
STATUTORY INSTRUMENTS

1994 No. 342

REPRESENTATION OF THE PEOPLE

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

*Made - - - - 16th February 1994
Coming into force in accordance with regulation 1(2)
and (3)*

Whereas a draft of these Regulations has been approved by resolution of each House of Parliament in pursuance of paragraph 2(2) of Schedule 2 to the European Communities Act 1972⁽¹⁾;

Now, therefore, the Secretary of State, being a Minister designated⁽²⁾ for the purposes of subsection (2) of section 2 of that Act in relation to measures relating to the right of citizens of the Union to vote at and stand as a candidate at European Parliamentary elections, in exercise of the powers conferred on him by that subsection, hereby makes the following Regulations:

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

Citation and commencement

1.—(1) These Regulations may be cited as the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994.

(2) Subject to paragraph (3) below, these Regulations shall come into force on the day after the day on which they are made.

(3) Part III of these Regulations shall have effect subject to the provisions of Part IV of them (provisions in respect of first registers of relevant citizens of the Union as European Parliamentary electors).

Interpretation

2.—(1) In these Regulations and any provision as applied by Part III of these Regulations—

(1) 1972 c. 68.

(2) The European Communities (Designation) (No. 3) Order 1993 (S.I. 1993/2661).

“Act of 1978” means the European Parliamentary Elections Act 1978(3);

“Act of 1983” means the Representation of the People Act 1983(4);

“citizen of the Union” shall be construed in accordance with article 8.1 of the Treaty establishing the European Community(5) (as amended by Title II of the Treaty on European Union(6)) and “relevant citizen of the Union” means such a citizen who is not a Commonwealth citizen or citizen of the Republic of Ireland;

“European Regulations” means the European Parliamentary Elections Regulations 1986(7);

“European (Northern Ireland) Regulations” means the European Parliamentary Elections (Northern Ireland) Regulations 1986(8);

“member of the forces” has the same meaning as in section 59(1) (meaning of that expression) of the Act of 1983(9);

“registration officer” means an electoral registration officer referred to in regulation 8 below;

“Regulations of 1986” means the Representation of the People Regulations 1986(10);

“Regulations (Northern Ireland) of 1986” means the Representation of the People (Northern Ireland) Regulations 1986(11);

“Regulations (Scotland) of 1986” means the Representation of the People (Scotland) Regulations 1986(12)

(2) Unless the context otherwise requires, in the provisions of the Act of 1983, as applied by Part III of these Regulations —

(a) any reference to a provision which is also so applied shall be construed as a reference to such a provision as applied;

(b) any reference to regulations are to

(i) the Regulations of 1986,

(ii) the Regulations (Scotland) of 1986, and

(iii) the Regulations (Northern Ireland) of 1986,

which apply for the purposes of Part III of these Regulations by virtue of the amendment made by paragraph 4 of Parts I, II and III of the Schedule to these Regulations, respectively;

(c) any reference to an election shall be construed as a reference to a European Parliamentary election; and

(d) any reference to a qualifying date shall be construed in accordance with regulation 7(3) below.

(3) 1978 c. 10; the citation of this Act has been amended by section 3(1)(b) and (2)(b) of the European Communities (Amendment) Act 1986 (c. 58) on the coming into force of the Single European Act (Cmnd. 9758) on 1st July 1987.

(4) 1983 c. 2.

(5) Treaty Series No. 47 (1988), Cm. 455.

(6) Cm. 1934.

(7) S.I. 1986/2209, as amended by S.I. 1989/633, S.I. 1990/687, S.I. 1991/1243 and S.I. 1992/723; the citation of this instrument has been amended by section 3(1)(b) and (2)(b) of the European Communities (Amendment) Act 1986 on the coming into force of the Single European Act (Cmnd. 9758) on 1st July 1987.

(8) S.I. 1986/2250, as amended by S.I. 1989/502, S.I. 1990/562, S.I. 1991/1675 and S.I. 1992/833; the citation of this instrument has been amended by section 3(1)(b) and (2)(b) of the European Communities (Amendment) Act 1986 on the coming into force of the Single European Act (Cmnd. 9758) on 1st July 1987.

(9) Section 59(1) has been amended by the Representation of the People Act 1993 (c. 29).

(10) S.I. 1986/1081; the relevant amending instrument is S.I. 1990/520.

(11) S.I. 1986/1091; relevant amending instruments are S.I. 1989/1304 and S.I. 1990/561.

(12) S.I.1986/111; the relevant amending instrument is S.I.1990/629 (S.77).

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⁽¹³⁾ (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.

(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

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

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;” and

(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(14) (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.

(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.

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

(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;” and

(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)”.”

PART III

CHANGES TO THE FRANCHISE AND PROVISIONS ABOUT REGISTRATION

Extension of the franchise at European Parliamentary elections

7.—(1) A person is entitled by virtue of this regulation to vote as elector at a European Parliamentary election in any European Parliamentary constituency if —

- (a) he is resident there on the qualifying date (subject to paragraph (2) below in relation to Northern Ireland);
- (b) on that date and on the day appointed for the election, he
 - (i) is not subject to any legal incapacity to vote (age apart); and
 - (ii) is a relevant citizen of the Union;

- (c) he is of voting age, that is, 18 years or over, on the day appointed for the election, and
- (d) he is registered in the European Parliamentary constituency in the register under regulation 9 below to be used at the election.

(2) A relevant citizen of the Union is not entitled to vote as an elector at a European Parliamentary election in Northern Ireland unless he was resident there during the whole of the period of three months ending on the qualifying date for that election.

(3) In this regulation—

“legal incapacity” has the same meaning in relation to European Parliamentary elections as it has in the Act of 1983 in relation to parliamentary elections; and

“qualifying date” means—

- (a) in England and Wales and Scotland, 10th October in any year as respects a European Parliamentary election at which the date appointed for it falls within the period of twelve months beginning with 16th February in the next following year;
- (b) in Northern Ireland, 15th September in any year as respects such a European Parliamentary election as mentioned above.

(4) Sections 5 (residence), 6 (residence: merchant seamen), 7(1) (residence: detained mental patients) and 59(2) (residence in the context of Her Majesty’s reserve or auxiliary forces) of, and the definition of “dwelling house” in section 202(1) of, the Act of 1983 shall apply for the purposes of determining questions as to a person’s residence under this regulation as they apply for the purposes of sections 1 and 2 of that Act and as if, for the references in sections 5, 6 and 7(1) to sections 1 and 2, there were substituted a reference to this regulation.

