

Draft Regulations laid before Parliament under paragraph 2(6) of Schedule 1 to the European Parliamentary Elections Act 1978 and paragraph 2(2) of Schedule 2 to the European Communities Act 1972 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1999 No.

REPRESENTATION OF THE PEOPLE

European Parliamentary Elections Regulations 1999

<i>Made</i>	- - - -	<i>1999</i>
<i>Coming into force</i>	- -	<i>1999</i>

Whereas a draft of these Regulations has been approved by a resolution of each House of Parliament; Now, therefore, the Secretary of State in exercise of the powers conferred on him by paragraph 2 of Schedule 1 to the European Parliamentary Elections Act 1978(1) and, being a Minister designated(2) for the purposes of section 2(2) of the European Communities Act 1972(3) 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 the said section 2(2) hereby makes the following Regulations:

PART I
GENERAL

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the European Parliamentary Elections Regulations 1999.
- (2) These Regulations shall come into force on the fifth day after the day on which they are made.
- (3) These Regulations shall not extend to Northern Ireland.

(1) 1978 c. 10; the citation of this Act was amended by section 3(1)(b) and (2)(b) of the European Communities (Amendment) Act 1986 (c. 58) and the powers in paragraph 2 have been amended by paragraphs 5 to 7 of Schedule 2 to the European Parliamentary Elections Act 1999 (c. 1) and extended by paragraphs 3 and 4 of Schedule 1 to the 1978 Act, as substituted by paragraphs 8 and 9 of Schedule 2 to the 1999 Act.

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

(3) 1972 c. 68.

Interpretation

2. Unless the context otherwise requires, in these Regulations and in any provision applied by these Regulations—

“1978 Act” means the European Parliamentary Elections Act 1978;

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

“1985 Act” means the Representation of the People Act 1985⁽⁵⁾;

“1986 Regulations” means the Representation of the People Regulations 1986⁽⁶⁾;

“1986 (Scotland) Regulations” means the Representation of the People (Scotland) Regulations 1986⁽⁷⁾;

“1994 Regulations” means the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994⁽⁸⁾;

“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 a citizen of the Republic of Ireland;

“elections rules” and “parliamentary elections rules” mean the rules in Schedule 1 to the 1983 Act, as applied by regulation 3 of, and Schedule 1 to, these Regulations;

“European Parliamentary overseas elector” means a person falling within section 3C(4) of the 1978 Act⁽⁹⁾;

“European Parliamentary overseas elector’s declaration” means a declaration made in pursuance of section 2 of the 1985 Act, as applied by regulation 14 of, and Schedule 3 to, the 1986 Regulations or regulation 13 of, and Schedule 3 to, the 1986 (Scotland) Regulations;

“list” means a list of candidates submitted by a registered party to accompany its nomination for election;

“local returning officer” means the person who is, in relation to a parliamentary election—

(a) in England and Wales, the acting returning officer, or

(b) in Scotland, the returning officer;

and, as respects any parliamentary constituency for which he acts, includes any person designated as a returning officer for the European Parliamentary electoral region;

“national election agent” means a person appointed under regulation 10 below;

“nominating officer” means the person registered under the Registration of Political Parties Act 1998⁽¹⁰⁾ as the officer with responsibility for the matters referred to in paragraph 5(2) of Schedule 1 to that Act in respect of a registered party;

“overseas elector” means a person falling within subsection (2) of section 3C of the 1978 Act by virtue of paragraph (b) of that subsection;

“overseas elector’s declaration” has the meaning given in section 2 of the 1985 Act;

“register of electors” means any part of—

(a) a register of parliamentary or, in the case of peers, local government electors,

⁽⁴⁾ 1983 c. 2.

⁽⁵⁾ 1985 c. 50.

⁽⁶⁾ S.I. 1986/1081.

⁽⁷⁾ S.I. 1986/1111 (S.93).

⁽⁸⁾ S.I. 1994/342.

⁽⁹⁾ Section 3C was substituted by section 1 of the European Parliamentary Elections Act 1999.

⁽¹⁰⁾ 1998 c. 48.

- (b) a register under section 3 of the 1985 Act, and
 - (c) a register under regulation 9 of the 1994 Regulations,
in force within an electoral region at the time of a European Parliamentary election in that region;
- “registered party” means a party registered under the Registration of Political Parties Act 1998;
and
- “registration officer” means an officer appointed under section 8 of the 1983 Act⁽¹¹⁾.

PART II

CONDUCT OF ELECTIONS

Application of certain provisions for European Parliamentary elections

3.—(1) The provisions of the 1983 Act and the 1985 Act which are specified in the left-hand column of Schedule 1 to these Regulations shall, subject to—

- (a) any modifications and exceptions specified in relation to those provisions in the right-hand column of that Schedule,
- (b) paragraph (4) below, and
- (c) any modifications necessary in consequence of those provisions,

apply for the purposes of a European Parliamentary election.

(2) The provisions of the 1986 Regulations and the 1986 (Scotland) Regulations which are specified in the left-hand column of Schedule 2 to these Regulations shall, subject to—

- (a) any modifications and exceptions specified in relation to those provisions in the right-hand column of that Schedule,
- (b) paragraph (4) to (6) below, and
- (c) any modifications necessary in consequence of those provisions,

apply for the purposes of a European Parliamentary election.

(3) Section 65(6) of the Local Government Finance Act 1988 (hereditaments to be treated as unoccupied notwithstanding use for election purposes)⁽¹²⁾ and section 72 of the Post Office Act 1969 (remuneration of Post Office for services in relation to a parliamentary election)⁽¹³⁾ shall apply in relation to a European Parliamentary election as they apply in relation to a parliamentary election and as though the reference in section 65(6) to a person’s candidature included a reference to a registered party’s; as though the reference to a returning officer was a reference to a local returning officer and as though the reference in section 72 to the 1983 Act was a reference to that Act as applied by this regulation and Schedule 1 to these Regulations.

(4) Unless the context otherwise requires, in the provisions applied by Schedules 1 and 2 to these Regulations,

- (a) any provision relating to a local government election or local government electors and references in connection therewith (including a reference to a petition questioning an election under the local government Act) shall be disregarded;

⁽¹¹⁾ Section 8 was amended by Schedule 16 to the Local Government (Wales) Act 1994 (c. 19) and Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39).

⁽¹²⁾ 1998 c. 41.

⁽¹³⁾ 1969 c. 48; section 72 was amended by Schedule 8 to the 1983 Act.

- (b) any reference to a parliamentary election (except the reference specified in paragraph (7) below) shall be construed as a reference to a European Parliamentary election and any reference to a general election shall accordingly be construed as a reference to a general election of MEPs;
- (c) any reference to a constituency (or parliamentary constituency), except the references in sections 6(2A) and 9 of the 1985 Act⁽¹⁴⁾, shall be construed as a reference to an electoral region;
- (d) any reference to promoting or procuring the election of a candidate shall be construed as a reference to promoting or procuring the election of either—
 - (i) a registered party, or
 - (ii) an individual candidate,as the case may be;
- (e) any reference to a candidate, other than the one referred to in sub-paragraph (d) above, shall be construed as a reference to either—
 - (i) a candidate on the list of a registered party, or
 - (ii) an individual candidate,as the case may be;
- (f) any reference to a returning officer in—
 - (i) rules 24 to 48 and 54 to 58 of the elections rules,
 - (ii) regulations 78 to 96 of the 1986 Regulations, and
 - (iii) regulations 76 to 94 of the 1986 (Scotland) Regulations,shall be construed as a reference to the local returning officer;
- (g) any reference to a returning officer, other than the ones referred to in sub-paragraph (f) above, shall be construed as a reference to that officer at a European Parliamentary election;
- (h) any reference to a parliamentary elector shall be construed as a reference to an elector at a European Parliamentary election;
- (i) any reference to a member in the context of a Member of Parliament shall be construed as a reference to an MEP;
- (j) any reference to a parliamentary election petition, except in the context of the rota for the trial of parliamentary election petitions, shall be construed as a reference to a European Parliamentary election petition;
- (k) any reference to a return in the context of a return to the writ of election (and a return to Parliament) shall be construed as a reference to the declaration of the result by the returning officer under rule 50 of the elections rules;
- (l) any reference to an election agent shall be construed in accordance with regulations 10(9) and 11(9) below;
- (m) any reference to the statement of persons nominated shall be construed as a reference to the statement of parties and individual candidates nominated;
- (n) any reference to an overseas elector shall be construed as including a reference to a European Parliamentary overseas elector and any reference to an overseas elector's declaration shall be construed as including a reference to a European Parliamentary overseas elector's declaration;

⁽¹⁴⁾ Section 6(2A) was inserted by the Representation of the People Act 1990 (c. 32).

- (o) any reference to a register of electors shall be construed in accordance with the definition of “register of electors” in regulation 2 above;
- (p) any reference to Northern Ireland shall be disregarded; and
- (q) any reference to an enactment or instrument made under an enactment shall be construed as a reference to that enactment or instrument as applied by these Regulations.

(5) In the forms in Schedule 2 to the 1986 Regulations, as applied by Schedule 2 to these Regulations, and Schedule 2 to the 1986 (Scotland) Regulations, as so applied, for the words ‘REPRESENTATION OF THE PEOPLE ACTS’ there shall be substituted ‘EUROPEAN PARLIAMENTARY ELECTIONS ACT 1978’.

(6) The reference in regulation 70(2) of the 1986 Regulations, as applied by Schedule 2 to these Regulations, to form D and the reference in regulation 68(2) of the 1986 (Scotland) Regulations, as so applied, to form C shall, in the case of a proxy for either a relevant citizen of the Union registered as a European Parliamentary elector or a European Parliamentary overseas elector, be construed as a reference to the form set out in Part II of Schedule 4 to these Regulations.

(7) The references to “parliamentary election” to which paragraph (4)(b) above does not apply are those in section 160(4) of the 1983 Act and the first reference in section 160(5) of that Act.

Conduct of poll and count in each parliamentary constituency

4. The local returning officer for each parliamentary constituency wholly or partly comprised in an electoral region shall be responsible for—

- (a) the conduct of the poll in that constituency;
- (b) unless the returning officer otherwise directs, the printing of the ballot papers;
- (c) the issue and receipt of postal ballot papers for electors in that constituency and their proxies;
- (d) the verification of the ballot paper accounts; and
- (e) the counting of the votes given in that constituency.

Offences in connection with candidature

5.—(1) A person who makes a statement which he knows to be false in the declaration required by rule 8A(2) of the elections rules is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) A person who, at a general election of MEPs—

- (a) consents to nomination as an individual candidate in more than one electoral region,
- (b) consents to nomination as an individual candidate in an electoral region and consents to being nominated in a list submitted by a registered party, whether in that region or some other,
- (c) consents to being nominated in the list submitted by more than one registered party in the same region, or
- (d) consents to being nominated in the lists submitted by a registered party or parties for more than one region,

is guilty of an illegal practice.

(3) The provisions of Part III of the 1983 Act relating to the prosecution of offences, as applied by regulation 3 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 that Act, as so applied.

Deputies and assistance

6.—(1) A returning officer and a local returning officer may, in writing, appoint deputies to discharge all or any of the functions imposed on them under these Regulations or the provisions applied by these Regulations.

(2) A returning officer may appoint such clerks as may be necessary to assist him in his functions in relation to an election.

Alterations in registers of electors

7. An alteration made in a register after the last day on which nomination papers at a European Parliamentary election may be delivered to the returning officer shall not have effect for the purposes of that election.

Combination of polls

8. Where the poll at a European Parliamentary election is to be taken together with the poll at a parliamentary or local government election under section 15(1) or (2) of the 1985 Act, the elections rules shall have effect subject to—

- (a) in England and Wales, the modifications in Part I of Schedule 3 to these Regulations, and
- (b) in Scotland, the modifications in Part II of that Schedule.

Amendment of proxy forms

9. Form D of Schedule 2 (form of proxy paper) to the 1986 Regulations shall be amended in accordance with paragraph 1 of Part I of Schedule 4 to these Regulations and Form C of Schedule 2 (form of proxy paper) to the 1986 (Scotland) Regulations shall be amended in accordance with paragraph 2 of that Part.

PART III

SUPPLEMENTARY PROVISIONS ABOUT THE ELECTION CAMPAIGN AND REGISTERED PARTIES

Appointment of national election agent

10.—(1) This regulation applies where, at a general election of MEPs, the nominating officer of a registered party (in accordance with the elections rules) nominates, or authorises the nomination of, that party to stand for election in more than one electoral region.

(2) Not later than the latest date for the delivery of notices of withdrawal for an election, that officer shall name himself, or some other person, as the party's national election agent.

(3) The name and address of the person so named shall be declared in writing by or on behalf of the party's nominating officer to the Secretary of State not later than that time.

(4) One national election agent only shall be appointed for each registered party but the appointment (whether or not the national election agent appointed is the party's nominating officer) may be revoked.

(5) If (whether before, during or after the general election of MEPs) the appointment or deemed appointment of a national election agent is revoked or a national election agent dies, another national election agent shall be appointed forthwith and his name and address declared to the Secretary of State.

(6) The declaration as a party's national election agent of a person other than the nominating officer of that party shall be of no effect under this regulation unless it is made and signed by that person or is accompanied by a written declaration of acceptance signed by him.

(7) Upon the name and address of a national election agent being declared to the Secretary of State, the Secretary of State shall forthwith give public notice of that name and address.

(8) Where for any reason the nominating officer of a registered party is unable to act, functions conferred on him by this regulation shall be discharged by—

- (a) the person registered as leader of that party under the Registration of Political Parties Act 1998, or
- (b) where that person is also the nominating officer, the person who holds some other office in the party and is registered in pursuance of it under—
 - (i) section 4 of, and paragraph 6 of Schedule 1 to, that Act, or
 - (ii) section 6(5) of that Act.

(9) In the provisions applied by Schedules 1 and 2 to these Regulations, except sections 67 to 70 of the 1983 Act but including the modifications—

- (a) any reference to an election agent shall, in the case of a registered party to which this regulation applies, be construed as a reference to a national election agent, and
- (b) any reference to the election agent of a candidate shall, in the case of a registered party to which this regulation applies, be construed as a reference to that party's national election agent.

Appointment of election agent by a registered party standing in one electoral region only

11.—(1) This regulation applies where a registered party is nominated for election in one electoral region only (whether at a general election of MEPs or a by-election).

(2) Not later than the latest date for the delivery of notices of withdrawal for an election, the nominating officer of a registered party shall name himself, or some other person, as the party's election agent.

(3) The name and address of the person so named shall be declared in writing by or on behalf of the party's nominating officer to the Secretary of State not later than that time.

(4) One election agent only shall be appointed for each registered party, but the appointment (whether or not the election agent appointed is the party's nominating officer) may be revoked.

(5) If (whether before, during or after the election) the appointment or deemed appointment of an election agent is revoked or an election agent dies, another election shall be appointed forthwith and his name and address declared to the Secretary of State.

(6) The declaration as a party's election agent of a person other than the nominating officer of that party shall be of no effect under this regulation unless it is made and signed by that person or is accompanied by a written declaration of acceptance signed by him.

(7) Upon the name and address of an election agent being declared to the Secretary of State, the Secretary of State shall forthwith give public notice of that name and address.

(8) Regulation 10(8) above applies for the purposes of this regulation as it applies for the purposes of that regulation.

(9) In the provisions applied by Schedules 1 and 2 to these Regulations, except sections 67 to 70 of the 1983 Act but including the modifications, any reference to the election agent of a candidate shall, in the case of a registered party to which this regulation applies, be construed as a reference to that party's election agent.

Appointment of sub-agent for registered parties

12.—(1) A national election agent or a person authorised by him may appoint to act in any electoral region one, but not more than one, deputy election agent and in any part of an electoral region one, but not more than one, deputy election agent (referred to in these Regulations and the 1983 Act, as applied by these Regulations, as a sub-agent).

(2) An election agent of a registered party may appoint to act in any part of the electoral region one, but not more than one, deputy election agent (referred to in these Regulations and the 1983 Act, as applied by these Regulations, as a sub-agent).

(3) As regards matters in the area for which there is a sub-agent, the election agent (including the national election agent), may act by the sub-agent and—

- (a) anything done for the purposes of the 1983 Act, as applied by these Regulations, by or to the sub-agent in his area shall be deemed to be done by or to the election agent (including the national election agent); and
- (b) any act or default of a sub-agent which, if he were the election agent (including the national election agent), would be an illegal practice or other offence against the 1983 Act (as so applied) shall be an illegal practice and offence against that Act (as so applied) committed by the sub-agent and the sub-agent shall be liable to punishment accordingly.

(4) Not later than the second day before the day of the poll (calculated in accordance with section 119 of the 1983 Act⁽¹⁵⁾ as applied by these Regulations) the national election agent or a person acting on his behalf or, as the case may be, the election agent shall declare in writing to the returning officer—

- (a) the name and address of every sub-agent, and
- (b) the area for which he is appointed to act.

(5) The appointment of a sub-agent shall not be vacated by the national election agent or, as the case may be, the election agent who appointed him ceasing to be such an agent.

(6) The appointment of a sub-agent may be revoked by whoever is for the time being the national election agent or, as the case may be, election agent.

(7) Where the appointment of a sub-agent is revoked or the sub-agent dies, another sub-agent may be appointed, and the national election agent or a person acting on his behalf or, as the case may be, the election agent shall forthwith declare in writing to the returning officer—

- (a) the name and address of the sub-agent, and
- (b) the area for which he is appointed to act.

(8) On receipt of a declaration under paragraph (4) or (7) above, the returning officer shall forthwith give public notice of the name, address and area so declared.

(9) References in this regulation to an election agent are to the election agent of a registered party.

Office of agents of registered parties

13.—(1) Every national election agent, every election agent and every sub-agent of a registered party shall have an office to which all claims, notices, writs, summonses and documents may be sent.

