to vote in the first elections to be held after 1st May 2004 in accordance with their rights under Council Directives 93/109/EC and 94/80/EC. (This does not apply to citizens of the Republics of Malta and Cyprus, who have the right to vote as Commonwealth citizens). These Directives were implemented in the United Kingdom by the European Parliamentary Elections (Changes to the Franchise and Qualifications of Representatives) Regulations 1994(a) and the Local Government Elections (Changes to the Franchise and Qualifications of Representatives) Regulations 1995(b)).

With one exception, these regulations apply both primary and secondary legislation with modifications for the purposes of registration of nationals of the Accession States, ensuring that they can exercise the right to vote once they become citizens of the Union on 1st May 2004, and amending the entry of the register appropriately after that date. The exception, regulation 5, makes a lasting amendment to regulation 8 of the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001.

Regulation 2 modifies the Representation of the People Act 1983 to extend the right to be registered in the register of local government electors to nationals of the Accession States, and ensures that the entry on the register for a national of an Accession State will be marked accordingly. It provides that a national of an Accession State is not entitled to vote, and may be prevented from voting if the State in question has not acceded to the European Union, by amendment to section 49 of the 1983 Act. It ensures, by amendments to sections 61 and 62 to

(a) S.I. 1994/342, partially revoked by S.I. 2001/1184.

(b) S.I. 1995/1948.

that Act, that a national of an Accession State who applies to vote by post or by proxy, or who makes one of the declarations required for registration before being entitled to vote, does not commit an offence in doing so.

Regulations 3 and 4 ensure that the equivalent provisions applying to Northern Ireland are similarly modified by modification of the Electoral Law (Northern Ireland) Act 1962, and the Elected Authorities (Northern Ireland) Act 1989.

Regulation 5 amends Regulation 8 of the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 to provide that documents in relation to citizens of the Union which were previously sent to the Secretary of State should instead be sent to the relevant representative of the Member State concerned. This is intended to be a permanent amendment to those Regulations (in contrast to the modifications made by these Regulations).

Regulation 6 and Schedule 1, paragraphs 1 and 2 modify the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 to extend the right to be registered in the register of relevant citizens of the Union entitled to vote at European Parliamentary elections, to nationals of the Accession States, and ensures that the entry on the register for such a national will be marked accordingly. They also provide that a national of an Accession State is not entitled to vote, and can be prevented from voting if the State of which he is a national has not acceded to the European Union. Paragraphs 3 to 8 of Schedule 1, make a number of consequential modifications to the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 (including modifications to Regulation 8 as amended).

Regulation 7 and Schedule 2 to these Regulations make consequential modifications to the Representation of the People (England and Wales) Regulations 2001, the National Assembly for Wales (Representation of the People) Order 2003, the Representation of the People (Scotland) Regulations 2001, the Scottish Parliament (Elections etc.) Order 2002, the Local Elections (Northern Ireland) Order 1985 and the Representation of the People (Northern Ireland) Regulations 2001.

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