Registration officers

8.—(1) The officer who—

- (a) under subsection (2), (3) or (4) of section 8 of the Act of 1983 is the registration officer for any of the areas therein referred to for the purposes of parliamentary elections,
- (b) under the provision substituted by the Schedule to the Isles of Scilly Order 1978⁽¹⁵⁾ is the registration officer for the Isles of Scilly for those purposes,

shall be the registration officer for the area in question for the purposes of the registration of relevant citizens of the Union as European Parliamentary electors.

(2) Sections 52 (discharge of registration duties) and 54 (payment of expenses of registration)⁽¹⁶⁾ of the Act of 1983 shall apply for the purposes of the registration of relevant citizens of the Union as European Parliamentary electors as they apply for the purposes of a registration officer’s functions under that Act.

(3) Section 63 of the Act of 1983 (breach of official duty)⁽¹⁷⁾ shall apply to registration officers, their deputies and the other persons mentioned in subsection (3)(e) of that section in connection with the registration of relevant citizens of the Union as European Parliamentary electors as it applies to such officers, deputies and persons in connection with the registration of parliamentary and local government electors and the meaning of “official duty” in section 63(3) shall be construed accordingly.

⁽¹⁵⁾ S.I. 1978/1844.

⁽¹⁶⁾ Sections 52 and 54 have been amended and, in part, repealed by Schedules 4 and 5 to the Representation of the People Act 1985 (c. 50).

⁽¹⁷⁾ Section 63 has been substituted by Schedule 4 to the Representation of the People Act 1985.

Registration of relevant citizens of the Union

9.—(1) It is every registration officer’s duty to prepare and publish in every year for each part of a European Parliamentary constituency in the area for which he acts a register of those relevant citizens of the Union who are entitled to be registered as European Parliamentary electors under or by virtue of these Regulations.

(2) Such a register shall so far as practicable be combined with the registers of parliamentary electors and of local government electors and any register of peers under section 3 of the Representation of the People Act 1985⁽¹⁸⁾, the names of persons registered under this provision being marked to indicate that fact.

(3) A registration officer’s general duty to prepare and publish registers of European Parliamentary electors in conformity with these Regulations includes the duty to take reasonable steps to obtain information required by him for that purpose (without prejudice to any specific requirement of these Regulations or the provisions applied or amended by them).

(4) Sections 10, except paragraph (a), (preparation of registers)⁽¹⁹⁾, 11 (correction of register)⁽²⁰⁾, 13, except subsection (2), (publication of registers), 18(8) (effect on register of changes to polling districts), 56 (registration appeals: England and Wales)⁽²¹⁾, 57 (registration appeals: Scotland) and 58 (registration appeals: Northern Ireland)⁽²²⁾ and the definition of “prescribed” in section 202(1) of the Act of 1983 shall apply to the register of relevant citizens of the Union as European Parliamentary electors (and electors lists therefor) and any appeals relating to inclusion in that register as they apply to the register of parliamentary and local government electors (and electors lists therefor and any appeals) but with the following modifications:

- (a) in section 10(c) the reference to “electors lists” shall be construed as including the electors lists in respect of the registers of parliamentary and local government electors;
- (b) in section 13(4) after the words “(including this Act)” there shall be inserted “, as applied by regulations under the Act of 1978, and the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994”;
- (c) in section 56—
 - (i) in paragraph (a) of subsection (1) for the words “this Act” there shall be substituted “the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994”; and
 - (ii) paragraph (b) of subsection (1) shall be omitted.

Right to be registered

10.—(1) Subject to paragraphs (4) and (6) below, a relevant citizen of the Union who may be entitled to vote as an elector at a European Parliamentary election for which any register prepared under regulation 9 above is to be used is entitled to be registered in that register provided that the registration officer has received in respect of him an application and declaration made in writing in accordance with paragraphs (2) and (3) below (and subject to any provision imposing disqualification for registration as a European Parliamentary elector).

(2) An application under this regulation may be made by or on behalf of the relevant citizen of the Union (“the applicant”), shall be signed and dated by the person making it and shall state—

(18) 1985 c. 50.

(19) Section 10 has been amended by section 4(2) of the Representation of the People Act 1985.

(20) Section 11 has been amended by Schedule 4 to the Representation of the People Act 1985.

(21) Section 56 has been amended and repealed in part by Part I of Schedule 2 to, and Schedules 4 and 5 to, the Representation of the People Act 1985.

(22) Section 58 has been amended by Schedule 4 to the Representation of the People Act 1985.

- (a) the full name of the applicant and, where a person makes the application on behalf of the applicant, that person's name and address;
 - (b) the address in respect of which the applicant claims to be registered and whether he will be or, as the case may be, is or was resident there on the qualifying date;
 - (c) in the case of an application in Northern Ireland, that the applicant will be or, as the case may be, was resident in Northern Ireland for the whole of the period of three months ending on that date;
 - (d) if the applicant will not or, as the case may be, is not or was not resident on the qualifying date at the address in respect of which he claims to be registered, whether he has made a service declaration or a patient's declaration;
 - (e) if the applicant will be or, as the case may be, is or was a merchant seaman on the qualifying date, that fact; and
 - (f) either that the applicant is aged 18 years or over or, if not, the date of his birth.
- (3) An application under this regulation shall include a declaration stating —
- (a) the nationality of the applicant;
 - (b) the applicant's address in the United Kingdom, if different from the address given under paragraph (2)(b) above;
 - (c) where the applicant's 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; and
 - (d) that the applicant will exercise any right which he has to vote at European Parliamentary elections at any such election only in the United Kingdom during the period for which the register to which the application relates remains in force.
- (4) Subject to paragraph (5) below, a relevant citizen of the Union who on the qualifying date has a service qualification (within the meaning of regulation 13 below) is not entitled to be registered as mentioned in paragraph (1) above except in pursuance of a service declaration —
- (a) made in accordance with section 15 of the Act of 1983, as applied by regulation 13 below, and
 - (b) in force on that date,
- in addition to the application and declaration required by paragraphs (2) and (3) above.
- (5) Paragraph (4) above does not apply to a relevant citizen of the Union who on the qualifying date is the wife or husband of a member of the forces if on that date—
- (a) that citizen has no other service qualification;
 - (b) that citizen is resident in the United Kingdom; and
 - (c) no service declaration (made in accordance with section 15 of the Act of 1983, as applied by regulation 13 below) is in force in respect of that citizen.
- (6) A relevant citizen of the Union who on the qualifying date is a voluntary mental patient (within the meaning of section 7 of the Act of 1983) is not entitled to be registered as mentioned in paragraph (1) above except in pursuance of a declaration—
- (a) made in accordance with section 7(4) of the Act of 1983, as applied by regulation 14 below, and
 - (b) with reference to that date,

in addition to the application and declaration required by paragraphs (2) and (3) above.