(2) The office of a national election agent shall be in the United Kingdom and shall be—

- (a) declared to the Secretary of State at the same time as the appointment of the agent is declared to him; and
- (b) stated in the public notice of the name of the agent.

(15) Subsection (2) and (3) of section 119 were substituted by section 19(4) of the 1985 Act.

(3) The office of the election agent or sub-agent of a registered party shall be within the area for which he is appointed to act and shall be—

- (a) declared to the Secretary of State in the case of an election agent and the returning officer in the case of a sub-agent at the same time as the appointment of the agent is declared to him; and
- (b) stated in the public notice of the name of the agent.

(4) Any claim, notice, writ, summons or document delivered at the address of the national election agent, election agent or sub-agent and addressed to him, shall be deemed to have been served on him and every national election agent, election agent or sub-agent may in respect of any matter connected with the election in which he is acting be sued in any court having jurisdiction at the place where his office is situated.

Effect of default in appointment of agents of registered parties

14.—(1) If no person's name and address are given as required by—

- (a) regulation 10 above as the national election agent of a registered party, or
- (b) regulation 11 (where regulation 10 does not apply) as the election agent of a registered party for an electoral region,

by the latest time for delivery of notices of withdrawals, the nominating officer shall be deemed to have named himself as the national election agent or, as the case may be, the election agent and to have revoked any appointment of another person as that agent.

(2) If—

- (a) the person whose name and address have been so given as those of the party's national election agent or, as the case may be, election agent (not being the party's nominating officer) dies, and
- (b) a new appointment is not made on the day of the death or the following day,

the party's nominating officer shall be deemed to have appointed himself as from the time of the death to the office in question.

(3) If the appointment of a party's national election agent or, as the case may be, election agent is revoked without a new appointment being made, the party's nominating officer shall be deemed to have been appointed (or re-appointed) to the office in question.

(4) The deemed appointment of a nominating officer as his party's national election agent or, as the case may be, election agent may be revoked as if it were an actual appointment.

(5) Regulation 10(8) above applies for the purposes of this regulation as it applies for the purposes of that regulation.

(6) Where a party's nominating officer or officer determined under regulation 10(8), as applied by paragraph (5) above, is by virtue of this regulation to be treated as the party's national election agent or, as the case may be, election agent, he shall be deemed to have his office at the address registered under the Registration of Political Parties Act 1998 as the party's headquarters (or, if it has no headquarters, the address to which communications to the party may be sent).

(7) On being satisfied that a party's nominating officer or officer determined under paragraph (5) above is by virtue of this regulation to be treated as—

- (a) the party's national election agent, or
- (b) the party's election agent,

the Secretary of State shall, forthwith proceed to publish the like notice as if that officer's name and address and the address of his office had been duly given to him under regulations 10 and 13 above or, as the case may be, regulations 11 and 13 above.

Limitation of election expenses of a registered party

15.—(1) Where a registered party stands for election in more than one electoral region at the same general election of MEPs, no sum shall be paid and no expense shall be incurred by the national election agent of that party, whether before, during or after that general election, on account of or in respect of the conduct or management of the election, in excess of the maximum amount calculated in accordance with paragraph (2) below.

(2) That maximum amount is £45,000 multiplied by the number of MEPs to be returned for each electoral region in which the registered party is included in the statement of parties and individual candidates nominated.

(3) Where a registered party stands for election at an election in only one electoral region, no sum shall be paid and no expense shall be incurred by the election agent of that party, whether before, during or after the election, on account of or in respect of the conduct or management of the election, in excess of the maximum amount calculated in accordance with paragraph (4) below.

(4) That maximum amount is £45,000 multiplied by the number of MEPs to be returned for the electoral region at that election.

(5) The references—

- (a) in paragraph (1) above to sums being paid and expenses being incurred by the national election agent, or
- (b) in paragraph (3) above to sums being paid and expenses being incurred by the election agent,

include sums being paid and expenses being incurred by a sub-agent or a person acting on the written authority of the national election agent or, as the case may be, the election agent or, in each case, a sub-agent.

(6) The maximum amounts under paragraphs (2) and (4) above for a registered party are not required to cover the personal expenses of any candidate on that party's list of candidates.

(7) A national election agent knowingly acting in contravention of paragraph (1) above and an election agent knowingly acting in contravention of paragraph (3) above shall be guilty of an illegal practice.

PART IV VACANCIES

Initial response to vacancies

16.—(1) Subject to paragraphs (2) and (5) below, as soon as practicable after the Secretary of State has—

- (a) received information of a vacancy in the seat of an MEP from the European Parliament under Article 12(2) of the Act referred to in section 8(2)(a) of the 1978 Act, or
- (b) informed the European Parliament under that Article that a vacancy exists,

he shall send a notice in accordance with paragraph (4) below to the returning officer for the electoral region in which the vacancy exists.

(2) Paragraph (1) above does not apply where it appears from the declaration of the result of the election that the person whose seat is now vacant was an individual candidate.

(3) Subject to regulation 19(2) below, a by-election shall be held in the circumstances described in paragraph (2) above to fill the vacancy and the period within which the poll at that election must

take place is six months from the occurrence of the event specified in paragraph (1)(a) or (b) above, as the case may be.

(4) The notice referred to in paragraph (1) above shall—

(a) state that a vacancy exists, and

(b) set out the name of the person who had been returned in the seat which is vacant, together with the name of the registered party on whose list his name was included.

(5) Paragraph (1) above shall not apply where the event referred to in sub-paragraph (a) or (b) of that paragraph occurred less than six months before the Thursday of the period of the next general election of MEPs.

(6) For the purpose of paragraph (5) above and regulation 19(1) below, the period of the next general election of MEPs is that during which the next general election would take place in accordance with Article 10(2) of the Act referred to in section 8(2)(a) of the 1978 Act.

Filling of vacancies from a registered party's list

17.—(1) On receipt of a notice under regulation 16(4) above, the returning officer shall ascertain from the list submitted by the registered party named in the notice (“the relevant list”) the name and address of the person whose name appears highest on that list (“the first choice”), disregarding the name of any person who has been returned as an MEP or who has died.

(2) The returning officer shall take such steps as appear to him to be reasonable to contact the first choice to ask whether he will—

(a) state in writing that he is willing and able to be returned as an MEP, and

(b) deliver a certificate signed by or on behalf of the nominating officer of the registered party which submitted the relevant list stating that he may be returned as that party's MEP.

(3) Paragraph (4) below applies where—

(a) within such period as the returning officer considers reasonable—

(i) he decides that the steps he has taken to contact the first choice have been unsuccessful, or

(ii) he has not received from the first choice the statement and certificate referred to in paragraph (2) above, or

(b) the first choice has—

(i) stated in writing that he is not willing or able to be returned as an MEP, or

(ii) failed to deliver the certificate referred to in paragraph (2)(b) above.

(4) In the circumstances set out in paragraph (3) above, the returning officer shall repeat the procedure required by paragraph (2) above in respect of the person (if any) whose name and address appears next in the relevant list (“the second choice”) or, where paragraph (3)(a) or (b) above applies in respect of that person, in respect of the person (if any) whose name and address appear next highest after the second choice in that list and the returning officer shall continue to repeat the procedure until the seat is filled or the names in the list exhausted.

(5) Where a person whose name appears on the relevant list provides the statement and certificate referred to in paragraph (2) above, the returning officer shall (subject to paragraph (6) below) declare in writing that person to be returned as an MEP.

(6) Where—

(a) the returning officer has, in accordance with paragraph (4) above, asked a second or other subsequent choice the questions in paragraph (2) above, and

(b) the person who was previously asked those questions then provides the statement and certificate referred to in paragraph (2),

that statement and certificate shall have no effect unless and until the circumstances described in subparagraph (a) or (b) of paragraph (3) above apply in respect of the second or other subsequent choice.

(7) The returning officer shall give public notice of a declaration given under paragraph (5) above and send a copy of it to the Secretary of State.

(8) Where the returning officer is unable to fill the seat under this regulation, he shall notify the Secretary of State that he is unable to do so.

By-election to fill certain vacancies

18.—(1) Subject to regulation 19(2) below, where the Secretary of State has received a notice from a returning officer under regulation 17(8) above, a by-election shall be held to fill that vacancy.

(2) The period within which the poll at any by-election which is required to be held under paragraph (1) above must take place is six months from the date on which the Secretary of State receives the notice referred to in that paragraph.

When a by-election is not needed

19.—(1) The circumstances in which this regulation applies are where the latest date for the poll for a by-election would fall on or after the Thursday of the period of the next general election of MEPs (within the meaning of regulation 16(6) above).

(2) In the circumstances in which this regulation applies, regulations 16(3) and 18(1) above shall not apply and the Secretary of State shall not appoint a day for the poll for a by-election.

PART V REVOCATIONS

Revocations

20. The instruments listed in column 1 of Schedule 5 to these Regulations (which have the references listed in column 2) are hereby revoked to the extent indicated in column 3 of that Schedule.

Home Office
1999

One of Her Majesty's Principal Secretaries of
State

SCHEDULE 1

Article 3(1)

APPLICATION WITH MODIFICATIONS OF PROVISIONS OF THE REPRESENTATION OF THE PEOPLE ACTS 1983 AND 1985

<i>Provision applied</i>	<i>Modification</i>
THE REPRESENTATION OF THE PEOPLE ACT 1983	
In section 18 (polling districts and places at parliamentary elections), subsections (1) and (9)	After subsection (1) insert: “(1A) The polling districts and polling places designated under this section shall be the same as those used or designated for parliamentary elections, except where it appears to those responsible for designating parliamentary polling districts and places that special circumstances make it desirable for some other polling district or place to be designated.”.
Section 23 (rules for parliamentary elections)	Any reference to a returning officer includes a reference to a local returning officer.
In section 24 (returning officers: England and Wales), subsection (2)	
Section 29 (payments by and to returning officer)(16)	Omit subsections (1) and (2). Any reference to a returning officer includes a reference to a local returning officer.
Section 30 (taxation of returning officer’s account)	Any reference to a returning officer includes a reference to a local returning officer.
Section 49 (effect of registers)(17)	In subsection (5)— (a) for the words from the beginning to “proxies” substitute “A person whose registration as an elector or entry in the list of proxies entitles him to vote”, and (b) in paragraph (b)(iv) for “a local government” substitute “an”.
Section 50 (effect of misdescription)	
Section 52 (discharge of registration duties)(18)	Omit subsection (1).
Section 54 (payment of expenses of registration)(19)	

(16) Section 29 was amended by the Representation of the People Act 1991 (c. 11) and the Transfer of Functions (Returning Officers' Charges) Order 1991 (S.I. 1991/1728).

(17) Subsections (1)(d) and (3) of section 49 were repealed by Schedule 5 to the 1985 Act and subsection (5) was substituted by Schedule 2 to the Local Government Elections (Changes to the Franchise and Qualification of Members) Regulations 1995 (S.I. 1995/1948).

(18) Section 52 was amended by Schedule 4 to the 1985 Act, Schedule 16 to the Local Government (Wales) Act 1994 (c. 19) and Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39).

(19) Section 54 was amended by Schedule 4 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
Section 56 (registration appeals: England and Wales)(20)	Omit paragraphs (a) and (d) of subsection (1). In subsection (4A) omit “nominating candidates”.
Section 57 (registration appeals: Scotland)	
Section 60 (personation)	
Section 61 (other voting offences)(21)	After subsection (1) insert— “ (1A) References in subsection (1) above to legal incapacity to vote at a European Parliamentary election include incapacity to vote at the kind of election from which the entitlement to vote at a European Parliamentary election derives.” In subsection (2)(a)(iii) for “some other constituency” substitute “respect of an address other than the address by virtue of which he votes as elector”. In subsection (7)(a) for “173” substitute “160(5)”. Omit subsection (7)(b).
Section 63 (breach of official duty)(22)	In subsection (3) omit paragraph (a) and in paragraph (b) after “returning officer” insert “, local returning officer”.
Section 65 (tampering with nomination papers, ballot papers, etc.)(23)	At the end of subsection (1)(a) insert “or the list of candidates submitted by a registered party”. In subsection (3) after “returning officer,” insert “a local returning officer,”.
Section 66 (requirement of secrecy)(24)	In subsection (1) before “returning” insert “local”. In subsection (2) before “counting” in the first and third places where it occurs insert “verification of the ballot paper accounts or the”. In subsections (2)(b), (3)(b) and (c), (4)(d) and (5) for “candidate for whom” substitute “way in which”. After subsection (2) insert the following subsection:

(20) Subsection (4A) of section 56 was inserted by Schedule 4 to the 1985 Act and subsections (1)(c) and (6) were repealed by Schedule 5 to that Act.

(21) Section 61 was amended by paragraph 2 of Schedule 2 to the 1985 Act.

(22) Section 63 was substituted by Schedule 4 to the 1985 Act.

(23) Subsection (3) and (4) of section 65 were substituted by Schedule 3 to the 1985 Act.

(24) Section 66(6) was amended by Schedule 3 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
	<p>“(2A) No person attending at the verification of the ballot paper accounts shall express to any person an opinion based on information obtained at that verification as to the likely result of the election.”.</p> <p>In subsection (3)(d) for “name of the candidate for whom he has or has not” substitute “way in which he has”.</p>
Section 67 (appointment of election agent)(25)	Any reference to a candidate is a reference to an individual candidate.
Section 68 (nomination of sub-agent at parliamentary election)(26)	<p>In subsection (1) for the words from the beginning to “candidate” substitute “An election agent for an individual candidate”.</p> <p>In subsection (2) omit paragraph (c) and the word “and” before it.</p> <p>In subsection (4) before “candidate's” insert “individual”.</p> <p>At the end insert—</p> <p>“(6) In subsections (2) to (4) references to an election agent are to an election agent of an individual candidate.”.</p>
Section 69 (office of election agent and sub-agent)(27)	<p>For subsection (2) substitute:</p> <p>“(2) The office of—</p> <ul style="list-style-type: none">(a) the election agent shall be within the electoral region, and(b) the sub-agent shall be within the area for which he is appointed to act.”.<p>At the end insert—</p><p>“(4) In this section, references to an election agent and sub-agent are to an election agent or sub-agent of an individual candidate.”.</p>
Section 70 (effect of default in election agent’s appointment)(28)	<p>Any reference to a candidate is a reference to an individual candidate.</p> <p>Omit subsection (4)(b).</p>
Section 72 (making of contracts through election agent)	<p>Omit subsection (1).</p> <p>In subsection (2)—</p> <ul style="list-style-type: none">(a) after “against a” insert “registered party unless made by its election agent or against an individual”; and

(25) Section 67(4) was amended by Schedule 4 to the 1985 Act.

(26) Section 68(3) was amended by Schedule 4 to the 1985 Act.

(27) Section 69(1) was amended by Schedule 4 to the 1985 Act.

(28) Section 70(3A) was inserted by Schedule 4 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
	(b) omit the words from “but” to the end.
	In subsection (3)—
	(a) omit “, in relation to a parliamentary election where sub-agents are allowed,”; and
	(b) at end insert “or a person authorised in writing by the election agent or sub-agent”.
Section 73 (payment of expenses through election agent)(29)	In subsection (1)—
	(a) in paragraph (b) before “candidate” insert “registered party or individual”; and
	(b) for “candidate’s election agent” substitute “election agent of a registered party or individual candidate”.
	In subsection (3)—
	(a) omit “, in relation to a parliamentary election where sub-agents are allowed,”; and
	(b) at end insert “or a person authorised in writing by the election agent or sub-agent”.
	At the beginning of subsection (4) insert “In the case of an individual candidate,” and after “agent” insert “or sub-agent”.
	After subsection (4) insert—
	“(4A) In the case of a registered party, all money provided by any person other than a candidate on that party’s list of candidates for any election expenses, whether as gift, loan, advance or deposit, shall be paid to the election agent or sub-agent and not otherwise.”
	In subsection (6) after “(4)” insert “or (4A)”.
Section 74 (candidate’s personal expenses, and petty expenses)(30)	In subsection (1) for “£600” substitute “£900”.
	For subsection (3) substitute—
	“(3) Any person may, if so authorised in writing by an election agent or sub-agent, pay any election expenses to a total amount not exceeding that named in the authority, but any excess above that amount so named shall be paid by the agent who authorised that person.”
	In subsection (4)—
	(a) for “election agent” substitute “agent who authorised them”, and

(29) Section 73(2) was amended by section 14(1) of the 1985 Act.

