

Draft Regulations laid before Parliament under section 13(2) of the European Parliamentary Elections Act 2002 and section 18(4) of the European Parliament (Representation) Act 2003, for approval by resolution of each House of Parliament.

This Statutory Instrument has been made in consequence of defects in [S.I. 2009/186](#) and is being issued free of charge to all known recipients of that Statutory Instrument.

DRAFT STATUTORY INSTRUMENTS

2009 No.

REPRESENTATION OF THE PEOPLE

The European Parliamentary Elections (Amendment) (No.2) Regulations 2009

Made - - - - ***** 2009**

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 6(5) and 7 of the European Parliamentary Elections Act 2002(1) and sections 17 and 18 of the European Parliament (Representation) Act 2003(2).

The Secretary of State has consulted the Electoral Commission pursuant to section 7(1) and (2)(a) of the Political Parties, Elections and Referendums Act 2000(3) and section 17(4) of the European Parliament (Representation) Act 2003.

In accordance with section 13(2) of the European Parliamentary Elections Act 2002(4) and section 18(4) of the European Parliament (Representation) Act 2003, a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the European Parliamentary Elections (Amendment) (No.2) Regulations 2009.

(2) These Regulations shall come into force on the day after the day on which they are made.

(3) These Regulations extend to England, Wales, Scotland and Gibraltar.

(1) [2002 c. 24](#). Section 6 of the 2002 Act was amended by section 20 of the European Parliament (Representation) Act [2003 \(c. 7\)](#) (“the 2003 Act”); section 7 of the 2002 Act was amended by section 22 of the 2003 Act. The provisions of the 2002 Act (other than Schedules 3 and 4) were extended to Gibraltar by section 19 of the 2003 Act.

(2) [2003 c. 7](#). Sections 17 and 18 were amended by [S.I. 2003/1887](#).

(3) [2000 c. 41](#). Section 7(2)(a) was amended by section 15 of, and paragraph 8 of Schedule 3 to, the European Parliamentary Elections Act [2002 \(c. 24\)](#).

(4) Section 13 was amended by sections 8 and 21 of the 2003 Act.

Amendments to the European Parliamentary Elections Regulations 2004

2.—(1) The European Parliamentary Elections Regulations 2004⁽⁵⁾ are amended as follows.

(2) In Schedule 1 (European Parliamentary elections rules)⁽⁶⁾, rule 53(3) (the count), for “them” substitute “the numbers or other unique identifying marks printed on the back of the papers”.

(3) In Schedule 2 (absent voting)⁽⁷⁾—

- (a) in paragraph 36(7) (requiring personal identifiers from existing absent voters), for “an elections” substitute “an election”;
- (b) in paragraph 39(1)(a) (consequences of failure or refusal to provide personal identifiers), for “voting records” substitute “absent voting records”;
- (c) in paragraph 54(10) (lost postal ballot papers), for “regulation 52” substitute “paragraph 52”; and
- (d) in paragraph 70(1) (forwarding of documents), for “those rules” substitute “the European Parliamentary elections rules”.

Signed by authority of the Secretary of State

Date

Name
Minister of State
Ministry of Justice

⁽⁵⁾ [S.I. 2004/293](#) as modified by [S.I.2004/294](#) and amended by [S.I 2004/1771](#), [S.I.2005/2114](#) and [S.I 2009/186](#).

⁽⁶⁾ Schedule 1 was substituted by [S.I. 2009/186](#), regulation 39 and Schedule 2.

⁽⁷⁾ Schedule 2 was substituted by [S.I. 2009/186](#), regulation 40 and Schedule 3.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations correct errors in the European Parliamentary Elections Regulations 2004 (S.I. 2004/293) (“the 2004 Regulations”) which were introduced in amendments made to those regulations by the European Parliamentary Elections (Amendment) Regulations 2009 (S.I. 2009/186) (“the 2009 Regulations”). Regulation 2(2) amends rule 53(3) of the European Parliamentary elections rules contained in Schedule 1 to the 2004 Regulations (as substituted by the 2009 Regulations) to provide that, while counting the votes, a local returning officer must take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the ballot papers.

The amendments in regulation 2(3) rectify minor errors in Schedule 2 to the 2004 Regulations (as substituted by the 2009 Regulations).

A full regulatory impact assessment has not been prepared for this instrument as no impact on the private or voluntary sectors is foreseen.