The requirement in this paragraph for a patient's declaration is without prejudice to the registration of a voluntary mental patient by virtue of his residence at an address other than the mental hospital

(within the meaning of section 7 of the Act of 1983, as applied by regulation 14 above) in which he is a patient in any case in which he would be entitled to be so registered apart from this paragraph and section 7(4) to (8) of the Act of 1983, as applied by regulation 14 below.

(7) A relevant citizen of the Union is entitled to be registered in the register prepared under regulation 9 above if he will attain voting age before the end of the twelve months following the day by which the register is required to be published; but if he will not be of voting age on the first day of those twelve months —

- (a) his entry in the register shall give the date on which he will attain that age; and
- (b) until the date given in the entry he shall not by virtue of the entry be treated as an elector for any purposes other than purposes of an election at which the day appointed for election is that or a later date.

(8) The registration officer shall supply free of charge as many copies of forms for use in connection with applications and declarations under paragraphs (2) and (3) above as appear to that officer reasonable in the circumstances to any person who satisfies that officer of his intention to use the forms in connection with the registration of relevant citizens of the Union as European Parliamentary electors.

(9) Except where, by virtue of the Schedule to these Regulations, the procedure in respect of claims and objections under the Regulations of 1986, the Regulations (Scotland) of 1986 or the Regulations (Northern Ireland) of 1986, as the case may be, applies (ad the applicant, or a person acting on his behalf, is thereby notified whether an application to be registered is successful), the registration officer shall inform the applicant or the person who made the application on the applicant's behalf if he decides to reject the application and his reasons for so doing.

(10) In this regulation, "locality or constituency" has the same meaning as it has in the directive of the Council of the European Communities No. [93/109/EC](#).

Punishment of false statement in application and declaration under regulation 10(2) and (3)

11.—(1) A person who makes a statement which he knows to be false in an application or declaration required by regulation 10(2) and (3) above is guilty of an offence and 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 regulations under the Act of 1978, shall have effect in relation to an offence under paragraph (1) above as if it were an offence under the Act of 1983, as so applied.

Copies of certain applications and declarations to be sent to the Secretary of State

12.—(1) This regulation applies to any application and declaration under regulation 10(2) and (3) above to be registered in a register of relevant citizens of the Union as European Parliamentary electors which—

- (a) under the modifications made by Part IV of these Regulations, is required to be published not later than 9th May 1994; or
- (b) is required to be published not later than 15th February in 1999; or
- (c) is required to be published not later than that date in any year at intervals of five years thereafter.

(2) As soon as practicable after the registration officer has registered the name of a relevant citizen of the Union in the register of such citizens as European Parliamentary electors in pursuance of an application and declaration to which this regulation applies, he shall send a copy of the application and declaration to the Secretary of State.

Service voters

13.—(1) A relevant citizen of the Union who—

- (a) is a member of the forces,
- (b) is the wife or husband of such a member,

has a service qualification for the purposes of these Regulations.

(2) For the purposes of regulation 7(2) above, a relevant citizen of the Union ceasing to have a service qualification shall be treated as if he were resident in Northern Ireland for the period during which he had a service qualification.

(3) Sections 15 (service declaration), 16 (contents of service declaration), 17 (effect of service declaration) and 62(1) (offences as to declarations)(23) of, and the definition of “prescribed” in section 202(1) of, the Act of 1983 shall apply in respect of a relevant citizen of the Union who has a service qualification under this regulation and any service declaration made by him as they apply in respect of a person who has a service qualification under that Act and any service declaration made by him thereunder, but with the following modifications:

- (a) subsections (1)(b), (3) and (4) of section 15 shall be omitted;
- (b) for section 15(5) there shall be substituted:

“(5) A service declaration under this section as applied by regulation 13 of the European Parliamentary Elections (Changes to Franchise and Qualification of Representatives) Regulations 1994 has effect for the purposes of European Parliamentary elections only.”;
- (c) in section 15(7)(24), the words from “unless” onwards shall be omitted;
- (d) in section 16:
 - (i) paragraph (c) shall be omitted;
 - (ii) for paragraph (e) there shall be substituted—

“(e) the nationality of the declarant on the date of the declaration,”; and
 - (iii) at the end the words “and (except” onwards shall be omitted;
- (e) in section 17(1), the words “and any other person whose service declaration is made with reference to the qualifying date for any register shall be so treated in relation to that register” shall be omitted; and
- (f) in section 17(1)(c) for the words “a Commonwealth citizen or a citizen of the Republic of Ireland” there shall be substituted “of the nationality stated in the declaration”.

Patient’s declaration

14. Subsections (2) and (4) to (8) of section 7 (residence: voluntary mental patients) and section 62(1) (offences as to declarations) of, and the definition of “prescribed” in section 202(1) of, the Act of 1983 shall apply in respect of a relevant citizen of the Union who is a voluntary mental patient and any patient’s declaration made by him as they apply to a voluntary mental patient and any declaration made by him under that Act, but with the following modifications:

- (a) for sub-paragraph (v) of subsection (4)(d) there shall be substituted—

“(v) the nationality of the declarant on the date of the declaration,”;
- (b) in subsection (7)(c) for the words “a Commonwealth citizen or citizen of the Republic of Ireland” there shall be substituted “of the nationality stated in the declaration”; and
- (c) after subsection (8) there shall be added—

(23) Section 62 has been amended by Schedules 3 and 4 to the Representation of the People Act 1985.

(24) Section 15(7) has been amended by Schedule 4 to the Representation of the People Act 1985.

“(8A) A patient’s declaration under this section as applied by regulation 14 of the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994 has effect for the purposes of European Parliamentary elections only.”.

Amendments about electors to European Parliamentary Elections Regulations 1986

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

- (a) in the definition of “elector”, the word “either” shall be omitted and for the words “or section 3 of the Act of 1985” there shall be substituted “, section 3 of the Act of 1985 or regulation 7 of the Regulations of 1994”; and
- (b) in the definition of “register”, after paragraph (b), there shall be added—

“and

- (c) a register under regulation 9 of the Regulations of 1994”.