(30) Section 74(1) was amended by section 14(2) of the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
Section 75 (prohibition of expenses not authorised by election agent)(31)	<p>(b) at the end insert “and, where that agent is the sub-agent, he shall forward the statement, together with his authority, to the election agent.”.</p> <p>In subsection (1)—</p> <p>(a) for “of a candidate” substitute “of a registered party or an individual candidate”;</p> <p>(b) for the words “other than the candidate” substitute “other than, in the case of a registered party, its election agent and persons authorised in writing by the election agent and, in the case of an individual candidate, the candidate”;</p> <p>(c) for paragraph (c) substitute—</p> <p style="padding-left: 40px;">“(c) of otherwise presenting to the electors, in the case of a registered party, that party or its candidates or the views of that party or its candidates or the extent or nature of its or their backing or, in the case of an individual candidate, that candidate or his views or the extent or nature of his backing or, in either case, disparaging a registered party or its candidates or an independent candidate,”; and</p> <p>(d) in paragraph (ii) for “sum of £5” substitute “relevant sum” and omit from “and are” to “others”.</p> <p>After subsection (1) insert—</p> <p style="padding-left: 40px;">“(1A) In subsection (1)(ii) “the relevant sum” means £5,000 for each region in respect of which expenses are incurred.”.</p> <p>In subsection(2)—</p> <p>(a) in paragraph (a) for the words from “appropriate officer” to the end of that paragraph substitute “agent who authorised the expenses a return of the amount of them”; and</p> <p>(b) before “candidate”, in the final place where it occurs, insert “registered party or its election agent or individual”.</p>

(31) Section 75(1)(i) was amended by Schedule 20 to the Broadcasting Act 1990 (c. 42) and Schedule 10 to the Broadcasting Act 1996 (c. 55); section 75(1)(ii) was amended by section 14(3) of the 1985 Act and subsections (2), (4) and (5) of section 75 were amended by Schedule 4 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
	<p>In subsection (3) for the words from the beginning to “agent” substitute “The authority of the agent who authorised the incurring of the expenses”.</p> <p>Omit subsection (4).</p> <p>In subsection (5)—</p> <p>(a) omit “or send” and “or a copy of it”;</p> <p>(b) in paragraph (i) for “173” substitute “160(5)”; and</p> <p>(c) omit paragraph (ii).</p> <p>After subsection (6) insert—</p> <p>“(7) References in this section to an election agent include a sub-agent.”.</p>
Section 76 (limitation of election expenses)(32)	<p>In subsections (1) and (5) for “a candidate”, in each place where the words occur, substitute “an individual candidate”.</p> <p>After subsection (1) insert—</p> <p>“(1A) The references in subsection (1) to sums being paid and expenses being incurred by the election agent include sums being paid and expenses being incurred by a person acting on the written authority of an election agent or sub-agent.”.</p> <p>For subsection (2) substitute—</p> <p>“(2) That maximum amount is £45,000 multiplied by the number of MEPs to be returned for the electoral region at that election.”.</p> <p>Omit subsections (4) and (6).</p>
Section 78 (time for sending in and paying claims)(33)	<p>In subsection (1)—</p> <p>(a) for “a candidate” substitute “an individual candidate”; and</p> <p>(b) for “election agent”, in the second place where the words occur, substitute “agent who incurred the expense”.</p> <p>After subsection (1) insert—</p> <p>“(1A) Every claim against a registered party in respect of election expenses which is not sent in to the agent who incurred the expense within 21 days after the day on which the result of the election is declared shall be barred and not paid.”.</p> <p>After subsection (2) insert—</p>

(32) Section 76(3) was repealed by Schedule 5 to the 1985 Act.

(33) Section 78 was amended by Schedule 4 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
	<p>“(2A) Where the agent who incurred the expense is not the national election agent or, as the case may be, election agent, he shall send to that agent, forthwith on payment of the expense, the bill and a record of the fact that he has paid it and, on receiving a receipt for that payment, shall send that receipt to that agent.”.</p> <p>In subsection (3)—</p> <ul style="list-style-type: none">(a) after “election agent”, in the first place where the words occur, insert “or the agent who incurred the expense”; and(b) omit from “but” to the end of the subsection. <p>In subsection (4)—</p> <ul style="list-style-type: none">(a) for “candidate or his election agent” substitute “agent or individual candidate who incurred the expense”;(b) after “sent in to the” insert “individual”;and(c) for “the election agent” substitute “the agent who incurred the expense”. <p>In subsection (5)—</p> <ul style="list-style-type: none">(a) for “candidate or his election agent” substitute “agent or individual candidate who incurred the expense”; and(b) at end insert “; and subsection (2A) above shall apply to any such payment”. <p>After subsection (5) insert—</p> <p>“(5A) References in this section to the agent who incurred the expense are references to the national election agent, election agent or sub-agent or an agent who did so on the written authority of such an agent.”.</p>
Section 79 (disputed claims)(34)	<p>In subsection (1) for “election agent” substitute “agent who incurred the expense”.</p> <p>In subsection (2) for “candidate or his election agent” substitute “agent or individual candidate who incurred the expense”.</p>
Section 80 (election agent’s claim)	
Section 81 (return as to election expenses)(35)	<p>In subsection (1)—</p> <ul style="list-style-type: none">(a) for “35 days” substitute “50 days”;(b) after “every” insert “individual”;(c) after “deliver” insert “or cause to be delivered”; and

(34) Section 79 was amended by Schedule 4 to the 1985 Act.

(35) Section 81 was amended by Schedule 4 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
	<p>(d) after “made by” insert “or on behalf of”.</p> <p>After subsection (1) insert—</p> <p>“(1A) Where a registered party stands for election in more than one electoral region at a general election of MEPs, the national election agent of that party shall, within 70 days after the day on which the last result at that election is declared, deliver or cause to be delivered to the Secretary of State a true return in the form set out in Schedule 3 to this Act, or to the like effect, containing as respects that party a statement of all payments made by or on behalf of that agent together with all the bills and receipts.</p> <p>(1B) Where a registered party stands for election in one electoral region only, the election agent of that party shall, within 50 days after the day on which the result of the election is declared, deliver or cause to be delivered to the Secretary of State a true return in the form set out in Schedule 3 to this Act, or to the like effect, containing as respect that party a statement of all payments made by or on behalf of that agent together with all the bills and receipts.”.</p> <p>In subsection (3) after “as respects that” insert “registered party or individual”.</p> <p>In subsection (4) for “candidate”, in each place where it occurs, substitute “individual candidate”.</p> <p>In subsection (5)—</p> <p>(a) for “candidate or his election agent” substitute “agent or individual candidate who incurred the expenses”;</p> <p>(b) after “deliver” insert “or cause to be delivered”; and</p> <p>(c) after “appropriate officer” insert “or, where the return is delivered under subsection (1A) or (1B) above, the Secretary of State”.</p> <p>After subsection (5) insert—</p> <p>“(6) Section 78(5A) above applies for the interpretation of subsection (5) above as it applies for the interpretation of section 78.”.</p>
Section 82 (declarations as to election expenses)(36)	Any reference to a candidate is to be construed as a reference to an individual candidate.

(36) Section 82 was amended by Schedule 4 to the 1985 Act, Schedule 16 to the Local Government (Wales) Act 1994 (c. 19) and Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39) and was repealed in part by Schedule 17 to the Local Government Act 1985 (c. 51).

<i>Provision applied</i>	<i>Modification</i>
	In subsection (2) after “delivers” and after “deliver” insert “or cause to be delivered”.
Section 84 (penalty for failure as respects return or declarations)	For “a candidate” substitute “an individual candidate”.
Section 86 (authorised excuses for failures as to return and declarations)(37)	Any reference to a candidate is to be construed as a reference to an individual candidate. In subsection (1) for “his election agent” substitute “the election agent of a registered party or individual candidate”.
Section 87 (court’s power to require information from election agent or sub-agent)(38)	Omit subsection (5). In subsection (1) for “candidate or his election agent respectively” substitute “election agent of a registered party or individual candidate” At the end insert— “(4) References in this section to the election agent or sub-agent include a person authorised in writing by the election agent or any sub-agent to incur election expenses.”.
Section 88 (publication of time and place for inspection of returns and declarations)(39)	The existing section shall become subsection (1). In that subsection— (a) after the words “parliamentary election” insert “at which returns as to election expenses are to be delivered to the returning officer under section 81(1) above”; (b) in paragraph (a)— (i) for “not less than two newspapers” substitute “at least one newspaper”; and (ii) omit “, and shall send to each of the election agents,”; and (c) in paragraph (b) omit from “and sent” to the end. After that subsection insert— “(2) At an election at which returns as to election expenses are to be delivered to the Secretary of State under section 81(1A) or (1B) above— (a) he shall, within 10 days after the end of the time allowed for delivering to him returns as to election expenses,

(37) Section 86(1A) was inserted by Schedule 4 to the 1985 Act.

(38) Section 87(3) was amended by Schedule 4 to the 1985 Act.

(39) Section 88 was amended by Schedule 4 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
	publish in the London Gazette and the Edinburgh Gazette a notice of the time and place at which the returns and declarations (including accompanying documents) delivered to him can be inspected; but
	(b) if any return or declaration due to be delivered to him has not been received by him before the notice is despatched for publication, the notice shall so state, and a like notice about that return and declaration, if afterwards received, shall within 10 days after the receipt be published in like manner.”.
Section 89 (inspection of returns and declaration)(40)	In subsection (1) for “75, section 81” substitute “81(1)”.
	In subsections (1) and (2) for “two years” substitute “12 months”.
	After subsection (1) insert— Any returns or declarations (including the accompanying documents) delivered to the Secretary of State under section 81(1A) or (1B) or section 82 above—
	(a) shall be kept at some convenient place appointed by him, and
	(b) shall at all reasonable times during the 12 months next after they are received by him be open to inspection by any person on payment of £5,
	and the person responsible for the place where they are kept shall on demand and on payment of a fee of 15p for each side of each page provide copies of them or any part of them.
	In subsection (2) after “officer” insert “or Secretary of State”.
	Omit subsections (2)(b) and (3).
Section 91 (candidate’s right to send election address post free)(41)	In subsection (1) for “A candidate” and in subsection (2) for “He” substitute “An individual candidate and the nominating officer of a registered party which is included in the statement of parties and individual

(40) Section 89 was amended by Schedule 4 to the 1985 Act.

(41) Section 91(1) was amended by Schedule 4 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
	<p>candidates nominated for the election or a person authorised in writing by that officer”.</p> <p>In subsection (3) for “a candidate”, in each place where the words occur, substitute “an individual candidate”.</p> <p>After subsection (3) insert—</p> <p>“(3A) Until the publication of the statement of parties and individual candidates nominated for the election in an electoral region, the nominating officer of a registered party or a person authorised in writing by him shall be entitled to exercise in that region the right of free postage conferred by this section if he gives such security as may be required by the Post Office for the payment of postage should that party not be included in that statement as standing nominated.”.</p> <p>For subsection (4) substitute:</p> <p>“(4) For the purposes of this section, “elector” means a person—</p> <ul style="list-style-type: none">(a) who is registered in a register referred to in the definition of “register” in regulation 2 of the European Parliamentary Elections Regulations 1999 to be used at the election in the electoral region, or(b) who, pending the publication of such a register, appears in the electors lists for it (as corrected by the registration officer) to be entitled to be so registered, <p>and accordingly includes a person shown in any of those registers or electors lists as below voting age if it appears therefrom that he will be of voting age on the day of the poll, but not otherwise.”.</p>
Section 92 (broadcasting from outside United Kingdom)(42)	In subsection (2) for “173” substitute “160(5)”.
Section 94 (imitation poll cards)(43)	
Section 95 (schools and rooms for parliamentary election meetings)(44)	In subsection (1) after “candidature” insert “or that of his party” and for the words “receipt of the writ” substitute “last date on which notice

(42) Section 92(1) was substituted by Schedule 20 to the Broadcasting Act 1990 (c. 42).

(43) Section 94 has been amended but the amendment is not relevant to the subject matter of these Regulations.

(44) Subsections (1) and (4) of section 95 were amended by Schedule 4 to the 1985 Act and subsection (2)(a) by Part I of Schedule 12 to the Education Reform Act 1988 (c. 40).

<i>Provision applied</i>	<i>Modification</i>
	of election may be published in accordance with the elections rules”.
	In subsection (2)—
	(a) in paragraph (a) omit “or an adjoining constituency”; and
	(b) omit the words from “but a candidate” to the end of the subsection.
Section 97 (disturbances at election meetings)(45)	For subsection (2) substitute: “(2) This section applies to a political meeting held in an electoral region in connection with a European Parliamentary election between the last date on which notice of election may be published in accordance with the elections rules and the date of the poll.”.
Section 98 (premises not affected for rates)(46)	
Section 99 (officials not to act for candidates)(47)	In subsection (1)—
	(a) in paragraph (a) after “officer” insert “or local returning officer”;
	(b) for “a candidate’s agent” substitute “an agent of a registered party which has submitted a list, a candidate on that list or an individual candidate”; and
	(c) for “a candidate” substitute “an individual candidate”.
Section 100 (illegal canvassing by police officers)(48)	
Section 101 (no hiring of vehicles to convey voters)	
Section 102 (no payments for conveyance of voters)	
Section 103 (provisions supplemental to sections 101 to 103)(49)	
Section 104 (“carriage” in sections 101 to 103)(50)	
Section 105 (access to polling place by sea)	In subsection (1), omit “county”.
Section 106 (false statements as to candidates)(51)	In subsection (1)—

(45) Section 97(3) was repealed in part in its application to England and Wales by Part I of Schedule 7 to the Police and Criminal Evidence Act 1984 (c. 60).

(46) Section 98 was repealed as respects England and Wales by Part I of Schedule 13 to the Local Government Finance Act 1988 (c. 41).

(47) Section 99(2) was substituted by Schedule 3 to the 1985 Act.

(48) Section 100(2) was amended by Schedule 3 to the 1985 Act.

(49) Section 103(2) was repealed by Schedule 5 to the 1985 Act.

(50) Section 104(b) was repealed in part by Schedule 5 to the 1985 Act.

(51) Section 106(4) was repealed by Schedule 5 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
	(a) for “any candidate” substitute “any registered party or individual candidate”, and (b) for “the candidate’s personal character or conduct” substitute “the personal character or conduct of a candidate on the list of that party or of that individual candidate”.
	Omit subsections (2), (5), (6) and (7).
Section 107 (corrupt withdrawal from candidature)	For “a candidate” substitute “an individual candidate”.
Section 108 (premises not to be used as committee rooms)(52)	
Section 109 (payments for exhibition of election notices)	
Section 110 (printer’s name and address on election publications)(53)	
Section 111 (prohibition of paid canvassers)	
Section 112 (providing money for illegal purposes)	
Section 113 (bribery)	In subsection (2) after “return of any person”, in both places where those words occur, insert “or registered party”.
Section 114 (treating)	
Section 115 (undue influence)	
Section 116 (rights of creditors)	
Section 117 (savings as to parliamentary elections)	Omit subsection (1). In subsection (2)(b) and (c) for “candidate” substitute “registered party or individual candidate”.
Section 118 (interpretation of Part II)(54)	For the definition of “appropriate officer” substitute— ““appropriate officer” means the returning officer;”. For the definition of “candidate” substitute— ““candidate” means a person who is either included in the list of candidates of a registered party or is nominated as an individual candidate at the election;”.

(52) Subsection (3) of, and “also” in subsection (4) of, section 108 were repealed by Schedule 5 to the 1985 Act.

(53) Section 110(3) was amended by Schedule 3 to the 1985 Act.

(54) Section 118 was amended by Schedule 4 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
Section 119 (computation of time for purposes of Part II)(55)	
Section 120 (method of questioning parliamentary elections)	At the end insert— “(3) No election petition may be brought on the grounds of the commission of corrupt or illegal practices, except those in sections 60 and 61 above, or of illegal payments, employments or hirings. (4) No election petition may be brought where an application may be made under paragraph 6 of Schedule 1 to the 1978 Act(56).”.
Section 121 (presentation and service of parliamentary election petition)	For subsection (2) substitute— “(2) If the petition complains of the conduct of— (a) the returning officer, (b) any local returning officer, the officer (or officers) in question shall be deemed to be the respondent (or respondents), together with any MEP returned at the election.”
Section 122 (time for presentation or amendment of parliamentary election petition)	For the section substitute— “ 122. An election petition shall be presented within 21 days after the day on which the result of the election was declared under rule 50 of the elections rules.”.
Section 123 (constitution of election court and place of trial)	Omit subsections (3) and (4).
Section 124 (judges' expenses and reception: England and Wales)(57)	
Section 125 (judges' expenses and reception: Scotland)(58)	
Section 136 (security for costs)(59)	
Section 137 (petition at issue)	
Section 139 (trial of election petition)	In subsection (3) for the words from “the acceptance” to the end substitute “that one (or more) of the respondents is no longer an MEP”. Omit subsection (4).

(55) Subsections (2) and (3) of section 119 were substituted by section 19(4) of the 1985 Act.

(56) Paragraph 6 has been amended by paragraph 11 of Schedule 2 to the European Parliamentary Elections Act 1999.

(57) Section 124 was repealed in part by Schedule 5 to the 1985 Act.

(58) Section 125(a) was repealed by Schedule 5 to the 1985 Act.

(59) Section 136 was amended by Schedule 4 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
	In subsection (6) before “candidates”, in each place where the word occurs, insert “registered parties or individual”.
Section 140 (witnesses)(60)	Omit subsection (6).
Section 141 (duty to answer relevant questions)(61)	
Section 143 (expenses of witnesses)	
Section 144 (conclusion of trial of parliamentary election petition)	<p>In subsection (1) for the words from “the member” to “void” substitute—</p> <p>“(a) the member or members whose election is complained of were duly elected,</p> <p>(b) some other person or persons should have been declared to be elected, or</p> <p>(c) the election of all members for that electoral region was void”.</p> <p>In subsection (2) for “Speaker” substitute “Secretary of State”.</p> <p>For subsection (3) substitute—</p> <p>“(3) If the judges constituting the election court differ as to any matter which they are required to determine, they shall certify that difference and, to the extent that there is such a difference, the result of the election shall stand.”.</p> <p>Omit subsections (4) to (7).</p>
Section 146 (special case for determination of the High Court)	In subsection (2) for “Speaker” substitute “Secretary of State”.
Section 147 (withdrawal of petition)	
Section 152 (abatement of petition)	
Section 154 (costs of petition)	
Section 155 (neglect or refusal to pay costs)	
Section 157 (appeals and jurisdiction)	Omit subsections (2) and (5).
Section 160 (persons reported personally guilty of corrupt or illegal practices)	<p>Omit subsections (1) to (3).</p> <p>In subsection (4)—</p> <p>(a) for the words “reported by an election court personally guilty” substitute “convicted”;</p>

(60) Section 140 was amended by Schedule 4 to the 1985 Act.

