

SCHEDULE 5

Regulation 13

MODIFICATIONS FOR RELEVANT CITIZENS OF THE ACCESSION STATES IN 2004

1. This Schedule applies in the circumstances set out in regulation 13 of these Regulations.
2. In section 16 of the 2003 Act (entitlement to be registered in Gibraltar)—
  - (a) in subsection (1)(c), after “is a citizen of the European Union (other than a qualifying Commonwealth citizen)” insert “or, subject to paragraph (1C), a relevant citizen of an Accession State”; and
  - (b) after subsection (1), insert—

“(1A) The entry in the Gibraltar register for a relevant citizen of an Accession State shall, subject to subsection (1B), 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 Gibraltar register, and that State accedes to the European Union on 1st May 2004, the mark referred to in subsection (1A) 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 Gibraltar register unless he has become a citizen of the European Union following the accession to the European Union of the Accession State of which he is a national.”
3. In section 27(1) (interpretation) of the 2003 Act insert, at the appropriate places, the following 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;”

““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 regulation 2, in the definition of “elector”, after the word “age”, insert “, or, subject to regulation 4(1A) of the 2001 Franchise Regulations and section 16(1A) of the 2003 Act, those shown in the register as a relevant citizen of an Accession State,”.
5. In regulation 17, insert after paragraph (4)—

*Status: This is the original version (as it was originally made).*

“(5) Nothing in paragraph (2) 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.”

**6.** In regulation 24(1), for the words “For the purposes of this paragraph” to the end of the paragraph, substitute—

“For the purposes of this 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;
- (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.”

**7.** In paragraph 33 of Schedule 2—

- (a) insert at the beginning of sub-paragraph (2) “Subject to sub-paragraph (3),”; 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 returning officer before he has been informed by the Lord Chancellor that the Accession State in question has ratified the Treaty of Athens.”

**8.** In paragraph 12(3)(e) of Schedule 4, after “relevant citizen of the Union”, insert “or of an Accession State”.

**9.** In paragraph 18(d) of Schedule 4, after “relevant citizen of the Union”, insert “or of an Accession State”.

**10.** In paragraph 19(1)(b) of Schedule 4, after “relevant citizen of the Union”, insert “or of an Accession State”.

**11.** In paragraph 20 of Schedule 4 (notification of and removal of names of relevant citizens of the Union from the register)—

- (a) in sub-paragraph (1) after “relevant citizen of the Union” insert “or of an Accession State”;
- (b) in sub-paragraph (3), after “relevant citizen of the Union” insert “and, subject to paragraph (6), a relevant citizen of an Accession State”;
- (c) in sub-paragraph (5)—
  - (i) after “relevant citizen of the Union” insert “or of an Accession State”; and
  - (ii) after “Member State” insert “and Accession State”; and
- (d) after sub-paragraph (5), insert—

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