(2) In regulation 5(11) of the European Regulations (references to proxy papers) after the words “proxy for” there shall be inserted “a relevant citizen of the Union registered as a European Parliamentary elector or”.

(3) There shall be inserted the following modification of section 49 of the Act of 1983(25) (effect of registers), 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:

“In subsection (5), for the words “Republic of Ireland”, in both places where they occur, there shall be substituted “Union”.”.

(4) There shall be inserted the following modification of section 8 of the Representation of the People Act 1985 (proxies at elections), 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 subsection (3)(b) for the words “Republic of Ireland” there shall be substituted “Union”.”.

(5) In Part II of Schedule 4 to the European Regulations—

- (a) in the heading, for the words after “FOR A PROXY” there shall be substituted “FOR AN ELECTOR AT EUROPEAN PARLIAMENTARY ELECTIONS ONLY”;
- (b) in the form, after the word “who” there shall be inserted “*is qualified to be registered as a European Parliamentary elector for (Qualifying address)*”; and
- (c) in note 3 of the notes to that form, for the words “the Republic of Ireland” there shall be substituted “a Member State of the European Communities”.

Amendments about electors to European Parliamentary Elections (Northern Ireland) Regulations 1986

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

(25) Section 49 has been amended, and repealed in part, by section 4(4) of, and Schedules 4 and 5 to, the Representation of the People Act 1985.

- (a) in the definition of “elector”, the word “either” shall be omitted and for the words “or section 3 of the Act of 1985” there shall be substituted “, section 3 of the Act of 1985 or regulation 7 of the Regulations of 1994”; and
- (b) in the definition of “register”, after paragraph (b), there shall be added—

“and

- (c) a register under regulation 9 of the Regulations of 1994”.

(2) In regulation 5(9) of the European (Northern Ireland) Regulations (references to proxy papers) after the words “proxy for” there shall be inserted “a relevant citizen of the Union registered as a European Parliamentary elector or”.

(3) There shall be inserted the following modification of section 49 of the Act of 1983, 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), after the existing modification in the right-hand column of that Schedule:

“In subsection (5), for the words “Republic of Ireland”, in both places where they occur, there shall be substituted “Union”.”.

(4) There shall be inserted the following modification of rule 37 (voting procedure) in Schedule 1 (elections rules) to the Act of 1983⁽²⁶⁾, 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 (1E)(b) for the words “the United” onwards there shall be substituted “any Member State”.”.

(5) There shall be inserted the following modification of section 8 of the Representation of the People Act 1985, 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 subsection (3)(b) for the words “Republic of Ireland” there shall be substituted “Union”.”.

- (6) In Part II of Schedule 3 to the European (Northern Ireland) Regulations —
 - (a) in the heading, for the words after “FOR A PROXY” there shall be substituted “FOR AN ELECTOR AT EUROPEAN PARLIAMENTARY ELECTIONS ONLY”;
 - (b) in the form, after the word “who” there shall be inserted “*is qualified to be registered as a European Parliamentary elector for (Qualifying address). *”; and
 - (c) in note 3 of the notes to that form, for the words “the Republic of Ireland” there shall be substituted “a Member State of the European Communities”.

Amendments to Regulations under the Representation of the People Acts

17. The Schedule to these Regulations (amendment of Regulations of 1986, Regulations (Scotland) of 1986 and Regulations (Northern Ireland) of 1986) shall have effect.

⁽²⁶⁾ Paragraphs (1A) to (1G) of rule 37 have been inserted by section 1(2) of the Elections (Northern Ireland) Act 1985 (c. 2) and there have been amendments to paragraph (1E) which are not relevant in this context.

PART IV

PROVISIONS IN RESPECT OF FIRST REGISTERS OF RELEVANT CITIZENS OF THE UNION

Modifications in respect of first registers of relevant citizens.

18.—(1) As respects the first registers of relevant citizens of the Union as European Parliamentary electors (which, under this regulation, are to be published not later than 9th May 1994) —

- (a) the provisions of Part III of these Regulations;
- (b) the provisions of the Act of 1983 as applied by Part III of these Regulations; and
- (c) the provisions in the Regulations of 1986, the Regulations (Scotland) of 1986 and the Regulations (Northern Ireland) of 1986, as amended by the Schedule to these Regulations, which apply for these purposes by virtue of the amendment made by paragraph 4 of Parts I, II and III of that Schedule, respectively,

shall have effect subject to the following modifications.

(2) For section 13 (publication of registers) of the Act of 1983, as applied by regulation 9(4) above, there shall be substituted:

“13. Registers of relevant citizens of the Union as European Parliamentary electors shall be prepared and published not later than 9th May 1994 and shall be used for elections at which the day appointed for election falls on any day after that date but before 16th February 1995.”.

(3) In regulation 10(7) above for the words from “the end of” to “those twelve months”, there shall be substituted “16th February 1995; but if he will not be of voting age on 10th May 1994”.

(4) In—

- (a) regulation 29A of the Regulations of 1986 (as inserted by Part I of the Schedule to these Regulations),
- (b) regulation 28A of the Regulations (Scotland) of 1986 (as inserted by Part II of the Schedule to these Regulations), and
- (c) regulation 29A of the Regulations (Northern Ireland) of 1986 (as inserted by Part III of the Schedule to these Regulations),

for the words “24th October” there shall be substituted “29th March 1994”.

(5) Regulations 32(2) (marking of names of new electors) and 33 (alternative form of electors lists) of the Regulations of 1986 and regulation 33 (alternative form of electors lists) of the Regulations (Northern Ireland) of 1986 shall be omitted.

(6) In—

- (a) regulation 35 of the Regulations of 1986,
- (b) regulation 33 of the Regulations (Scotland) of 1986, and
- (c) regulation 35 of the Regulations (Northern Ireland) of 1986,

(publication of electors lists) for the words “28th November” there shall be substituted “8th April 1994” and for paragraphs (a) and (b) there shall be substituted “making a copy of them, or of part of them, available for inspection at such place or places as the registration officer considers appropriate”.