(61) Subsections (3) and (4) of section 141 were repealed by Schedule 5 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
	<ul style="list-style-type: none"> (b) after “corrupt practice” insert “or a candidate convicted of an illegal practice”; (c) for “report” substitute “conviction”; (d) after “parliamentary” insert “or European Parliamentary”, and (e) after “Commons”, in each place where it occurs, insert “or European Parliament”. <p>In subsection (5)—</p> <ul style="list-style-type: none"> (a) for the words “reported by an election court personally guilty” substitute “convicted”; (b) for “report” substitute “conviction”; (c) after “parliamentary”, in the first place where it occurs, insert “or European Parliamentary”; and (d) for paragraphs (a) and (b) substitute “for or within the electoral region for which European Parliamentary election was held”. <p>Omit subsections (6) and (7).</p>
Section 167 (application for relief)(62)	
Section 168 (prosecutions for corrupt practices)(63)	
Section 169 (prosecutions for illegal practices)(64)	<p>For the words from the beginning to “prosecution” substitute—</p> <p>“A person who is guilty of an illegal practice shall be liable—</p> <ul style="list-style-type: none"> (a) in the case of an illegal practice under regulation 15(7) of the European Parliamentary Elections Regulations 1999 or section 76(1) above, on conviction on indictment, to a fine; (b) in the case of any illegal practice (including the ones mentioned in paragraph (a) above), on summary conviction, to a fine not exceeding level 5 on the standard scale; <p>and on a prosecution”.</p>
Section 170 (conviction of illegal practice on charge of a corrupt practice, etc.)	

(62) Section 167(1A) was inserted by Schedule 4 to the 1985 Act.

(63) Subsection (1) of section 168 was substituted for subsections (1) to (4) by Schedule 3 to the 1985 Act and subsections (5) and (6) were repealed by Schedule 5 to that Act.

(64) Section 169 was amended by Schedule 3 to the 1985 Act and repealed in part by Schedule 5 to that Act.

<i>Provision applied</i>	<i>Modification</i>
Section 174 (mitigation and remission etc.)	Omit subsections (1) to (4). In subsection (5) omit— (a) “or of the report of an election court”; and (b) “or report”, in both places where the words occur.
Section 175 (illegal payments etc.)(65)	In subsection (2) omit the words from “and if” to the end.
Section 176 (time limit for prosecution)(66)	
Section 178 (prosecution of offences committed outside the United Kingdom)(67)	For “Republic of Ireland” substitute “Union”.
Section 179 (offences by associations)	
Section 180 (evidence by certificate of holding of elections)	Omit paragraph (b). After paragraph (ii) insert— “and (iii) that a registered party named in the certificate submitted a list at the election,”.
Section 181 (Director of Public Prosecutions)(68)	
Section 182 (rules of procedure)	
Section 183 (costs)	
Section 184 (service of notices)	
Section 185 (interpretation of Part III)	For the definition of “appropriate officer” substitute— ““appropriate officer” means the returning officer;”. In the definition of “candidate” omit the words from “and the” to the end.
Section 186 (computation of time for purposes of Part III)	
Section 200 (public notices and declarations)(69)	For subsection (1A) substitute: “(1A) A public notice required by or under this Act to be given by a local returning officer shall be given by posting the notice in some

(65) Section 175(1) was amended by Schedule 3 to the 1985 Act.

(66) Section 176 was amended by Schedule 4 to the 1985 Act and Schedule 2 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73).

(67) Section 178 was substituted by Schedule 4 to the 1985 Act.

(68) Subsections (1), (2) and (3) of section 181 were amended by Schedule 4 to the 1985 Act; subsection (6) was repealed in part by Schedule 5 to that Act; subsections (4) and (8) were repealed as respects England and Wales by Schedule 2 to the Prosecution of Offences Act 1985 (c. 23).

(69) Subsections (1) and (1A) of section 200 were substituted by Schedule 4 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
Section 202 (general provisions as to interpretation)(70)	conspicuous place or places in the parliamentary constituency wholly or partly contained in an electoral region and may also be given in such other manner as he thinks fit.” In subsection (1), omit the definitions of “Clerk of the Crown” and “elector” and, at the end of the definition of “sub-agent” add “and includes a sub-agent appointed under regulation 12 of the European Parliamentary Elections Regulations 1999”.
In section 203 (local government provisions as to England and Wales), subsections (2) and (3)(71)	
In section 204 (general application to Scotland), subsections (3), (4), (5), (6) and (8)	
SCHEDULE 1 (PARLIAMENTARY ELECTIONS RULES)	
Rule 1 (timetable).	For the Timetable there shall be substituted the following provision:

TIMETABLE

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election.	Not later than the 25th day before the date of the poll.
Delivery of nomination papers and list of candidates of registered parties.	Between the hours of 10 a.m. and 4 p.m. on any day after the date of the publication of the notice of election but not later than the 19th day before the date of the poll.
Delivery of notices of withdrawals of candidature.	Within the time for the delivery of nomination papers at the election.
The making of objections to nomination papers or	During the hours allowed for delivery of nomination papers

(70) In section 202(1) the definitions of “absent voters list” and “list of proxies” were inserted by Schedule 2 to the 1985 Act; the definition of “overseas elector’s declaration” was inserted by section 4(5) of that Act; the definition of “citizen of the Union” was inserted by S.I. 1995/1948; the definition of “Attorney General” was repealed by the Schedule to the Law Officers Act 1997 (c. 60); the definition of “registration duties” was repealed by Schedule 5 to the 1985 Act; the definitions of “standard scale” and “statutory maximum” were repealed by Part XIV of Schedule 1 to the Statute Law Repeals Act 1993 (c. 50).

(71) Section 203(2) was repealed in part by Schedule 17 to the Local Government Act 1985 (c. 50).

<i>Provision applied</i>	<i>Modification</i>	
	<i>Proceeding</i>	<i>Time</i>
	list of candidates of registered parties.	<p>on the last day for their delivery and the hour following; but</p> <p>(a) no objection may be made in the afternoon of that last day except to a nomination paper delivered within 24 hours of the last time for its delivery, and in the case of a nomination paper so delivered no objection may be so made to the sufficiency or nature of the particulars of a registered party or candidate on the party's list or individual candidate unless made at or immediately after the time of the delivery of the nomination paper; and</p> <p>(b) the foregoing provisions do not apply to objections made in pursuance of rule 15(2) below.</p>
	Publication of statement of parties and individual candidates nominated.	At the close of the time for making objections to nomination papers or list of candidates of registered parties or as soon afterwards as any objections are disposed of.

<i>Provision applied</i>	<i>Modification</i>	
	<i>Proceeding</i>	<i>Time</i>
	Polling.	Between the hours of 7 a.m. and 10 p.m. on the day of the poll.
Rule 2 (computation of time)(72)	Omit sub-paragraph (i) of paragraph (2).	
Rule 5 (notice of election)(73)	<p>In paragraph (1) omit the words from and the notice to the end.</p> <p>At the end of the rule insert—</p> <p>“(3) The returning officer shall send a copy of the notice to the local returning officer for each parliamentary constituency wholly or partly contained in the electoral region; and each local returning officer shall publish the copy of the notice at a place within the area in which he acts.”.</p>	
Rule 6 (nomination of candidates)	<p>In rule 6 before candidate, in each place where it occurs, insert “individual”</p> <p>For paragraph (1) substitute:</p> <p>“(1) Each individual candidate shall be nominated by a separate nomination paper, which is signed and delivered by the individual candidate himself or a person authorised in writing by him.”.</p> <p>At the end of the rule insert—</p> <p>“(4) Where a nomination paper is delivered in respect of the same person after an earlier paper in respect of that person has been delivered, that later paper shall be deemed to supersede the earlier one.”.</p>	
Rule 6A (nomination papers: name of registered political party)(74)	<p>In paragraph (1) omit the words from unless to the end.</p> <p>Omit paragraph (2).</p> <p>After rule 6A insert:</p> <p>“Nomination of registered parties</p> <p>6B.—(1) A registered party which is to stand for election in the electoral region shall be nominated by a nomination paper delivered to the returning officer at the</p>	

(72) Rule 2 was amended by section 19(5) of the 1985 Act.

(73) Rule 5 was amended by Schedules 2 and 4 to the 1985 Act.

(74) Rule 6A was inserted by Schedule 2 to the Registration of Political Parties Act 1998.

<i>Provision applied</i>	<i>Modification</i>
	<p>place which he has fixed for the purpose by the party's nominating officer or a person authorised in writing by him.</p> <p>(2) The nomination paper shall state the name by which the registered party is to stand for election; and that name need not be the party's registered name but must not be such as would be likely to lead voters to associate that party with another registered party.</p> <p>(3) That name shall not exceed 6 words in length.</p> <p>(4) The nomination paper shall be accompanied by a list of candidates which complies with rule 6C below.</p> <p>(5) The nomination paper shall include a statement that the party is nominated by or on behalf of the nominating officer of the registered party in question and shall be signed by the person making it.</p> <p>(6) Where a nomination paper and list of candidates are delivered in respect of the same registered party after an earlier paper and list have been so delivered, that later paper and list shall be deemed to supersede the earlier ones.</p> <p>(7) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to make the statement required by paragraph (5) above on behalf of a registered party's nominating officer.</p> <p>(8) In the application of this rule in relation to an election registered party means a party which was registered under the Registration of Political Parties Act 1998 at the time by which the notice of election is required to be published.</p> <p>List of candidates</p> <p>6C.—(1) The number of candidates in the list of a registered party's candidates which must accompany its nomination paper shall not exceed the number of MEPs to be elected in the electoral region at the election.</p> <p>(2) The list shall set out the full names and home addresses in full of each candidate."</p>

<i>Provision applied</i>	<i>Modification</i>
Rule 8 (consent to nomination)	<p>In paragraph (1)—</p> <p>(a) after “nominated” insert “as an individual candidate or as a candidate on a registered party’s list”; and</p> <p>(b) After sub-paragraph (b) insert—</p> <p style="padding-left: 40px;">“(bb) in the case of a candidate on a registered party’s list, identifies the party in question;”.</p> <p>In paragraph (3)(b)—</p> <p>(a) for “the House of Commons Disqualification Act 1975” substitute “paragraph 5 of Schedule 1 to the 1978 Act(75)”, and</p> <p>(b) for “membership of the House of Commons” substitute “the office of MEP”.</p> <p>After rule 8 insert—</p> <p><i>Candidature by relevant citizen of the Union</i></p> <p>8A. —</p> <p>(1) Where the candidate is a relevant citizen of the Union, he shall not be validly nominated as an individual candidate or as a candidate on a registered party’s list, unless a declaration under paragraph (2) below and a certificate under paragraph (3) below are delivered at the place and within the time for the delivery of nomination papers.</p> <p>(2) The declaration referred to in paragraph (1) above must be made by or on behalf of the candidate and state, in addition to his name:</p> <p>(a) his nationality;</p> <p>(b) his home address in the United Kingdom in full;</p> <p>(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</p> <p>(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</p>

(75) Relevant amendments to paragraph 5 have been made by regulation 3 of the 1994 Regulations and paragraph 10 of Schedule 2 to the European Parliamentary Elections Act 1999.

<i>Provision applied</i>	<i>Modification</i>
	<p>the locality or constituency where, so far as he knows, his name was last entered.</p> <p>(3) The certificate referred to in paragraph (1) 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.</p> <p>(4) As soon as practicable after publication of the statement of parties and individual candidates nominated, the returning officer shall send to the Secretary of State a copy of the declaration made under paragraph (2) above by any candidate who stands nominated either by virtue of the list of candidates which accompanied a registered party's nomination or as an individual candidate.</p> <p>(5) 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.</p>
Rule 9 (deposit)(76)	<p>In paragraph (1)—</p> <p>(a) after “nominated” insert “as an individual candidate”, and</p> <p>(b) for “£500” substitute “£5,000”.</p> <p>After paragraph (1) insert—</p> <p>“(1A) A registered party shall not be validly nominated unless the sum of £5,000 is deposited on its behalf with the returning officer at the place and during the time for the delivery of nomination papers.”.</p> <p>In paragraph (3)—</p> <p>(a) after “of the” insert “registered party or individual”, and</p> <p>(b) for rule 6(1) above substitute regulation 10 or 11 of the European Parliamentary Elections Regulations 1999</p>
In rule 10 (place for delivery of nomination papers), paragraph (1)	after “place” insert “in the electoral region”.
Rule 11 (right to attend nomination)	In paragraph (1) for the words from (a) a person to the end substitute—

(76) Rule 9 was amended by section 13 of, and Schedule 4 to, the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
	<p>(a) a person standing nominated as an individual candidate or included in a list under rule 6C above,</p> <p>(b) the election agent of a registered party which has submitted a nomination or of an individual candidate, or</p> <p>(c) a person authorised in writing to deliver a nomination paper.</p> <p>Omit paragraphs (2) and (4).</p> <p>At the end of paragraph (3) insert “or list of candidates”.</p>
Rule 12 (decisions as to validity of nomination papers)(77)	<p>In paragraph (1)—</p> <p>(a) after “Where” insert, “in the case of an individual candidate”, and</p> <p>(b) after “consent to it” insert “(and, where required, a declaration and certificate under rule 8A(2) and (3) above).”</p> <p>After paragraph (1) insert—</p> <p>“(1A) Where, in the case of a registered party, a nomination paper and list under rule 6C above are delivered and a deposit is made in accordance with these rules, the party and (subject to paragraph (2B) below) the candidates on its list shall be deemed to stand nominated unless and until the returning officer determines that the nomination paper or list is invalid.”.</p> <p>In paragraph (2) for—</p> <p>(a) for the words “paper invalid” substitute “paper of an individual candidate invalid”;</p> <p>(b) in sub-paragraph (a) omit “or the particulars of the persons subscribing the paper”;</p> <p>(c) omit sub-paragraph (b), and</p> <p>(d) in sub-paragraph (c) after 1981 insert “(which applies in respect of the office of MEP by virtue of paragraph 5(1)(a) of Schedule 1 to the 1978 Act)”.</p> <p>After paragraph (2) insert—</p> <p>“(2A) The returning officer is entitled to hold a nomination paper of a registered party, together with the list of candidates accompanying it, invalid only on one of the following grounds—</p> <p>(a) that the contents of the nomination paper are not as required by law; and</p>

(77) Rule 12 was amended by Schedule 2 to the Registration of Political Parties Act 1998.

<i>Provision applied</i>	<i>Modification</i>
	<p>(b) that the number of candidates in the list breaches rule 6C(1).</p> <p>(2B) Where—</p> <p>(a) the particulars of any candidate in the list of candidates accompanying the nomination paper of a political party are not as required by law;</p> <p>(b) the consent to nomination of any such candidate is not delivered in accordance with these rules, or</p> <p>(c) any such candidate is a relevant citizen of the Union and a declaration and certificate under paragraphs (2) and (3) of rule 8A have not been delivered in accordance with that rule,</p> <p>the returning officer shall delete the name and address of that candidate from the list.”.</p> <p>In paragraph (3), omit “Subject to paragraph (3A)”.</p> <p>Omit paragraph (3A).</p> <p>In paragraph (4) after “nomination paper” insert “or, in the case of a registered party, its accompanying list”.</p> <p>After paragraph (4) insert—</p> <p>“(4A) Where the returning officer deletes any name from the list of candidates of a registered party, he must endorse on the nomination paper the fact and the reasons for his decision to do so and sign the paper.”.</p> <p>In paragraph (5) after “paper” insert “and, where applicable, its accompanying list”.</p>
Rule 13 (withdrawal of candidates)	<p>In paragraph (1) for a candidate, substitute “an individual candidate”.</p> <p>After paragraph (1) insert—</p> <p>“(1A) The nominating officer of a registered party or a person authorised in writing by him may withdraw that party’s nomination by a notice of withdrawal signed by him and delivered to the returning officer at the place for delivery of nomination papers.”.</p> <p>Omit paragraph (2).</p>
Rule 14 (publication of statement of persons nominated)	<p>For paragraph (1) substitute—</p>

<i>Provision applied</i>	<i>Modification</i>
	<p>“(1A) The returning officer shall prepare and publish a statement (“the statement of parties and individual candidates nominated”) showing—</p> <ul style="list-style-type: none"> (a) the registered parties which have been and stand nominated, together with the list of persons who stand as candidates of those parties; (b) the persons who have been and stand nominated as individual candidates; and (c) any other persons who have been nominated (whether on a list of a registered party or as individual candidates) together with the reason why they no longer stand nominated. <p>(1A) The statement shall show the registered parties which have been and stand nominated in alphabetical order, with the names and home addresses of the candidates who appear on the list of each party as given in that list and arranged in the order in which their names appear on that list.”.</p> <p>In paragraph (2)—</p> <ul style="list-style-type: none"> (a) after “nominated” insert “as individual candidates”, and (b) omit the words from “together” to the end. <p>In paragraph (3) after “nominated” insert “as individual candidates after the names of the registered parties standing nominated and the names of those candidates shall be”.</p> <p>Omit paragraph (4).</p> <p>After rule 14 insert the following rule:</p> <p>“Local publication of statement under rule 14</p> <p>14A.—(1) Immediately following publication of the statement of parties and individual candidates nominated, the returning officer shall forward a copy of it to the local returning officer for each parliamentary constituency wholly or partly contained in the electoral region.</p> <p>(2) As soon as practicable after receipt of the copy of the statement, each local returning officer shall publish it at a place within the area for which he acts.”.</p>

<i>Provision applied</i>	<i>Modification</i>
Rule 15 (disqualification by Representation of the People Act 1981)	<p>In paragraph (1)—</p> <ul style="list-style-type: none"> (a) after “nominated” insert “as an individual candidate”; (b) after “1981” insert “(which applies in respect of the office of MEP by virtue of paragraph 5(1)(a) of Schedule 1 to the 1978 Act)”; and (c) at the end insert “but limited to persons standing as individual candidates only”. <p>In paragraph (2)—</p> <ul style="list-style-type: none"> (a) for Draft statement of persons nominated substitute “Draft statement of individual candidates nominated”, and (b) before candidate insert “individual”.
Rule 16 (adjournment of nomination proceedings in case of riot)	
Rule 17 (method of election)	<p>In paragraph (1), for than one person standing nominated substitute “more candidates (whether on a registered party’s list or individual candidates) than there are seats to be filled”.</p> <p>In paragraph (2), for only one person standing nominated, that person substitute “a number of candidates (whether on a registered party’s list or individual candidates) which is the same as, or less than, the number of seats to be filled, those candidates”.</p>
Rule 18 (poll to be taken by ballot)	<p>For the words after “ballot” substitute “in accordance with subsection (2) of section 3 of the 1978 Act⁽⁷⁸⁾ and the seats shall be allocated in accordance with subsections (3) to (7) of that section”.</p>
Rule 19 (the ballot papers) ⁽⁷⁹⁾	<p>In paragraph (1) for the words “persons shown in the statement of persons nominated” substitute “registered parties, together with their candidates shown in the statement of parties and individual candidates nominated and the individual candidates so shown”.</p> <p>For paragraph (2)(a) substitute:</p> <ul style="list-style-type: none"> “(a) shall contain the names of the registered parties shown in the statement of parties and individual candidates nominated, together with the names of the candidates of

⁽⁷⁸⁾ Section 3 was substituted by section 1 of the European Parliamentary Elections Act 1999.