(7) In—

- (a) regulation 38(1) of the Regulations of 1986,
- (b) regulation 36(1) of the Regulations (Scotland) of 1986, and

(c) regulation 38(1) of the Regulations (Northern Ireland) of 1986,
(notice of claims and objections) for the words from “a notice” to the end there shall be substituted—
“a notice stating—

- (a) that the register of citizens of the European Union who are not Commonwealth citizens or citizens of the Republic of Ireland but who will be entitled to vote at European Parliamentary elections during the period from 10th May 1994 to 15th February 1995 will be based on the draft register;
- (b) that such a citizen is not entitled to vote unless his name is included in such a register;
- (c) that such citizens should inspect the draft register to see whether their names are included in it;
- (d) that to do so it is useful to know in which polling district the citizen’s qualifying address is situated and that the registration officer’s staff may be able to assist in connection therewith;
- (e) that, if a citizen’s name is not included in the draft register and he thinks that it should be, the person should make a claim to the registration officer not later than 22nd April 1994 on a form which he will provide;
- (f) that a citizen’s name ought to be included in the draft register if he has made an application in the requisite form, he is aged 18 years or over or will be of that age not later than 15th February 1995 and that he was resident at an address in the European Parliamentary constituency on 10th October 1993 (or, in Northern Ireland, 15th September 1993 and that he was resident in Northern Ireland for the whole of the period of three months ending on that date);
- (g) that a request for the alteration of any entry or an objection to the inclusion of any other person’s name must be submitted to the registration officer not later than 22nd April 1994 on a form which he will provide; and
- (h) the registration officer’s address.”.

(8) In—

- (a) regulation 38(2) of the Regulations of 1986,
- (b) regulation 36(2) of the Regulations (Scotland) of 1986, and
- (c) regulation 38(2) of the Regulations (Northern Ireland) of 1986,

the words “paragraph (b) of” shall be omitted.

(9) In—

- (a) regulation 40(1)(d) of the Regulations of 1986,
- (b) regulation 38(1)(d) of the Regulations (Scotland) of 1986, and
- (c) regulation 40(1)(d) of the Regulations (Northern Ireland) of 1986,

(form of objections) before the words “(if so shown)” there shall be inserted “or registers of parliamentary and local government electors”.

(10) In—

- (a) regulation 41(1) of the Regulations of 1986,
- (b) regulation 39(1) of the Regulations (Scotland) of 1986, and
- (c) regulation 41(1) of the Regulations (Northern Ireland) of 1986,

(time for making claims and objections) for the words “16th December” there shall be substituted “22nd April 1994”.

(11) In—

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(a) regulation 51(1) of Regulations of 1986,
(b) regulation 49(1) of the Regulations (Scotland) of 1986, and
(c) regulation 51(1) of the Regulations (Northern Ireland) of 1986,
(publication of register) for the words from “a copy of it” to the end there shall be substituted “a copy of it, or part of it, available for inspection at such place or places as the registration officer considers appropriate”.

(12) In regulations 51(4) of the Regulations of 1986 and the Regulations (Northern Ireland) of 1986 for the words “15th February” there shall be substituted “9th May 1994”.

Michael Howard
One of Her Majesty’s Principal Secretaries of
State
Home Office

16th February 1994

SCHEDULE

Regulation 17

AMENDMENTS TO REGULATIONS UNDER REPRESENTATION OF THE PEOPLE ACTS

PART I

AMENDMENTS TO REPRESENTATION OF THE PEOPLE REGULATIONS 1986

1. The Regulations of 1986 shall be amended as set out in this Part of this Schedule.
2. In regulation 4(1) (interpretation), after the definition of “registration officer” there shall be inserted:

““Regulations of 1994” means the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994;
“relevant citizen of the Union” has the same meaning as in the Regulations of 1994;”.
3. In regulation 4(3) after the words “1983” there shall be inserted “or paragraph (a) of regulation 10(7) of the Regulations of 1994”.
4. After regulation 14 (registration of European Parliamentary overseas electors) there shall be inserted the following regulation:

“Registration of relevant citizens of the Union

14A. This Part, Part II and Part III of these Regulations shall apply to the registration of relevant citizens of the Union as European Parliamentary electors under the Regulations of 1994 as they apply to the registration of Commonwealth citizens and citizens of the Republic of Ireland as parliamentary and local government electors; and for these purposes provisions in this Part and Parts II and III shall, unless the context otherwise requires, have effect as if—

- (a) any reference to a parliamentary elector is a reference to a European Parliamentary elector;
 - (b) any reference to a register includes the register kept under regulation 9 of the Regulations of 1994 and any reference to electors lists includes electors lists in respect of such a register;
 - (c) any reference to service qualification is to the qualification as set out in regulation 13(1) of the Regulations of 1994;
 - (d) any reference to a provision of the Act of 1983 which is applied by Part III of the Regulations of 1994 is a reference to that provision as so applied; and
 - (e) any reference to the qualifying date shall be construed in accordance with regulation 7(3) of the Regulations of 1994.”.
5. In regulation 16(2) (service declaration ceasing to be in force on change of circumstances)(27) after the words “1983” there shall be inserted “or, as the case may be, regulation 13(1) of the Regulations of 1994”.
 6. In regulation 20(b) (notification of rejection of application for registration as a service voter) after the word “appropriate,” there shall be inserted “regulation 13 of the Regulations of 1994 or”.
 7. At the end of regulation 29(1) (information from householders) there shall be inserted:

(27) Regulation 16(2) has been amended by regulation 9 of S.I. 1990/520.

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“In this regulation “registration duties” does not include registration of relevant citizens of the Union as European Parliamentary electors under the Regulations of 1994.”.

8. After regulation 29 there shall be inserted the following regulation:

“Time for applications under Regulations of 1994

29A. An application and declaration under regulation 10(2) and (3) of the Regulations of 1994 must be received by the registration officer by 24th October if the name of the applicant is to be eligible for inclusion in the electors lists.”.

9. At the end of regulation 30(1) (declarations as to age and nationality)(28) there shall be inserted: “or

(d) in the case of a person who has made an application and declaration under regulation 10(2) and (3) of the Regulations of 1994, to produce evidence of his status as a national of a Member State or to make a statutory declaration as to that nationality.”.

10. In regulation 32(1) (electors lists prepared as draft register) after the words “1983” there shall be inserted “or, in the case of persons registered under the Regulations of 1994, regulation 9(2) and paragraph (a) of regulation 10(7) of those Regulations”.

11. In regulation 33(2)(b)(i) and (c)(i) (alternative form of electors lists) after the word “both”, in both places where it appears, there shall be inserted “or as European Parliamentary electors”.

12. In regulation 39 (claims in respect of electors lists)

(a) at the beginning of paragraph (1) there shall be inserted the words “Subject to paragraph (2A) below,”; and

(b) after paragraph (2) there shall be inserted the following paragraph:—

“(2A) Paragraph (1) above shall not apply to a claim to be registered as a relevant citizen of the Union entitled to vote at European Parliamentary elections and such a claim shall be made in accordance with regulation 10 of the Regulations of 1994.”.

13. In paragraph (2) of regulation 41 (time for making claims and objections) —

(a) after sub-paragraph (c) there shall be inserted the following: “or

(d) an application to be registered as a relevant citizen of the Union entitled to vote at European Parliamentary elections,”; and

(b) in the words following that sub-paragraph, for the words “name in the electors lists, the declaration” there shall be substituted “or applicant’s name in the electors lists, the declaration or as the case may be the application”.

14. At the end of regulation 50 (marking of names) there shall be inserted:

“(4) To indicate that a person is a relevant citizen of the Union and is registered only as a European Parliamentary elector, the letter “U” shall be placed against his name in the register.”.

15. At the end of regulation 52(2) (information about registers) there shall be inserted: “and

(f) those relevant citizens of the Union registered as European Parliamentary electors under the entitlement in Part III of the Regulations of 1994”.

16. In regulation 58 (claims for inclusion in register and objections thereto)

(28) Regulation 30(1) has been amended by regulation 16 of [S.I. 1990/520](#).

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- (a) at the beginning of paragraph (2) there shall be inserted the words “Subject to paragraph (2A) below,”; and
- (b) after paragraph (2) there shall be inserted the following paragraph:—
 - “(2A) Paragraph (2) above shall not apply to a claim to be registered as a relevant citizen of the Union entitled to vote at European Parliamentary elections and such a claim shall be made in accordance with regulation 10 of the Regulations of 1994.”.

PART II

AMENDMENTS TO REPRESENTATION OF THE PEOPLE (SCOTLAND) REGULATIONS 1986

1. The Regulations (Scotland) of 1986 shall be amended as set out in this Part of this Schedule.
2. In regulation 4(1) (interpretation), after the definition of “registration officer” there shall be inserted:
 - ““Regulations of 1994” means the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994;
 - “relevant citizen of the Union” has the same meaning as in the Regulations of 1994;”.
3. In regulation 4(3) after the words “1983” there shall be inserted “or paragraph (a) of regulation 10(7) of the Regulations of 1994”.
4. After regulation 13 (registration of European Parliamentary overseas electors) there shall be inserted the following regulation:

“Registration of relevant citizens of the Union

13A. This Part, Part II and Part III of these Regulations shall apply to the registration of relevant citizens of the Union as European Parliamentary electors under the Regulations of 1994 as they apply to the registration of Commonwealth citizens and citizens of the Republic of Ireland as parliamentary and local government electors; and for these purposes provisions in this Part and Parts II and III shall, unless the context otherwise requires, have effect as if—

- (a) any reference to a parliamentary elector is a reference to a European Parliamentary elector;
- (b) any reference to a register includes the register kept under regulation 9 of the Regulations of 1994 and any reference to electors lists includes electors lists in respect of such a register;
- (c) any reference to service qualification is to the qualification as set out in regulation 13(1) of the Regulations of 1994;
- (d) any reference to a provision of the Act of 1983 which is applied by Part III of the Regulations of 1994 is a reference to that provision as so applied; and
- (e) any reference to the qualifying date shall be construed in accordance with regulation 7(3) of the Regulations of 1994.”.

5. In regulation 15(2) (service declaration ceasing to be in force on change of circumstances)(29) after the words “1983” there shall be inserted “or, as the case may be, regulation 13(1) of the Regulations of 1994”.

(29) Regulation 15(2) has been amended by regulation 8 of S.I. 1990/629 (S.77).

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6. In regulation 19(b) (notification of rejection of application for registration as a service voter) after the word “appropriate,” there shall be inserted “regulation 13 of the Regulations of 1994 or”.

7. At the end of regulation 28(1) (information from householders) there shall be inserted:

“In this regulation “registration duties” does not include registration of relevant citizens of the Union as European Parliamentary electors under the Regulations of 1994.”.

8. After regulation 28 there shall be inserted the following regulation:

“Time for applications under Regulations of 1994

28A. An application and declaration under regulation 10(2) and (3) of the Regulations of 1994 must be received by the registration officer by 24th October if the name of the applicant is to be eligible for inclusion in the electors lists.”.

9. At the end of regulation 29(1) (declarations as to age and nationality)(30) there shall be inserted: “or

(d) in case of a person who has made an application and declaration under regulation 10(2) and (3) of the Regulations of 1994, to produce evidence of his status as a national of a Member State or to make a statutory declaration as to that nationality.”.

10. In regulation 31 (electors lists prepared as draft register) after the words “1983” there shall be inserted “or, in the case of persons registered under the Regulations of 1994, regulation 9(2) and paragraph (a) of regulation 10(7) of those Regulations”.

11. In regulation 37 (claims in respect of electors lists)

(a) at the beginning of paragraph (1) there shall be inserted the words “Subject to paragraph (2A) below,”; and

(b) after paragraph (2) there shall be inserted the following paragraph:—

“(2A) Paragraph (1) above shall not apply to a claim to be registered as a relevant citizen of the Union entitled to vote at European Parliamentary elections and such a claim shall be made in accordance with regulation 10 of the Regulations of 1994.”.

12. In paragraph (2) of regulation 39 (time for making claims and objections) —

(a) after sub-paragraph (c) there shall be inserted the following: “or

(d) an application to be registered as a relevant citizen of the Union entitled to vote at European Parliamentary elections,”; and

(b) in the words following that sub-paragraph, for the words “name in the electors lists, the declaration” there shall be substituted “or applicant’s name in the electors lists, the declaration or as the case may be the application”.

13. At the end of regulation 48 (marking of names) there shall be inserted:

“(4) To indicate that a person is a relevant citizen of the Union and is registered only as a European Parliamentary elector, the letter “U” shall be placed against his name in the register.”.

14. At the end of regulation 50(2) (information about registers) there shall be inserted: “and

(f) those relevant citizens of the Union registered as European Parliamentary electors under the entitlement in Part III of the Regulations of 1994”.