⁽⁷⁹⁾ Paragraphs (2A) and (2B) of rule 19 were inserted by Schedule 2 to the Registration of Political Parties 1998 and rule 19(2)(d) was amended by Schedule 4 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
	those parties as so shown, and the names and description, if any, of the individual candidates so shown.”.
	For paragraph (2A) substitute: “(2A) If a request is made by or on behalf of a nominating officer of a registered party, the ballot paper shall contain above the party’s name the party’s registered emblem (or, as the case may be, one of the party’s registered emblems).”.
	For paragraph (3) substitute: “(3) The order of the names of the registered parties, together with their candidates, and of the individual candidates in the ballot paper shall be the same as in the statement of parties and individual candidates nominated.”.
Rule 20 (the official mark)	
Rule 21 (prohibition of disclosure of vote)	For for whom substitute “the way in which”.
Rule 22 (use of schools and public rooms)(80)	In paragraphs (1) and (2) before returning insert “local”.
Rule 23 (notice of poll)(81)	In paragraph (2)— (a) at the beginning insert “In respect of each constituency (or part of a constituency) contained in the electoral region,”; (b) before returning insert “local”; and (c) omit “from (which to nominated)”.
	Rule 24 (postal ballot papers)(82)
Rule 25 (provision of polling stations)(83)	
Rule 26 (appointment of presiding officers and clerks)	In paragraph (1) before candidate insert “registered party or individual”.
Rule 28 (issue of official poll cards)(84)	For paragraph (4) substitute— “(4) In this rule— “elector” has the same meaning as in section 91(4) of this Act; and, pending publication of the register, the elector’s number in the register includes his number (if any) in the electors list for that register.”.

(80) Rule 22(1)(i) was amended by Schedule 19 to the Education Act 1993 (c. 35) (and continues to have effect by virtue of Part I of Schedule 37 to the Education Act 1996 (c. 56)) and paragraph (3) was repealed by Part I of Schedule 13 to the Local Government Finance Act 1988 (c. 41).

(81) Rule 23 was amended by Schedule 4 to the 1985 Act and repealed in part by Schedule 5 to that Act.

(82) Rule 24 was amended by Schedules 2 and 4 to the 1985 Act.

(83) Rule 25 was amended by S.I. 1996/739.

(84) Rule 28 amended by section 4(6) of, and Schedule 2 to, the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
Rule 29 (equipment of polling stations)(85)	<p>In paragraph (5) for Vote for one candidate only substitute “Put only one cross on the ballot paper”.</p> <p>After paragraph (5) add:</p> <p>“(6) Where proof has been given to the returning officer’s satisfaction of the death of a candidate on a registered party’s list or an individual candidate, he shall request each local returning officer to provide each presiding officer with a sufficient number of notices to this effect for display in every compartment of every polling station.”.</p>
Rule 30 (appointment of polling and counting agents)	<p>In paragraph (1)—</p> <p>(a) for “Each candidate” substitute “The election agent or sub-agent of a registered party standing nominated or an individual candidate or any person authorised in writing by such an agent or that candidate”, and</p> <p>(b) in sub-paragraph (b) after “at the” insert “verification of the ballot paper accounts and the”.</p> <p>After paragraph (1) insert the following paragraph—</p> <p>“(1A) For each count one (but no more than one) counting agent of each registered party or individual candidate may be authorised by the terms of his appointment to require a re-count at that count.”.</p> <p>In paragraph (2)—</p> <p>(a) for “candidate,” in each place where it occurs, substitute “registered party standing nominated or individual candidate”, and</p> <p>(b) in sub-paragraph (b) for the words from “counting” to the end substitute “verification of the ballot paper accounts or the counting of the votes by the number obtained by adding the number of registered parties standing nominated and the number of individual candidates”.</p> <p>In paragraphs (3) and (4) for candidate substitute “person by whom the appointment was made”.</p> <p>Omit paragraph (5).</p>

(85) Rule 29(5) was amended by Schedule 4 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
	<p>In paragraph (8) for his —</p> <p>(a) in the first place where it occurs, substitute “his or of his registered party”, and</p> <p>(b) in the second place where it occurs, substitute “any such”.</p> <p>In paragraph (9)—</p> <p>(a) for candidate’s election agent, in both places where the words occur, substitute “election agent or sub-agent of a registered party standing nominated or the election agent or sub-agent of an individual candidate”,</p> <p>(b) for of his substitute “of that party or candidate”, and</p> <p>(c) for his polling substitute “that party’s or candidate’s polling”,</p>
Rule 31 (notification of requirement of secrecy)(86)	In paragraph (b) after “attending at” insert “the verification of the ballot paper accounts or and after (2) insert, (2A)”.
Rule 32 (admission to polling station)	<p>In paragraph (1)(a) for “their election agents” substitute “the election agents of any registered party standing nominated and any individual candidate”.</p> <p>In paragraph (2) for “candidate” substitute “registered party standing nominated or individual candidate”.</p>
Rule 33 (keeping of order in station)	
Rule 34 (sealing of ballot boxes)	
Rule 35 (questions to be put to voters)	<p>In paragraph (1)—</p> <p>(a) for “his election or polling agent” substitute “the election or polling agent of a registered party standing nominated or of an individual candidate”, and</p> <p>(b) in the question in sub-paragraph (a)(i) omit “parliamentary”.</p>
Rule 36 (challenge of voter)	In paragraph (1) for “his election or polling agent” substitute “the election or polling agent of a registered party standing nominated or of an individual candidate”.
Rule 37 (voting procedure)(87)	
Rule 38 (votes marked by presiding officer)	
Rule 39 (voting by blind persons)	

(86) Rule 31 was substituted by Schedule 4 to the 1985 Act.

(87) Rule 37(1)(b) was amended by Schedule 4 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
Rule 40 (tendered ballot papers)(88)	
Rule 41 (spoilt ballot papers)	
Rule 42 (adjournment of poll in case of riot)	
Rule 43 (procedure on close of poll)	after “the rule”, insert: “Attendance at verification of ballot paper accounts 43A. —(1) The local returning officer shall make arrangements for the verification of the ballot paper accounts in the presence of the counting agents as soon as practicable after the close of the poll, and shall give to the returning officer and the counting agents notice in writing of the time and place at which he will begin such verification. (2) No person other than— (a) the returning officer, the local returning officer and his clerks, (b) the candidates, (c) the election agents, and (d) the counting agents, may attend the verification of the ballot paper accounts, unless permitted by the local returning officer to attend; and that officer shall not permit a person to attend unless he is satisfied that the efficient verification of the ballot paper accounts will not be impeded. (3) The local returning officer shall give the counting agents all such reasonable facilities for observing the proceedings, and all such information with respect to them, as he can give them consistent with the orderly conduct of the proceedings and the discharge of his duties in connection with them. Procedure at verification of ballot paper accounts 43B. —(1) The local returning officer shall in the presence of the counting agents—

(88) Rule 40(1)(b) was repealed in part by Schedule 5 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
	<p>(a) open each ballot box and count and record the number of ballot papers in it and verify each ballot paper account; and</p> <p>(b) count such of the postal ballot papers as have been duly returned and record the number counted.</p> <p>(2) A postal ballot paper shall not be deemed to be duly returned unless it is returned in the proper envelope so as to reach the local returning officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated.</p> <p>(3) The local returning officer shall not count any tendered ballot paper.</p> <p>(4) The local returning officer, while counting and recording the number of ballot papers, shall keep the ballot papers with their faces downwards.</p> <p>(5) The local returning officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any counting agent may copy.</p> <p>(6) The local returning officer shall determine the hours during which the procedure under this rule is proceeded with.</p> <p>(7) The local returning officer shall take proper precautions for the security of the ballot papers and documents.</p> <p>(8) On completion of the procedure under this rule, the local returning officer shall—</p> <p>(a) place the ballot papers and other documents relating to the election in packets under his own seal and the seals of such counting agents as desire to affix their seals;</p>

<i>Provision applied</i>	<i>Modification</i>
	<ul style="list-style-type: none"> (b) otherwise take proper precautions for the security of the papers and documents; and (c) inform the returning officer of the total number of ballot papers counted.”.
Rule 44 (attendance at counting of votes)	<p>In paragraph (1), after “to the” insert “returning officer and the” and for “close of the poll” substitute “material time” and at the end of the paragraph add the following:</p> <p>“For the purposes of this paragraph “material time” means—</p> <ul style="list-style-type: none"> (a) in the case of a general election of MEPs, the time when the counting of votes becomes permissible under Article 9(2) of the Act referred to in section 8(2)(a) of the 1978 Act (counting not to begin until close of polling in the member State whose electors are the last to vote within the period referred to in Article 9(1)); (b) in the case of a by-election the close of the poll.”. <p>In paragraph (2)(a) after “officer” insert, “local returning officer”.</p> <p>In paragraph (2)(b) omit “and their wives and husbands”.</p> <p>In paragraph (5)—</p> <ul style="list-style-type: none"> (a) for “the candidate” substitute “the registered party or individual candidate”, and (b) after “each” insert “registered party or individual”.
Rule 45 (the count)(89)	<p>For paragraphs (1) to (2) substitute—</p> <p>“(1) The local returning officer shall open the packets referred to in rule 43B(8) above and mix together all of the ballot papers.”.</p> <p>In paragraph (4) omit “counting and recording the number of ballot papers and”.</p> <p>Omit paragraph (5).</p> <p>In paragraph (6)—</p> <ul style="list-style-type: none"> (a) for “a candidate or his election agent” substitute “an individual candidate or the election agent of a registered party”, and

(89) Paragraphs (1) and (1A) of rule 45 were substituted by Schedule 4 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
	(b) for “his counting agents” substitute “the counting agents of that candidate or party”.
Rule 46 (re-count)	In paragraph (1) for the words “or his election agent” substitute “, the election agent of a registered party or individual candidate or a counting agent authorised under rule 30(1A) above”.
	In paragraph (2) for the “candidates and election agents” substitute “any persons referred to in paragraph (1) above who are”.
Rule 47 (rejected ballot papers)	In paragraphs (1)(b) and (4)(b) after “one” insert “registered party or individual”.
	In paragraph (2) before “candidates” insert “registered parties or individual”.
	After paragraph (2) insert: “(2A) A ballot paper on which a vote is marked for a particular candidate on a party’s list of candidates shall, if otherwise valid, be treated as a vote for that party, whether or not there is also a vote for that party.”.
Rule 48 (decisions on ballot papers)	After rule 48 insert: “Notification of local result 48A. —(1) As soon as practicable after the completion of the count, the local returning officer shall draw up a statement showing the number of votes given for each registered party and individual candidate, excluding any votes given on ballot papers rejected under rule 47 above. (2) The local returning officer shall forthwith inform the returning officer of the contents of that statement. (3) The local returning officer shall give public notice of the statements prepared under this rule and under rule 47 above as soon as practicable after the returning officer has agreed that he should do so. Attendance at allocation of seats 48B. —(1) The returning officer shall make arrangements for making the calculation and allocation required by rule 48C below. (2) No person other than—

<i>Provision applied</i>	<i>Modification</i>
	<ul style="list-style-type: none">(a) the returning officer and his clerks,(b) the election agent of each registered party standing at the election or a person acting on his behalf,(c) each candidate on the list of such a party,(d) the election agent of each individual candidate or a person acting on his behalf,(e) each individual candidate, may be present at that calculation and allocation unless permitted by the returning officer to attend.
	<ul style="list-style-type: none">(3) The returning officer shall give to—<ul style="list-style-type: none">(a) the election agent of each registered party standing at the election, and(b) each individual candidate, notice in writing of the place at which he will conduct the proceedings under rule 48C below and of the time after which he will begin those proceedings.
	<p>Allocation of seats</p> <p>48C.—(1) The returning officer, as soon as practicable after he has been informed of the contents of the statements prepared under rule 48A(1) above by local returning officers in his region, shall calculate the total number of votes given to each registered party and individual candidate in all of the parliamentary constituencies wholly or partly contained within the electoral region, as shown in those statements.</p> <p>(2) Subject to paragraph (4) and rule 49 below, the returning officer shall then allocate the seats in accordance with subsections (3) to (7) of section 3 of the 1978 Act.</p> <p>(3) The returning officer shall give the persons entitled to be present reasonable facilities for satisfying themselves that the results of the calculation and allocation which he is required to make are accurate; and, in particular, a person entitled to be</p>

<i>Provision applied</i>	<i>Modification</i>
Rule 49 (equality of votes)	<p>present may require the returning officer to make a calculation or allocation again but the returning officer may refuse to do so if in his opinion the request is unreasonable.</p> <p>(4) At a by-election at which there is only one vacancy, subsections (3) to (7) of section 3 of the 1978 Act shall have effect as though they provided that the party or individual candidate to whom the majority of the votes have been given shall be declared to be elected.”.</p> <p>For the rule substitute:</p> <p>“49.—(1) Where in the case of the last seat to be allocated, two or more registered parties or individual candidates have an equal number of votes and that number is greater than the number of votes of any other party or candidate, one vote shall be added to the votes of each party or individual candidate having such an equal number and the rules in subsections (3) to (7) of section 3 of the 1978 Act shall be applied again.</p> <p>(2) Where, after the application of the procedure set out in paragraph (1) above, two or more parties or individual candidates still have an equal number of votes and that number is greater than the number of votes of any other party or candidate, the returning officer shall forthwith decide between the parties and individual candidates having such an equal number by lot, and allocate the seat to the party or candidate on whom the lot falls.</p> <p>(3) Where the lot falls on a party, the returning officer shall comply with section 3(6) of the 1978 Act.”.</p>
Rule 50 (declaration of result)	<p>For the rule substitute:</p> <p>“50.—(1) In a contested election, when the result of the allocation and filling of seats has been ascertained, the returning officer shall—</p> <p>(a) forthwith declare to be elected those candidates on a registered party’s list by whom seats are filled and those individual candidates to whom seats are</p>

<i>Provision applied</i>	<i>Modification</i>
	<p>allocated under rules 48C and 49 above;</p> <p>(b) prepare a statement setting out—</p> <p style="padding-left: 2em;">(i) the total number of valid votes (as notified to him) given to each registered party and individual candidate;</p> <p style="padding-left: 2em;">(ii) the number of votes which such a party or candidate had, after the application of subsections (3) to (7) of section 3 of the 1978 Act, at any stage when a seat was allocated to that party or candidate;</p> <p style="padding-left: 2em;">(iii) the names in full and home address in full of each candidate who fills a seat or to whom a seat has been allocated; and</p> <p style="padding-left: 2em;">(iv) whether, in the case of a party, there are remaining candidates on that party’s list who have not been declared to be elected; and</p> <p>(c) give public notice of that statement and send a copy to the Secretary of State.</p> <p>(2) In the case of an uncontested election, the statement of parties and individual candidates nominated, in addition to showing the registered parties, the candidates on the list of those parties and individual candidates standing nominated, shall also declare to be elected any candidate so shown; and the returning officer shall send a copy of that statement and declaration to the Secretary of State.”.</p>
Rule 53 (return or forfeiture of candidate’s deposit)(90)	<p>For paragraph (3) substitute:</p> <p>“(3) Where—</p> <p style="padding-left: 2em;">(a) a registered party or an individual candidate is not shown as standing nominated in the statement of parties</p>

(90) Rule 53 was amended by section 13 of, and Schedule 4 to, the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
	and individual candidates nominated, or
	(b) in the case of an individual candidate, the candidate has died, the deposit shall be returned as soon as practicable after the publication of that statement or the time when the returning officer is satisfied of the candidate's death, as the case may be.”.
	In paragraph (4) for the words following “after the” to the end substitute “total number of valid votes for each registered party and individual candidate has been ascertained under rule 48C(1) above, the party or candidate is found not to have polled more than one-fortieth of the total number of votes polled by all the parties and candidates”.
	Omit paragraph (5).
Rule 54 (sealing up of ballot papers)	In paragraph (2) omit the words “from or of marked to the end”.
In rule 55 (delivery of documents to Clerk of the Crown) paragraph (1)	For “then forward to the Clerk of the Crown” substitute “retain” and omit the words “from the date of the election” to the end.
Rule 56 (orders for production of documents)	In paragraph (1)— (a) for “Clerk of the Crown” substitute “local returning officer”, and (b) omit sub-paragraph (i). In paragraph (2), for “Clerk of the Crown's” substitute “local returning officer's”. In paragraph (3), omit “House of Commons or”. In paragraphs (6) and (8), for “Clerk of the Crown” substitute “local returning officer”.
Rule 57 (retention and public inspection of documents)	In paragraph (1)— (a) for “Clerk of the Crown” substitute “local returning officer”, (b) for “forwarded to him in pursuance of these rules by a returning officer” substitute “to which rule 55(1) above applies”, and (c) omit “House of Commons or”. In paragraph (2), for the words from “Clerk to the end” substitute “local returning officer”. In paragraph (3), for “Clerk of the Crown” substitute “local returning officer” and for “the

<i>Provision applied</i>	<i>Modification</i>
	Treasury” substitute “the local authority by which he is employed”.
APPENDIX OF FORMS	
Form of front of ballot paper	For the form, substitute “the form in the Annex to this Schedule”.
Form of back of ballot paper	
Directions as to printing the ballot paper	For “the form”, substitute “the form in the Annex to this Schedule”.
Form of directions for the guidance of the voters in voting(91)	In paragraph 2 for on the right-hand side of the ballot paper opposite substitute “above”. In paragraphs 2 and 4 before candidate insert “registered party or independent”.
Form of declaration to be made by the companion of a blind voter	
SCHEDULE 3 (RETURN AND DECLARATIONS AS TO ELECTION EXPENSES)	
Form of return	For the words from the beginning to the end of paragraph 1 substitute— “*[General election of MEPs on (<i>insert date of poll</i>)] *[European Parliamentary election in electoral region on (<i>insert date of poll</i>)] *[Name of registered party] *[Name of individual candidate] * (<i>delete as necessary</i>) 1. I am the *[national election agent] *[election agent] of the *[registered party] *[individual candidate] named above at this election. (<i>Adapt as necessary where there has been a change of national election agent or election agent or where the candidate was his own election agent</i>)”. In paragraph 2 for candidate’s substitute *[registered party's] *[individual candidate's] In the remainder of the form, any reference to a candidate, except in the expression candidate’s personal expenses, is to be construed as a reference to an individual candidate.
Form of declarations	Except in paragraph 3, any reference to a candidate is to be construed as a reference to an individual candidate.