15. In regulation 56 (claims for inclusion in register and objections thereto)

(30) Regulation 29(1) has been amended by regulation 15 of [S.I. 1990/629](#).

- (a) at the beginning of paragraph (2) there shall be inserted the words “Subject to paragraph (2A) below,”; and
- (b) after paragraph (2) there shall be inserted the following paragraph:—
 - “(2A) Paragraph (2) above shall not apply to a claim to be registered as a relevant citizen of the Union entitled to vote at European Parliamentary elections and such a claim shall be made in accordance with regulation 10 of the Regulations of 1994.”.

PART III

AMENDMENTS TO REPRESENTATION OF THE PEOPLE (NORTHERN IRELAND) REGULATIONS 1986

1. The Regulations (Northern Ireland) of 1986 shall be amended as set out in this Part of this Schedule.
2. In regulation 4(1) (interpretation), after the definition of “registration officer” there shall be inserted:
 - ““Regulations of 1994” means the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994;
 - “relevant citizen of the Union” has the same meaning as in the Regulations of 1994;”.
3. In regulation 4(2) after the words “1983” there shall be inserted “or paragraph (a) of regulation 10(7) of the Regulations of 1994”.
4. After regulation 14 (registration of European Parliamentary overseas electors) there shall be inserted the following regulation:

“Registration of relevant citizens of the Union

14A. This Part, Part II and Part III of these Regulations shall apply to the registration of relevant citizens of the Union as European Parliamentary electors under the Regulations of 1994 as they apply to the registration of Commonwealth citizens and citizens of the Republic of Ireland as parliamentary and local government electors; and for these purposes provisions in this Part and Parts II and III shall, unless the context otherwise requires, have effect as if —

- (a) any reference to a parliamentary elector is a reference to a European Parliamentary elector;
- (b) any reference to a register includes the register kept under regulation 9 of the Regulations of 1994 and any reference to electors lists includes electors lists in respect of such a register;
- (c) any reference to service qualification is to the qualification as set out in regulation 13(1) of the Regulations of 1994;
- (d) any reference to a provision of the Act of 1983 which is applied by Part III of the Regulations of 1994 is a reference to that provision as so applied; and
- (e) any reference to the qualifying date shall be construed in accordance with regulation 7(3) of the Regulations of 1994.”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

5. In regulation 16(2) (service declaration ceasing to be in force on change of circumstances)(31) after the words “1983” there shall be inserted “or, as the case may be, regulation 13(1) of the Regulations of 1994”.

6. In regulation 20(b) (notification of rejection of application for registration as a service voter) after the word “appropriate,” there shall be inserted “regulation 13 of the Regulations of 1994 or”.

7. At the end of regulation 29(1) (information from householders) there shall be inserted:

“In this regulation “registration duties” does not include registration of relevant citizens of the Union as European Parliamentary electors under the Regulations of 1994.”.

8. After regulation 29 there shall be inserted the following regulation:

“Time for applications under Regulations of 1994

29A. An application and declaration under regulation 10(2) and (3) of the Regulations of 1994 must be received by the registration officer by 24th October if the name of the applicant is to be eligible for inclusion in the electors lists.”.

9. At the end of regulation 30(1) (declarations as to age and nationality)(32) there shall be inserted: “or

(d) in the case of a person who has made an application and declaration under regulation 10(2) and (3) of the Regulations of 1994, to produce evidence of his status as a national of a Member State or to make a statutory declaration as to that nationality.”.

10. In regulation 32(1) (electors lists prepared as draft register) after the words “1983” there shall be inserted “or, in the case of persons registered under the Regulations of 1994, regulation 9(2) and paragraph (a) of regulation 10(7) of those Regulations”.

11. In regulation 33(2)(b)(i) and (c)(i) (alternative form of electors lists)(33) after the word “both”, in both places where it appears, there shall be inserted “or as European Parliamentary electors”.

12. In regulation 39 (claims in respect of electors lists)

(a) at the beginning of paragraph (1) there shall be inserted the words “Subject to paragraph (2A) below,”; and

(b) after paragraph (2) there shall be inserted the following paragraph:—

“(2A) Paragraph (1) above shall not apply to a claim to be registered as a relevant citizen of the Union entitled to vote at European Parliamentary elections and such a claim shall be made in accordance with regulation 10 of the Regulations of 1994.”.

13. In paragraph (2) of regulation 41 (time for making claims and objections) —

(a) after sub-paragraph (c) there shall be inserted the following: “or

(d) an application to be registered as a relevant citizen of the Union entitled to vote at European Parliamentary elections,”; and

(b) in the words following that sub-paragraph, for the words “name in the electors lists, the declaration” there shall be substituted “or applicant’s name in the electors lists, the declaration or as the case may be the application”.

14. At the end of regulation 50 (marking of names)(34) there shall be inserted:

(31) Regulation 16(2) has been amended by regulation 8 of [S.I. 1990/561](#).

(32) Regulation 30(1) has been amended by regulation 15 of [S.I. 1990/561](#).

(33) Regulation 33 has been amended by Schedule 2 to [S.I. 1989/1304](#).

(34) Regulation 50 has been amended by Schedule 2 to [S.I. 1989/1304](#).

“(4) To indicate that a person is a relevant citizen of the Union and is registered only as a European Parliamentary elector, the letter “U” shall be placed against his name in the register.”.

15. At the end of regulation 52(2) (information about registers) there shall be inserted: “and
(d) those relevant citizens of the Union registered as European Parliamentary electors under the entitlement in Part III of the Regulations of 1994”.
16. In regulation 58 (claims for inclusion in register and objections thereto)
(a) at the beginning of paragraph (2) there shall be inserted the words “Subject to paragraph (2A) below,”; and
(b) after paragraph (2) there shall be inserted the following paragraph:—
“(2A) Paragraph (2) above shall not apply to a claim to be registered as a relevant citizen of the Union entitled to vote at European Parliamentary elections and such a claim shall be made in accordance with regulation 10 of the Regulations of 1994.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 2(2) of the European Communities Act 1972 and are expressed to come into force on the day after the day on which they are made, subject to special provisions in respect of registration in 1994. They contain provisions extending the franchise at European Parliamentary elections and also amend paragraph 5 of Schedule 1 to the European Parliamentary Elections Act 1978 (“the Act of 1978”) and various sets of regulations made under the Representation of the People Acts for the purpose of implementing article 8b.2 of the Treaty establishing the European Community (as amended by Title II of the Treaty on European Union) and the requirements of the directive of the Council of the European Communities No. [93/109/EC](#). References in this note to articles are to articles of the Directive.