(91) The form of directions was substituted by Schedule 4 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
	<p>Before Name of candidate</p> <p>insert Name of registered party</p> <p>In paragraph 1 before person named, in the second place where the words occur, insert *[registered party named above].</p>
<p>SCHEDULE 5 (USE FOR PARLIAMENTARY ELECTION MEETINGS OF ROOMS IN SCHOOL PREMISES AND OF MEETING ROOMS)</p>	
Paragraph 1(92)	
Paragraph 5	<p>Omit the words from the beginning to “constituency”; for “his election agent” substitute “the election agent of a registered party or an individual candidate”; for “those lists” substitute “the lists of rooms in school premises and of meeting rooms prepared under this Schedule, as it has effect for parliamentary elections”.</p>
Paragraph 6(a)	
<p>REPRESENTATION OF THE PEOPLE ACT 1985</p>	
Section 5 (manner of voting at parliamentary elections)	<p>In subsection (5) before “returning officer” insert “local”.</p>
Section 6 (absent vote at elections for an indefinite period)(93)	<p>In subsection (1) omit “or at both”.</p> <p>Omit subsection (3)(a).</p>
Section 7 (absent vote at a particular election and absent voters list)	<p>In subsection (2) omit “in respect of elections of the kind in question and at elections of the kind in question”.</p> <p>In subsection (4) omit “at elections of the kind in question (in both places where they occur) and, at the end, add and, forthwith on completion of the compilation of that special list, supply to the local returning officer for any parliamentary constituency wholly or partly within the area for which he acts so much of that list as relates to that constituency”</p>
Section 8 (proxies at elections)(94)	<p>In subsection (3)(b) for Republic of Ireland substitution Union</p>

(92) Paragraph 1 has been amended by Schedule 12 to the Education Reform Act 1988 (c. 40).

(93) Subsections (2)(aa) and (2A) of section 6 were inserted by the Representation of the People Act 1990 (c. 32) and subsection (2A) was amended by S.I. 1996/739, S.I. 1997/138 and Schedule 16 to the Local Government (Wales) Act 1994 (c. 19).

(94) Subsections (3) and (3A) of section 8 were substituted, and subsection (4) was amended, by S.I. 1995/1948 and subsection (11) was repealed by Part IX of Schedule 27 to the Finance Act 1985 (c. 54).

<i>Provision applied</i>	<i>Modification</i>
	In subsection (6) omit “or at both and of electors for elections in respect of which the application is made”.
Section 9 (voting as proxy)(95)	<p>In subsection (4) omit “or at both and after section 2(4) of this Act insert (including that provision as applied by regulation 14 of, and Schedule 3 to, the 1986 Regulations or regulation 13 of, and Schedule 3 to, the 1986 (Scotland) Regulations)”.</p> <p>In subsection (6) omit paragraph (a).</p> <p>In subsections (8) and (9) omit “in respect of elections of the kind in question”.</p> <p>At the end of subsection (9), add “and, forthwith on completion of the compilation of that list, supply to the local returning officer for any parliamentary constituency wholly or partly within the area for which he acts so much of that list as relates to any such constituency”.</p> <p>In subsection (10) omit “or both (as the case may be) and of the kind in question”.</p>
In section 12 (offences as to declarations etc.), subsections (3) and (4)	
Section 27 (interpretation)(96)	<p>In subsection (1) omit the definition of European Parliamentary election.</p> <p>In subsection (2) omit the words from “and sections 5” to the end.</p>

(95) Paragraph (b) of section 9(5) was amended, and paragraph (bb) was inserted, by S.I. 1997/138; paragraph (c) was amended by Schedule 16 to the Local Government (Wales) Act 1994 (c. 19), and paragraph (d) was amended by S.I. 1996/739.

(96) The definition of “Assembly” in section 27(1) was repealed by the Schedule to the European Communities (Amendment) Act 1986 (c. 58).

ANNEX







Form of front of ballot paper

(see next page)

Election for the European Parliament

SOUTHWEST REGION

You have one vote.

 Mark <input checked="" type="checkbox"/> in <u>one</u> box.	<input type="checkbox"/>  Conservative Party John Farrell David Stern Anita Patel Paul Cooper Amy Lynch Susan Scott Russell Davlin	<input type="checkbox"/>  Cornish Alliance Ian Trelawney Tamsin Hawks John Monks	<input type="checkbox"/>  Green Party Carol Hunter Evan Farley Amy Yeung David Turner	<input type="checkbox"/>  Labour Party Linda Black Saeed Khan Liz Starling David Stamm Paul McIntyre Michael Brandt Claire Murphy	<input type="checkbox"/>  Liberal Democrats Graham Jones Peter Hill Janet D'Souza Ali Ibrahim Rose Marshall Gareth Davies Alan Pickering	<input type="checkbox"/> Adam Carr No Federal Europe	<input type="checkbox"/> Jane Day Independent
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Directions as to printing the ballot paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the arrangements set out in paragraphs 3 to 18 below shall be observed in the printing of the ballot paper.
3. No word shall be printed on the face of the ballot paper except the words Election for the European Parliament, the name of the electoral region, the statement You have one vote, the direction to mark an X in one box with an arrow above it, the names of registered political parties, the names and descriptions of individual candidates, the names of candidates on a party list and words forming parts of emblems.
4. The words Election for the European Parliament, the name of the region and the statement referred to in paragraph 3 above shall appear above the higher horizontal rule.
5. The direction and the arrow mentioned in paragraph 3 above shall appear on the left side of the ballot paper. The arrow shall appear on the same horizontal plane as the boxes in which a vote may be marked and shall point to the right.
6. No horizontal rule shall be printed on the face except—
 - (a) the higher horizontal rule immediately below the statement mentioned in paragraph 3 above, and
 - (b) the lower horizontal rule at the foot of the ballot paper.
7. No vertical rule shall be printed on the face except—

- (a) the vertical rule separating the direction mentioned in paragraph 3 above on the left side of the ballot paper from the names of registered political parties and the names of candidates on party lists;
 - (b) the vertical lines separating the names of registered political parties and the names of candidates on party lists;
 - (c) the vertical rule separating the names of a registered political party and the names of the candidates on the party list from the name and description of an individual candidate;
 - (d) the vertical rules separating the names and descriptions of individual candidates; and
 - (e) the vertical rule nearest to the right edge of the ballot paper.
8. The whole space on the ballot paper between the vertical rule nearest to the left edge and the vertical rule nearest to the right edge shall be equally divided by each of the other vertical rules.
9. The lines of each box in which a vote may be marked are not to be regarded as rules for the purpose of these directions.
10. The boxes in which a vote may be marked shall appear immediately below the higher horizontal line and immediately above the names of registered political parties and individual candidates.
11. The box in which a vote may be marked shall not be less than 1.5 centimetres square.
12. Where a registered emblem of a registered political party is to be included with that party's name—
- (a) it shall be printed adjacent and to the right of the box in which a vote may be marked, and
 - (b) its size as printed shall not exceed two centimetres square.
13. Subject to paragraphs 14 to 17 below, all of the words on the ballot paper shall appear in the same large type.
14. The words "Election for the European Parliament" shall appear in very large type.
15. The name of the electoral region shall appear in capitals.
16. No other capitals shall be used except initial capitals for names of parties and candidates and the first word in the statement and in the direction referred to in paragraph 3 above.
17. The names of the candidates on a party's list of candidates and the description of individual candidates shall appear in ordinary type.
18. The number on the back of the ballot paper shall be printed in small characters.

SCHEDULE 2

Regulation 3(2)

APPLICATION WITH MODIFICATIONS OF
PROVISIONS IN SUBORDINATE LEGISLATION

Provision applied

Modification

**PART I: ENGLAND AND WALES
THE REPRESENTATION OF THE
PEOPLE REGULATIONS 1986**

<i>Provision applied</i>	<i>Modification</i>
In regulation 4 (interpretation), paragraphs (1)(97) and (4)	Omit all of the definitions except those of “available for inspection”, “data” and “data user”, “list of overseas electors”, “patient’s declaration”, “postal proxy”, “Regulations of 1994”, “relevant citizen of the Union”, “service declaration” and “voluntary mental patient”. At the beginning of paragraph (4) insert “Subject to regulation 3(6) of the European Parliamentary Elections Regulations 1999,”.
Regulation 6 (forms)	Omit paragraph (1)(a).
Regulation 7 (sending of applications, notices, etc.)	
Regulation 8 (publication of documents)(98)	
Regulation 9 (misnomers)	
Regulation 10 (time)	
Regulation 11 (official poll card)	
Regulation 12 (return and declaration of election expenses)(99)	Omit paragraph (1). In paragraph (2) for “£1.50” substitute “£5”.
Regulation 13 (interference with notices)(100)	
Regulation 53 (free copies of register etc.)(101)	In paragraph (1) for “the Member” substitute “each Member”. In paragraph (2)— (a) omit sub-paragraphs (b) and (i); and (b) in sub-paragraph (ii) for the words from “candidate” to the end substitute “election agent of a registered party standing nominated or individual candidate at a European Parliamentary election for that region”. In paragraph (3) for “acting returning officer for a constituency” substitute “local returning officer for a parliamentary constituency wholly or partly within the electoral region”. Omit paragraphs (4) to (6).
Regulation 54 (sale of lists and register)(102)	Omit paragraph (1).

(97) Relevant definitions were added to regulation 4(1) by S.I. 1994/342.

(98) Regulation 8(2) was amended by S.I. 1990/520.

(99) Regulation 12 was amended by S.I. 1990/520.

(100) Regulation 13 has been amended by section 52 of the Criminal Justice Act 1988 (c. 33).

(101) Regulation 53(4A) was inserted by S.I. 1990/520.

(102) Regulation 54 has been amended by S.I. 1990/520.

<i>Provision applied</i>	<i>Modification</i>
Regulation 55 (supply of data)(103)	<p>In paragraph (2) after “any person” insert “who is mentioned in sub-paragraph (a) below” and omit sub-paragraph (b).</p> <p>In paragraph (3) after “any person” insert “who is mentioned in sub-paragraph (a) below” and omit sub-paragraph (b).</p> <p>Omit paragraph (4).</p> <p>In paragraph (3) for “the returning officer for the constituency” substitute “a local returning officer”.</p> <p>In paragraph (6) for the words from “paragraph (1)” to “Regulation 53” substitute “regulation 53(3)”.</p> <p>In paragraph (7)—</p> <p>(a) omit sub-paragraph (b); and</p> <p>(b) omit the words from “Provided” to the end.</p> <p>Omit paragraph (9).</p>
Regulation 56 (supply of labels)(104)	<p>In paragraph (4) for the words from “paragraph (1)” to “Regulation 53” substitute “regulation 53(3)”.</p> <p>In paragraph (5)—</p> <p>(a) omit sub-paragraph (b); and</p> <p>(b) omit the words from “Provided” to the end.</p> <p>Omit paragraph (6).</p>
Regulation 63 (general requirements for applications)	<p>At the end of paragraph (1)(iii) add “(including that provision as applied by regulation 14 of, and Schedule 3 to, the 1986 Regulations)”.</p> <p>Omit paragraph (2).</p>
Regulation 63A (additional requirement for applicant no longer resident at qualifying address)(105)	
Regulation 64 (additional requirements for applications on grounds of physical incapacity)(106)	
Regulation 65 (additional requirements for applications based on occupation, service or employment)	

(103) Regulation 55 has been amended by S.I. [1990/520](#).

(104) Regulation 56 has been amended by S.I. [1990/520](#).

(105) Regulation 63A was inserted by S.I. [1990/520](#).

(106) Regulation 64 has been amended by S.I. [1992/772](#) and S.I. [1997/880](#).

<i>Provision applied</i>	<i>Modification</i>
Regulation 66 (additional requirements for applications in respect of a particular election)(107)	
Regulation 67 (additional requirements for applications for appointment of a proxy)	
Regulation 68 (additional requirements for applications by proxies to vote by post at a particular election)	
Regulation 69 (closing date for applications)(108)	In paragraph (6) omit the words from “but at a” to the end.
Regulation 70 (grant or refusal of applications)	
Regulation 71 (notice of appeal)	
Regulation 72 (cancellation of proxy appointment)	
Regulation 73 (inquiries by registration officer)	In paragraph (1) omit sub-paragraph (b). In paragraph (2) omit sub-paragraph (b) and the words from “In respect of” to the end.
Regulation 74 (records and lists kept under sections 6, 7 and 9 of the Act of 1985)	In paragraph (7) for “each” substitute “the election agent of each registered party standing nominated and each individual”.
Regulation 75 (marked register for polling stations)	
Regulation 76 (certificate of employment at a parliamentary election)	Before “returning officer” insert “local”.
Regulation 77 (interpretation of Part V)	
Regulation 78 (combination of polls)(109)	
Regulation 79 (form of declaration of identity)(110)	
Regulation 80 (persons entitled to be present at issue and receipt of postal ballot papers)	For paragraph (1)(c) substitute: “(c) an election agent or a person appointed by him or a sub-agent to attend in his place,”. In paragraph (2) for “each candidate”— (a) in the first place where it occurs, substitute “the election agent or sub-agent of each registered party standing nominated or each individual candidate”; and

(**107**) Regulation 66 has been amended by S.I. [1990/520](#) and S.I. [1997/880](#).

(**108**) Regulation 69 has been amended by S.I. [1990/520](#) and S.I. [1997/880](#).

(**109**) Regulation 78 has been amended but the amendment is not relevant to these Regulations.

(**110**) Regulation 79 has been amended by S.I. [1990/520](#).

<i>Provision applied</i>	<i>Modification</i>
	(b) in the second place where it occurs, substitute “each registered party standing nominated or each individual candidate”.
	In paragraphs (3) and (4) for “candidate” substitute “election agent or sub-agent”.
	In paragraph (3), regulation 3(4)(f) of the European Parliamentary Elections Regulations 1999 does not apply to the second and third references to returning officer.
	Omit paragraph (5).
	In paragraph (7) after “of his” insert “or his party” and after “his agent” insert “or the agent of his party”.
Regulation 81 (notification of requirement of secrecy)	
Regulation 82 (notice of issue of postal ballot papers)	In paragraph (1) for “candidate” substitute “election agent”.
	In paragraph (2) for “each candidate” substitute “each election agent or, where appointments had been made by the sub-agent, sub-agent” and for “the candidate may appoint” substitute “who may be appointed”.
Regulation 83 (marking of postal ballot paper etc.)(111)	
Regulation 84 (refusal to issue postal ballot paper)	
Regulation 85 (envelopes)	
Regulation 86 (delivery of ballot papers to post office)	
Regulation 87 (provision of postal voters' ballot box)	
Regulation 88 (sealing up of special lists and counterfoils)	
Regulation 89 (spoilt postal ballot paper)	
Regulation 90 (receipt of covering envelope)	
Regulation 91 (opening of postal voters' ballot box)	In paragraph (3) for “candidate”— (a) in the first place where it occurs, substitute “election agent or, where appointments have been made by a sub-agent, sub-agent”, and

(111) Regulations 83 and 85 were amended by S.I. 1990/520 but the amendments are not relevant to these Regulations.

<i>Provision applied</i>	<i>Modification</i>
	(b) in the second place where it occurs, substitute “election agent or sub-agent”.
	In paragraph (7) for “counting of the votes under rule 45” substitute “verification of the ballot paper accounts under rule 43B”.
Regulation 92 (opening of covering envelopes)(112)	
Regulation 93 (sealing up of rejected votes and declarations of identity)	
Regulation 94 (opening of postal ballot paper envelopes)	
Regulation 96 (forwarding of documents)(113)	For paragraph (1) substitute: <p>“(1) The local returning officer shall retain for one year after the date of the poll any packets referred to in regulation 88, 89, 93 or 94 above, endorsing on each a description of its contents and, after the expiry of that period, cause those packets to be destroyed, unless otherwise directed by the High Court.”.</p> <p>In paragraph (3) for “forward it at a subsequent date” substitute “retain it and subsequently deal with it”.</p> <p>In paragraph (5) for “A copy of the statement referred to in paragraph (1)(b) above” substitute “A completed statement in Form N”.</p> <p>After paragraph (5) insert—</p> <p>“(6) The statement referred to in paragraph (5) shall identify the constituencies or parts of constituencies within the electoral region for which it is prepared.”.</p>
SCHEDULE 2 (FORMS)	
Form E (elector’s official poll card)(114)	On the back of the card— <p>(a) for “on the right-hand side of the ballot paper opposite the name of the” substitute “in the column of the party or individual”, and</p> <p>(b) for “Vote for one candidate only. Put no other” substitute “Place only one”.</p>
Form F (proxy’s official poll card)	
Form G (certificate of employment)	For “Returning officer” substitute “Local returning officer”.

(112) Regulation 92 was amended by S.I. 1990/520.

(113) Regulation 96 was amended by S.I. 1990/520.

(114) Form E was amended by S.I. 1990/520.

<i>Provision applied</i>	<i>Modification</i>
Form H (declaration of identity referred to in regulation 79(a))(115)	On the back of the form— (a) before “candidate” in paragraph 2 insert “party or individual”, and (b) in paragraph 3 for “on the right-hand side of the ballot paper opposite the name of the” substitute “in the column of the party or individual”.
Form J (declaration of identity referred to in regulation 79(b))	On the back of the form— (a) before “candidate” in the first sentence of paragraph 2 insert “party or individual”, and (b) for the first sentence of paragraph 3 substitute “Vote by marking a cross (x) in the box of your choice.”.
Form K (declaration of identity referred to in regulation 79(c))	On the back of the form— (a) before “candidate” in paragraph 2 insert “party or individual”, and (b) in paragraph 3 for “on the right-hand side of the ballot paper opposite the name of the” substitute “in the column of the party or individual”.
Form N (statement as to postal ballot papers)	For “Constituency” substitute “Area covered by statement”. In note 2 for the words from the beginning to “copy” substitute “This statement”.

PART II: SCOTLAND
THE REPRESENTATION OF THE
PEOPLE (SCOTLAND) REGULATIONS
1986

In regulation 4 (interpretation), paragraphs (1)(116) and (4)	Omit all the definitions except those of “available for inspection”, “data” and “data user”, “list of overseas electors”, “patient’s declaration”, “postal proxy”, “Regulations of 1994”, “relevant citizen of the Union”, “service declaration” and “voluntary mental patient”. At the beginning of paragraph (4) insert “Subject to regulation 3(6) of the European Parliamentary Elections Regulations 1999.”.
Regulation 5 (forms)	Omit paragraph (1)(a).
Regulation 6 (sending of applications, notices, etc.)	
Regulation 7 (publication of documents)(117)	
Regulation 8 (misnomers)	

(115) Forms H, J and K were amended by S.I. 1990/520.

(116) Relevant definitions were added to regulation 4(1) by S.I. 1994/342. Regulation 4 has also been amended by S.I. 1996/739.

(117) Regulation 7(2) was amended by S.I. 1990/629.

<i>Provision applied</i>	<i>Modification</i>
Regulation 9 (time)	
Regulation 10 (official poll card)	
Regulation 11 (return and declaration of election expenses)(118)	Omit paragraph (1). In paragraph (2) for “£1.50” substitute “£5”.
Regulation 12 (interference with notices)(119)	
Regulation 51 (free copies of register etc.)(120)	In paragraph (1)— (a) in sub-paragraph (a) for the words from “register” to the end substitute “register and one copy of the list of overseas electors to each Member of the European Parliament for the electoral region of Scotland”; (b) omit sub-paragraph (b); (c) in sub-paragraph (c) for the words from “candidate” to the end substitute “election agent of a registered party or individual candidate at a European Parliamentary election for that region”; and (d) omit sub-paragraphs (d) to (f). Omit paragraphs (1A) and (2).
Regulation 52 (sale of list and register)(121)	Omit paragraph (1). In paragraph (2) after “any person” insert “who is mentioned in sub-paragraph (a) below” and omit sub-paragraph (b). In paragraph (3) after “any person” insert “who is mentioned in sub-paragraph (a) below” and omit sub-paragraph (b). Omit paragraph (4).
Regulation 53 (supply of data)(122)	In paragraph (3) for “the returning officer for the constituency” substitute “a local returning officer”. In paragraph (5) for “regulation 51” substitute “regulation 51(1)(c)” and omit the words from “Provided” to the end. Omit paragraph (7).

(118) Regulation 11 was amended by S.I. [1990/629](#).

(119) Regulation 12 has been amended by section 225, of the Criminal Procedure (Scotland) Act [1995 \(c. 46\)](#).

(120) Regulation 51(1A) was inserted by S.I. [1990/629](#).

(121) Regulation 52 has been amended by S.I. [1990/629](#).

(122) Regulation 53 has been amended by S.I. [1990/629](#).

<i>Provision applied</i>	<i>Modification</i>
Regulation 54 (supply of labels)(123)	In paragraph (3) for “regulation 51” substitute “regulation 51(1)(c)” and omit the words from “Provided” to the end. Omit paragraph (4).
Regulation 61 (general requirements for applications)	At the end of paragraph (1)(iii) add “(including that provision as applied by regulation 13 of, and Schedule 3 to, the 1986 (Scotland) Regulations)”. Omit paragraph (2).
Regulation 61A (additional requirement for applicant no longer resident at qualifying address)(124)	
Regulation 62 (additional requirements for applications on grounds of physical incapacity)(125)	
Regulation 63 (additional requirements for applications based on occupation, service or employment)	
Regulation 64 (additional requirements for applications in respect of a particular election)(126)	
Regulation 65 (additional requirements for applications for appointment of a proxy)	
Regulation 66 (additional requirements for applications by proxies to vote by post at a particular election)	
Regulation 67 (closing date for applications)(127)	In paragraph (6) omit the words from “but at a” to the end.
Regulation 68 (grant or refusal of applications)	
Regulation 69 (notice of appeal)	
Regulation 70 (cancellation of proxy appointment)	
Regulation 71 (inquiries by registration officer)	In paragraph (1) omit sub-paragraph (b). In paragraph (2) omit sub-paragraph (b) and the words from “In respect of” to the end.
Regulation 72 (records and lists kept under sections 6, 7 and 9 of the Act of 1985)	In paragraph (7) for “each” substitute “the election agent of each registered party standing nominated and each individual”.

(123) Regulation 54 has been amended by S.I. [1990/629](#).

(124) Regulation 61A was inserted by S.I. [1991/1226](#).

(125) Regulation 62 has been amended by S.I. [1992/834](#) and S.I. [1997/979](#).

(126) Regulation 64 has been amended by S.I. [1990/629](#) and S.I. [1997/979](#).

(127) Regulation 67 has been amended by S.I. [1990/629](#) and S.I. [1997/979](#).

<i>Provision applied</i>	<i>Modification</i>
Regulation 73 (marked register for polling stations)	
Regulation 74 (certificate of employment at a parliamentary election)	For “returning officer” substitute “local returning officer”.
Regulation 75 (interpretation of Part V)	
Regulation 76 (combination of polls)	
Regulation 77 (form of declaration of identity)(128)	
Regulation 78 (persons entitled to be present at issue and receipt of postal ballot papers)	<p>For paragraph (1)(c) substitute:</p> <p>“(c) an election agent or a person appointed by him or a sub-agent to attend in his place.”.</p> <p>In paragraph (2) for “each candidate”—</p> <p>(a) in the first place where it occurs, substitute “the election agent or sub-agent of each registered party standing nominated or each individual candidate”;</p> <p>and</p> <p>(b) in the second place where it occurs, substitute “each registered party standing nominated or each individual candidate”.</p> <p>In paragraphs (3) and (4) for “candidate” substitute “election agent or sub-agent”.</p> <p>In paragraph (3), regulation 3(4)(f) of the European Parliamentary Elections Regulations 1999 does not apply to the second and third references to the returning officer.</p> <p>Omit paragraph (5).</p> <p>In paragraph (7) after “of his” insert “or his party” and after “his agent” insert “or the agent of his party”.</p>
Regulation 79 (notification of requirement of secrecy)	
Regulation 80 (notice of issue of postal ballot papers)	<p>In paragraph (1) for “candidate” substitute “election agent”.</p> <p>In paragraph (2) for “each candidate” substitute “each election agent or, where appointments had been made by the sub-agent, sub-agent” and for “the candidate may appoint” substitute “who may be appointed”.</p>
Regulation 81 (marking of postal ballot paper etc.)	

(128) Regulation 77 has been amended by S.I. [1990/629](#).

<i>Provision applied</i>	<i>Modification</i>
Regulation 82 (refusal to issue postal ballot paper)	
Regulation 83 (envelopes)	
Regulation 84 (delivery of ballot papers to post office)	
Regulation 85 (provision of postal voters' ballot box)	
Regulation 86 (sealing up of special lists and counterfoils)	
Regulation 87 (spoilt postal ballot papers)	
Regulation 88 (receipt of covering envelope)	
Regulation 89 (opening of postal voters' ballot box)	In paragraph (3) for “candidate”— (a) in the first place where it occurs substitute “election agent or, where appointments have been made by a sub-agent, sub-agent”, and (b) in the second place where it occurs, substitute “election agent or sub-agent”. In paragraph (7) for “counting of the votes under rule 45” substitute “verification of the ballot paper accounts under rule 43B”.
Regulation 90 (opening of covering envelopes)(129)	
Regulation 91 (sealing up of rejected votes and declarations of identity)	
Regulation 92 (opening of postal ballot paper envelopes)	
Regulation 94 (forwarding of documents)(130)	For paragraph (1) substitute: “(1) The local returning officer shall retain for one year after the date of the poll any packets referred to in regulation 86, 87, 91 or 92 above, endorsing on each a description of its contents and, after the expiry of that period, cause those packets to be destroyed, unless otherwise directed by order of the Court of Session.”. In paragraph (2) for “forward it at a subsequent date” substitute “retain it and subsequently deal with it”.

(129) Regulation 90 was amended by S.I. 1990/629.

(130) Regulation 94 was amended by S.I. 1990/629.

<i>Provision applied</i>	<i>Modification</i>
	<p>In paragraph (4) for “A copy of the statement referred to in paragraph (1)(b) above” substitute “A completed statement in Form M”.</p> <p>After paragraph (4) insert—</p> <p>“(5) The statement referred to in paragraph (4) above shall identify the constituencies or parts of constituencies within the electoral region for which it is prepared.”.</p>
SCHEDULE 2 (FORMS)	
Form D (elector’s official poll card)(131)	<p>On the back of the card—</p> <p>(a) after “name of the” insert “party or individual”, and</p> <p>(b) for “one candidate” substitute “one party or individual candidate”.</p>
Form E (proxy’s official poll card)	
Form F (certificate of employment)	For “Returning officer” substitute “Local returning officer”.
Form G (declaration of identity referred to in regulation 77(a))(132)	<p>On the back of the form—</p> <p>(a) before “candidate” in paragraph 2 insert “party or individual”, and</p> <p>(b) in paragraph 3 for “on the right-hand side of the ballot paper opposite the name of the” substitute “in the column of the party or individual”.</p>
Form H (declaration of identity referred to in regulation 77(b))	<p>On the back of the form—</p> <p>(a) before “candidate” in paragraph 2 insert “party or individual”, and</p> <p>(b) in paragraph 3 for “on the right-hand side of the ballot paper opposite the name of the” substitute “in the column of the party or individual”.</p>
Form J (declaration of identity referred to in regulation 77 (c))	<p>On the back of the form—</p> <p>(a) before “candidate” in paragraph 2 insert “party or individual”, and</p> <p>(b) in paragraph 3 for “on the right-hand side of the ballot paper opposite the name of the” substitute “in the column of the party or individual”.</p>
Form M (statement as to postal ballot papers)(133)	<p>For “Constituency” substitute “Area covered by statement”.</p> <p>In note 2 for the words from the beginning to “copy” substitute “This statement”.</p>

(131) Form D was amended by S.I. 1990/629.

(132) Forms G, H and J were amended by S.I. 1990/629.

(133) Form M was amended by S.I. 1990/629.

SCHEDULE 3

Regulation 8

MODIFICATION OF EUROPEAN PARLIAMENTARY
ELECTIONS RULES FOR COMBINED POLLS

PART I

ENGLAND AND WALES

1. This Schedule applies in the circumstances set out in regulation 8 of these Regulations.
2. At the end of paragraph (2) of rule 19 (the ballot papers) add the following sub-paragraph:

“(e) shall be of a different colour from that of any ballot papers used at an election the poll for which is taken together with the poll for the European Parliamentary election.”.
3. At the end of rule 23 (notice of poll) add the following paragraph:

“(3) The notice published under paragraph (2) above shall, in addition:

 - (a) state that the poll at the European Parliamentary election is to be taken together with the poll at a parliamentary or, as the case may be, local government election;
 - (b) specify the relevant parliamentary constituency or, as the case may be, local authority and, in the case of a local government election to fill a casual vacancy, the electoral area for which the election is held; and
 - (c) where the polls are to be taken together in part of the European Parliamentary electoral region only, specify that part.”.
 4. At the end of rule 28 (issue of official poll cards) add the following paragraph:

“(5) An official poll card issued under this rule may be combined with an official poll card issued at a parliamentary election or, as the case may be, local government election.”.
 5. After paragraph (1) of rule 29 (equipment of polling stations) insert the following paragraph:

“(1A) The same ballot box shall be used for the poll at the European Parliamentary election and the poll at the parliamentary election or, as the case may be, local government election.”.
 6. For paragraph (5) of rule 29 substitute the following paragraph:

“(5) In every compartment of every polling station there shall be exhibited the notice:

“EUROPEAN PARLIAMENTARY ELECTION

*(/Specify colour/*ballot paper)

vote for one party or individual candidate only

*PARLIAMENTARY ELECTION

*(/Specify colour/*ballot paper)

vote for one candidate only

* *[Specify name of council]*

COUNCIL ELECTION

*(/Specify colour/*ballot paper)

*[vote for no more than candidates]

*[vote for one candidate only]

PUT NO OTHER MARK ON THE BALLOT PAPER OR YOUR VOTE MAY NOT BE
COUNTED

* *Delete as necessary*”.”.

7. In paragraph (1)(b) of rule 30 (appointment of polling and counting agents) omit the words “the verification of the ballot paper accounts and” and in paragraph (2) of that rule omit the words “verification of the ballot papers accounts or”.

8. At the end of paragraph (3) of rule 30 insert:

“Notices of the appointment of polling agents which are required by this paragraph and paragraph (4) below to be given to the local returning officer shall be given to the returning officer who discharges the functions specified in regulation 98 of the 1986 Regulations.”

9. In rule 31(b) (notification of requirement of secrecy) the words “the verification of the ballot paper accounts or” and “(2A)” shall be omitted.

10. In question (ii) in sub-paragraphs (a) and (b) of paragraph (1) of rule 35 (questions to be put to voters) and in the second question in paragraph (2) of that rule, after the words “at this” insert “European Parliamentary”.

11. At the end of rule 37 (voting procedure) add the following paragraph:

“(4) The same copy of the register may be used under paragraph (1) above for each election and one mark may be placed in that register under paragraph (1)(d) above or in the list of proxies under paragraph (1)(e) above to denote that a ballot paper has been received in respect of each election; except that, where a ballot paper has been issued in respect of one election only, a different mark shall be placed in the register or, as the case may be, list so as to identify the election in respect of which the ballot paper was issued.”.

12. At the end of paragraph (2) of rule 38 (votes marked by presiding officer) add:

“The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies the election at which the ballot paper was so marked.”.

13. At the end of paragraph (4) of rule 39 (voting by blind persons) add:

“The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that votes were so given in respect of each election, unless the list identifies the election at which the vote was given.”.

14. At the end of paragraph (3) of rule 40 (tendered ballot papers) add:

“The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was marked.”.

15. At the end of paragraph (1) of rule 42 (adjournment of poll in case of riot) add “who discharges the functions specified in regulation 98 of the 1986 Regulations”.

16. After paragraph (1) of rule 43 (procedure on close of poll) insert:

“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) above shall not be combined with the contents of packets made under the corresponding rule that applies at a parliamentary election or, as the case may be, local government election; nor shall the statement prepared under paragraph (3) below be so combined.

(1B) References to the returning officer in paragraph (1) above are references to the returning officer who discharges the functions specified in regulation 98 of the 1986 Regulations.”.

17. Omit rules 43A (attendance at verification of the ballot paper accounts) and 43B (procedure at verification of the ballot paper accounts).

18. For paragraph (1) of rule 44 (attendance at counting of votes) substitute the following paragraph:

“(1) The local returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after—

- (a) at a by-election, the delivery of the ballot papers to him by the returning officer who discharges the functions specified in regulation 98 of the 1986 Regulations, or
- (b) at a general election of MEPs, that delivery or the material time, whichever is the later,

and shall give the returning officer and the counting agents notice in writing of the time after which he will begin to count the votes if by then he has received the ballot papers and of the place at which the count will take place.

The “material time” means the time when the counting of votes becomes permissible under article 9(2) of the Act referred to in section 8(2)(a) of the 1978 Act (counting not to begin until close of polling in the member State whose electors are the last to vote within the period referred to in article 9(1)).”.

19. For paragraph (1) of rule 45 (the count) substitute:

“(1) The local returning officer shall—

- (a) on receipt of the containers of ballot papers from the returning officer who discharges the functions specified in regulation 98 of the 1986 Regulations and after the time specified in the notice given under rule 44(1) (as substituted by Part I of Schedule 3 to the European Parliamentary Elections Regulations 1999) in the presence of the counting agents open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under regulation 78 of the 1986 Regulations, as applied by Schedule 2 to the European Parliamentary Elections Regulations 1999, count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.

(2) A postal ballot paper shall not be deemed to be duly returned unless it is returned in the proper envelope so as to reach the local returning officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated.”.

20. In paragraph (4) of rule 45 after the word “while” insert “counting and recording the number of postal ballot papers and”.