Regulation 3(1) makes an amendment to the said paragraph 5 to implement article 6.1 so that a relevant citizen of the Union who is disqualified for the office of representative to the European Parliament under the law of the Member State of which he is a national through a criminal law or civil law decision is also disqualified for that office under paragraph 5. In this note “relevant citizen of the Union” means a national of a Member State who is not a Commonwealth citizen or citizen of the Republic of Ireland.

Regulation 3(2) makes an amendment to the said paragraph 5 to implement article 3 (and article 8b.2 of the Treaty establishing the European Community) by removing the current disqualification for the office of representative that applies to those relevant citizens of the Union who were born outside the United Kingdom and its dominions or the Republic of Ireland. Having regard to article 8b.2 of the Treaty and article 1.1 of, and the definition of “Member State of residence” in article 2 of, the Directive, the removal of the disqualification is limited to those relevant citizens of the Union resident in the United Kingdom.

Regulation 4 creates an offence of standing as a candidate at the same elections to the European Parliament in a Member State in addition to the United Kingdom thereby implementing the requirements of articles 4.2 and 13. *Regulations 5(3) and 6(3)* make consequential amendments.

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Regulations 5(4) and 6(4) amend rule 8 (consent to nomination) of the parliamentary elections rules in Schedule 1 to the Representation of the People Act 1983 (“the Act of 1983”) as applied for the purposes of European Parliamentary elections by the European Parliamentary Elections Regulations 1986 (“the European Regulations”) and the European Parliamentary Elections (Northern Ireland) Regulations 1986 (“the European (Northern Ireland) Regulations”), respectively, to give effect to articles 6.2, 10.1, 10.2 and 13. By virtue of the amendments, relevant citizens of the Union who stand as candidates at European Parliamentary elections are required to deliver a declaration and certificate in addition to the existing requirement in respect of the consent to nomination and returning officers are required to send copies of the declarations to the Secretary of State. In order to give effect to the definition of “formal declaration” in article 2(9), the amendments made by *regulations 5(2) and 6(2)* make false statements in a declaration an offence.

Regulation 7 extends the franchise at European Parliamentary elections to relevant citizens of the Union resident in the United Kingdom and thereby implements article 3 (and article 8b.2 of the Treaty establishing the European Community). The existing franchise at European Parliamentary elections is set out in paragraph 2(1) of Schedule 1 to the Act of 1978 (which rests on entitlement to vote at parliamentary or, in the case of peers, local government elections) and section 3 of the Representation of the People Act 1985 (which, in subsection (2), allows a peer who is not resident in the United Kingdom to vote at European Parliamentary elections, subject to satisfying the conditions in and under that section). *Regulation 7(2)* is justified by the last sentence of article 5. The definition of “legal incapacity” in *regulation 7(3)* attracts provisions such as section 3 of the Act of 1983 (disfranchisement of offenders in prison etc.) thereby treating relevant citizens of the Union in the same way as existing electors.

Regulation 8 ensures that the registration officer who is responsible in a local government area for the registration of existing electors is also the registration officer in that area for the registration of relevant citizens of the Union. It also applies certain provisions of the Act of 1983 for this purpose. *Regulation 9* provides for the registration of relevant citizens of the Union and, in accordance with article 9.1 and the definition of “electoral roll” in article 2(7), *regulation 9(2)* requires the register of those citizens to be combined, so far as practicable, with registers of existing electors. *Regulation 9(4)* applies various provisions in the Act of 1983 for these purposes, including provisions about appeals to the courts in respect of decisions about registration, thereby giving effect to article 11.2.

Regulation 10 confers on relevant citizens of the Union the right to be registered. In order to give effect to article 9.2 this right can only be exercised on production of an application and declaration setting out the matters specified in *regulation 10(2) and (3)*. The effect of *regulation 10(4) and (6)* is that, in the case of a relevant citizen of the Union who has a service qualification under *regulation 13(1)* or who is a voluntary mental patient within the meaning of section 7(2) of the Act of 1983, as applied by *regulation 14(1)*, a service declaration or patient’s declaration, respectively, is required (except where *regulation 10(4)* applies) in addition to the application and declaration required by *regulation 10(2) and (3)*.

Regulation 11 makes a false statement in the application and declaration required by *regulation 10(2) and (3)* punishable on summary conviction by a fine not exceeding level 3 on the standard scale (which is the same punishment as for false information provided in response to requests from registration officers in connection with the registration of existing electors). This gives effect to the requirement which applies by virtue of the definition of “formal declaration” in article 2(9). *Regulation 12* requires copies of the applications and declarations required by *regulation 10(2) and (3)* to be sent to the Secretary of State in years when the register to which the applications and declarations relate will be used for a European Parliamentary general election. This is to enable the United Kingdom to discharge its obligations under article 13.

Regulations 15 and 16 amend the European Regulations and the European (Northern Ireland) Regulations, respectively, to take account of the changes to the franchise. Those sets of Regulations provide for the conduct of European Parliamentary elections in Great Britain and Northern Ireland, respectively. In particular, *regulations 15(1) and 16(1)* amend the definitions of “elector” and

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“register” in those sets of Regulations so that the expressions include relevant citizens of the Union registered under these Regulations. *Regulation 16(4)* amends the list of specified documents as it applies in respect of European Parliamentary elections to allow the passport of any Member State to be produced at a polling station in Northern Ireland so that a ballot paper may be delivered to the voters.

Regulation 17 and the Schedule amend the Representation of the People Regulations 1986, the Representation of the People (Scotland) Regulations 1986 and the Representation of the People (Northern Ireland) Regulations 1986 so that Parts I (general), II (so far as relevant, service and patient’s declarations) and III (registration) of each set of Regulations apply, so far as relevant, to the registration of relevant citizens of the Union as they apply to the registration of existing electors but subject to the amendments set out in the Schedule to these Regulations.

Regulation 18 modifies the provisions about registration for the purposes of the register of relevant citizens of the Union which is to be compiled in 1994 only and which that regulation requires to be published by 9th May 1994. The need for such a provision is recognised by article 15.2. It arises because registers of electors in the United Kingdom are ordinarily required to be published by 15th February in any year and, accordingly, the registers to be used at the European Parliamentary general election in June 1994 would not otherwise include those persons entitled to be registered under these Regulations.