21. In rule 55(1) (retention of documents) omit sub-paragraphs (c) and (e).

22. In the Appendix of forms for the form of direction for the guidance of the voters in voting substitute—

“Form of directions for the guidance of the voters in voting

GUIDANCE FOR VOTERS AT COMBINED POLLS

1. Make sure the ballot papers you are given are stamped with the official mark.
 2. Go to one of the compartments. At a [parliamentary] [local government] election, mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate you are voting for. At a European Parliamentary election, mark a cross (X) in the box in the column of the party or individual candidate you are voting for.
 3. Fold each ballot paper in two. Show the official mark on each ballot paper to the presiding officer, but do not let anyone see your vote. Put each ballot paper in the ballot box and leave the polling station.
 4. Place only one other mark on the ballot papers, or your votes may not be counted.
 5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”.
23. In the Appendix of forms, in the form of declaration to be made by the companion of a blind voter:—
- (a) after the words “election now being held in this European Parliamentary electoral region” insert “and the election now being held in this *parliamentary constituency/*electoral area (* delete whichever is inappropriate)”; and
 - (b) for the words “said election” in both places where they occur substitute “said elections”.

PART II

SCOTLAND

1. This Schedule applies in the circumstances set out in regulation 8 of these Regulations.
2. At the end of paragraph (2) of rule 19 (the ballot papers) add the following sub-paragraph:

“(e) shall be of a different colour from that of any ballot papers used at an election the poll for which is taken together with the poll for the European Parliamentary election.”.
3. At the end of rule 23 (notice of poll) add the following paragraph:

“(3) The notice published under paragraph (2) above shall, in addition:

 - (a) state that the poll at the European Parliamentary election is to be taken together with the poll at a parliamentary or, as the case may be, local government election;
 - (b) specify the relevant parliamentary constituency or, as the case may be, local authority and, in the case of a local government election to fill a casual vacancy, the electoral area for which the election is held; and
 - (c) where the polls are to be taken together in part of the European Parliamentary electoral region only, specify that part.”.
4. At the end of rule 28 (issue of official poll cards) add the following paragraph:

“(5) An official poll card issued under this rule may be combined with an official poll card issued at a parliamentary election or, as the case may be, local government election.”.
5. After paragraph (1) of rule 29 (equipment of polling stations) insert the following paragraph:

“(1A) The same ballot box shall be used for the poll at the European Parliamentary election and the poll at the parliamentary election or, as the case may be, local government election.”.

6. For paragraph (5) of rule 29 substitute the following paragraph:

“(5) In every compartment of every polling station there shall be exhibited the notice:

“EUROPEAN PARLIAMENTARY ELECTION

([Specify colour]ballot paper)

vote for one party or individual candidate only

*PARLIAMENTARY ELECTION

([Specify colour]ballot paper)

vote for one candidate only

* *[Specify name of council]*

COUNCIL ELECTION

([Specify colour]ballot paper)

*[vote for no more than candidates]

PUT NO OTHER MARK ON THE BALLOT PAPER OR YOUR VOTE MAY NOT BE COUNTED

* *Delete as necessary*”.

7. In paragraph (1)(b) of rule 30 (appointment of polling and counting agents) omit the words “the verification of the ballot paper accounts and” and in paragraph (2) of that rule omit the words “verification of the ballot papers accounts or”.

8. At the end of paragraph (3) of rule 30 insert:

“Notices of the appointment of polling agents which are required by this paragraph and paragraph (4) below to be given to the local returning officer shall be given to the returning officer who discharges the functions specified in regulation 96 of the 1986 (Scotland) Regulations.”.

9. In rule 31(b) (notification of requirement of secrecy) the words “the verification of the ballot paper accounts or” and “(2A)” shall be omitted.

10. In question (ii) in sub-paragraphs (a) and (b) of paragraph (1) of rule 35 (questions to be put to voters) and in the second question in paragraph (2) of that rule, after the words “at this” insert “European Parliamentary”.

11. At the end of rule 37 (voting procedure) add the following paragraph:

“(4) The same copy of the register may be used under paragraph (1) above for each election and one mark may be placed in that register under paragraph (1)(d) above or in the list of proxies under paragraph (1)(e) above to denote that a ballot paper has been received in respect of each election; except that, where a ballot paper has been issued in respect of one election only, a different mark shall be placed in the register or, as the case may be, list so as to identify the election in respect of which the ballot paper was issued.”.

12. At the end of paragraph (2) of rule 38 (votes marked by presiding officer) add:

“The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies the election at which the ballot paper was so marked.”.

- 13.** At the end of paragraph (4) of rule 39 (voting by blind persons) add:
- “The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that votes were so given in respect of each election, unless the list identifies the election at which the vote was given.”.
- 14.** At the end of paragraph (3) of rule 40 (tendered ballot papers) add:
- “The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was marked.”.
- 15.** At the end of paragraph (1) of rule 42 (adjournment of poll in case of riot) add “who discharges the functions specified in regulation 96 of the 1986 (Scotland) Regulations”.
- 16.** After paragraph (1) of rule 43 (procedure on close of poll) insert:
- “(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) above shall not be combined with the contents of packets made under the corresponding rule that applies at a parliamentary election or, as the case may be, local government election; nor shall the statement prepared under paragraph (3) below be so combined.
- (1B) References to the returning officer in paragraph (1) above are references to the returning officer who discharges the functions specified in regulation 96 of the 1986 (Scotland) Regulations.”.
- 17.** Omit rules 43A (attendance at verification of the ballot paper accounts) and 43B (procedure at verification of the ballot paper accounts).
- 18.** For paragraph (1) of rule 44 (attendance at counting of votes) substitute the following paragraph:
- “(1) The local returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after—
- (a) at a by-election, the delivery of the ballot papers to him by the returning officer who discharges the functions specified in regulation 96 of the 1986 (Scotland) Regulations, or
- (b) at a general election of MEPs, that delivery or the material time, whichever is the later,
- and shall give the returning officer and the counting agents notice in writing of the time after which he will begin to count the votes if by then he has received the ballot papers and of the place at which the count will take place.
- The “material time” means the time when the counting of votes becomes permissible under article 9(2) of the Act referred to in section 8(2)(a) of the 1978 Act (counting not to begin until close of polling in the member State whose electors are the last to vote within the period referred to in article 9(1)).”.
- 19.** For paragraph (1) of rule 45 (the count) substitute:
- “(1) The local returning officer shall—
- (a) on receipt of the containers of ballot papers from the returning officer who discharges the functions specified in regulation 96 of the 1986 (Scotland) Regulations and after the time specified in the notice given under rule 44(1) (as substituted by Part II of Schedule 3 to the European Parliamentary Elections Regulations 1999) in the presence of the counting agents open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under regulation 76

of the 1986 (Scotland) Regulations, as applied by Schedule 2 to the European Parliamentary Elections Regulations 1999, count such of the postal ballot papers as have been duly returned and record the number counted; and

- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.

(2) A postal ballot paper shall not be deemed to be duly returned unless it is returned in the proper envelope so as to reach the local returning officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated.”

20. In paragraph (4) of rule 45 after the word “while” insert “counting and recording the number of postal ballot papers and”.

21. In rule 55(1) (retention of documents) omit sub-paragraphs (c) and (e).

22. In the Appendix of forms for the form of direction for the guidance of the voters in voting substitute—

“Form of directions for the guidance of the voters in voting

GUIDANCE FOR VOTERS AT COMBINED POLLS

1. Make sure the ballot papers you are given are stamped with the official mark.

2. Go to one of the compartments. At a [parliamentary] [local government] election, mark a cross (X) in the box on the right-hand side of each ballot paper opposite the name of each candidate you are voting for. At a European Parliamentary election, mark a cross (X) in the box in the column of the party or individual candidate you are voting for.

3. Fold each ballot paper in two. Show the official mark on each ballot paper to the presiding officer, but do not let anyone see your vote. Put each ballot paper in the ballot box and leave the polling station.

4. Put only one mark on the ballot papers, or your votes may not be counted.

5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”.

23. In the Appendix of forms, in the form of declaration to be made by the companion of a blind voter:—

- (a) after the words “election now being held in this European Parliamentary electoral region” insert “and the election now being held in this *parliamentary constituency/*electoral area (* delete whichever is inappropriate)”; and

- (b) for the words “said election” in both places where they occur substitute “said elections”.

SCHEDULE 4

PROXY PAPERS

Regulation 9

PART I

AMENDMENT OF FORM OF PROXY PAPERS IN
SCHEDULE 2 TO THE 1986 REGULATIONS AND
SCHEDULE 2 TO THE 1986 (SCOTLAND) REGULATIONS

1. In form D (proxy paper) in Schedule 2 to the 1986 Regulations—
 - (a) in the form
 - (i) after “REPRESENTATION OF THE PEOPLE ACTS” add “EUROPEAN PARLIAMENTARY ELECTIONS ACT 1978”;
 - (ii) in the space above the words “Name of Proxy” insert “European Parliamentary electoral region”;
 - (iii) after the words “[local government]” insert “[European Parliamentary]”;
 - (iv) after the words “[electoral area]” insert “[European Parliamentary electoral region]”, and
 - (v) for the words from “[any [parliamentary election] to “electoral area].]” substitute “[any [parliamentary or European Parliamentary election] [parliamentary, European Parliamentary or local government election] for the above [parliamentary constituency and European Parliamentary electoral region] [parliamentary constituency, European Parliamentary electoral region and local government electoral area(s)].]”; and
 - (b) in note 2 of the notes to the form after the words “any parliamentary” insert “, European Parliamentary” and after the words “at parliamentary” insert “and European Parliamentary”.
2. In form C (proxy paper) in Schedule 2 to the 1986 Regulations⁽¹³⁴⁾—
 - (a) in the form
 - (i) after “REPRESENTATION OF THE PEOPLE ACTS” add “EUROPEAN PARLIAMENTARY ELECTIONS ACT 1978”;
 - (ii) in the space above the words “Name of Proxy” insert “European Parliamentary electoral region”;
 - (iii) after the words “[local government]” insert “[European Parliamentary]”;
 - (iv) after the words “[electoral area]” insert “[European Parliamentary electoral region]”; and
 - (v) for the words from “[any [parliamentary election] to “electoral area].]” substitute “[any [parliamentary or European Parliamentary election] [parliamentary, European Parliamentary or local government election] for the above [parliamentary constituency and European Parliamentary electoral region] [parliamentary constituency, European Parliamentary electoral region and local government electoral areas].]”; and
 - (b) in note 2 of the notes to the form after the words “any parliamentary” insert “, European Parliamentary” and after the words “at parliamentary” insert “and European Parliamentary”.

Regulation 3(6)

⁽¹³⁴⁾The back of form C was amended by S.I. 1996/739.

PART II

FORM OF PROXY PAPER FOR A PROXY FOR AN ELECTOR AT EUROPEAN PARLIAMENTARY ELECTIONS ONLY

PROXY PAPER

EUROPEAN PARLIAMENTARY ELECTIONS ACT 1978

European Parliamentary electoral region

Polling district

Name of proxy

Address

... ..

... ..

is hereby appointed as proxy for

(name of elector) who is *[qualified to be registered as a European Parliamentary elector for (*Qualifying address*)]*[qualifies as a European Parliamentary overseas elector in respect of the above region] to vote for him at

*[the European Parliamentary election for that region on (date)]

*[any European Parliamentary election for that region]

*[This proxy appointment is not valid until]

Signature

(Electoral registration officer)

Address

... ..

Date

*delete whichever is inappropriate

YOUR RIGHT TO VOTE BY PROXY

1. This proxy paper gives you the right to vote as proxy on behalf of the elector whose name is given above.

2. Your appointment as proxy may be for a particular European Parliamentary election only or it may be for an indefinite period. If it is for a particular election, you have the right to vote as proxy only at the election specified in the proxy paper. If it is for an indefinite period, you have the right to vote as proxy at any European Parliamentary election until the electoral registration officer informs you to the contrary.

3. When the elector applied for you to be appointed as proxy EITHER he or she was asked to state that he or she had consulted you and that you were capable of being and willing to be appointed as proxy OR you signed a statement stating that you were capable of being and willing to be appointed. You are capable of being appointed as proxy if you are at least 18 years old on polling day, a British or other Commonwealth citizen or a citizen of a Member State of the European Communities and not for any reason disqualified from voting. If for some reason you are not capable of being, or willing to be, appointed as proxy, please write to the elector asking him to cancel the appointment.

4. You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. However, you may not vote as proxy at the same election for more than two electors of

whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild. Shortly before polling day you will be sent a proxy poll card telling you where the polling station is. You do not need to take either the poll card or this proxy paper to the polling station but you may find it helpful to do so. Remember that the elector may still vote in person. If he or she applies for a ballot paper at the polling station before you do you will not be able to vote as proxy on his or her behalf.

5. If you cannot vote in person at the polling station the electoral registration officer may be able to allow you to vote as proxy by post. [*For use in England.*If your appointment is for an indefinite period, you may apply to vote by post throughout the period your appointment is in force if you live in a different electoral division (or where there are no electoral divisions, a different parliamentary constituency) from the elector's qualifying address; or if the addresses are in the same electoral division (or, in an area where there are no electoral divisions, parliamentary constituency) but in a different parish.] [*For use in Scotland.*If your appointment is for an indefinite period, you may apply to vote by post throughout the period your appointment is in force if you live in a different electoral ward from the elector's qualifying address.] [*For use in Wales.*If your appointment is for an indefinite period, you may vote by post throughout the period your appointment is in force if you live in a different electoral division of a county or county borough from the elector's qualifying address or in a different community.] If you are registered for the same parliamentary constituency or electoral area as the elector, you may apply if you are entitled to vote by post or proxy on your own behalf. In addition, you may vote by post at a particular election if the electoral registration officer is satisfied that you cannot reasonably be expected to vote in person at the elector's polling station. But the electoral registration officer cannot allow an application to vote by post at a particular election if he receives it after 5 p.m. on the eleventh working day before the poll.

SCHEDULE 5

Regulation 14

REVOCATIONS

<i>1</i>	<i>2</i>	<i>3</i>
<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The European Parliamentary Elections Regulations 1986	S.I. 1986/2209	The whole Regulations
The European Parliamentary Elections (Amendment) Regulations 1989	S.I. 1989/633	The whole Regulations
The European Parliamentary Elections (Amendment) Regulations 1990	S.I. 1990/687	The whole Regulations
The European Parliamentary Elections (Amendment) Regulations 1991	S.I. 1991/1243	The whole Regulations
The European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994	S.I. 1994/342	Regulations 5 and 15

<i>1</i>	<i>2</i>	<i>3</i>
<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The European Parliamentary Elections (Amendment) Regulations 1994	S.I. 1994/748	The whole Regulations
The Local Government Elections (Changes to the Franchise and Qualification of Members) Regulations 1995	S.I. 1995/1948	Paragraph 27 of Schedule 2
The European Parliamentary Elections (Amendment) Regulations 1997	S.I. 1997/874	The whole Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which replace the Regulations revoked by Schedule 5, apply in Great Britain. They provide for the conduct of European Parliamentary elections under the regional list system of election. That system was introduced by amendments made to the European Parliamentary Elections Act 1978 by the European Parliamentary Elections Act 1999.

The basic structure of the Regulations is to apply with modifications the provisions of the Representation of the People Acts 1983 and 1985 which are listed in the left-hand column of Schedule 1 to these Regulations and the provisions of the Representation of the People Regulations 1986 and the Representation of the People (Scotland) Regulations 1986 which are listed in the left-hand column of Schedule 2 to these Regulations. The provisions are subject to the general modifications made by regulation 3 and the specific modifications in the right-hand columns of Schedules 1 and 2 to these Regulations. The general modifications convert references to parliamentary elections into references to European Parliamentary elections (regulation 3(4)(b)), references to constituencies into references to electoral regions (regulation 3(4)(c)) and make other similar changes.

Regulation 4 (together with regulation 3(4)(f)) confers functions in relation to the conduct of European Parliamentary elections on the local returning officer, as defined by regulation 2. That officer is the acting returning officer (or, in Scotland, the returning officer) for each parliamentary constituency wholly or partly contained in an electoral region. Regulation 6(1) confers powers on returning officers and local returning officers to delegate their functions.

As applied by Schedule 1 to these Regulations, sections 67 to 70 of the Representation of the People Act 1983 (which concern election agents) apply only in respect of individual candidates. Equivalent provision in respect of registered parties is made by regulations 11 to 14. Regulation 10 requires the appointment of a national election agent for a political party which is registered under the Registration of Political Parties Act 1998 and stands for election in more than one electoral region at a general election of MEPs.

As respects such a party, paragraphs (1) and (2) of regulation 15 make provision about the limits on election expenses which is equivalent to that in section 76(1) and (2) of the Representation of the

People Act 1983. That provision, as applied, relates only to individual candidates. Paragraphs (1) and (2) of regulation 15 provide for the calculation of the limit of a registered party's election expenditure by reference to the number of electoral regions in which it stands for election. Paragraphs (3) and (4) of regulation 15 provide for that limit where a registered party stands in one electoral region only.

In the modifications to the 1983 Act, the sum mentioned in section 75(1)(i) is increased from £5 to £5,000 for each electoral region. This change is intended to bring the law into line with a decision of the European Court of Human Rights.

As applied by Schedule 1 to these Regulations, the grounds on which an election petition may be brought are restricted (section 120, as applied). Section 169 has been modified so that a prosecution in respect of the illegal practice of exceeding the limit on election expenses may be brought on indictment (and, as such, subject to an unlimited fine).

Regulations 16 and 17 provide for the filling of a vacancy from the list of candidates of a registered party returned at a general election of MEPs. Regulations 18 and 19 concern the holding of by-elections when vacancies cannot be filled from such lists.

Schedule 3 amends the elections rules in Schedule 1 to the Representation of the People Act 1983, as applied by Schedule 1 to these Regulations, where the poll at a European Parliamentary election is taken together with the poll at a parliamentary election or local government election under section 15 of the Representation of the People Act 1985. Schedule 4 concerns proxy papers.