
DRAFT STATUTORY INSTRUMENTS

2009 No.

The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2009

Amendments to the 2004 Regulations

24.—(1) Amend regulation 42 (prohibition of expenses not authorised by election agent) as follows.

(2) For paragraphs (1) and (2) substitute—

“(1) No expenses shall, with a view to promoting or procuring the election of a candidate at an election, be incurred after a person becomes a candidate by any person other than the candidate, the candidate’s election agent and persons authorised in writing by the election agent on account—

- (a) of holding public meetings or organising any public display; or
- (b) of issuing advertisements, circulars or publications; or
- (c) of otherwise representing to the electors the candidate or the candidate’s views or the extent or nature of the candidate’s backing or disparaging a registered party or its candidates or an independent candidate.

(1A) Sub-paragraph (c) of paragraph (1) does not restrict the publication of any matter relating to the election in—

- (a) a newspaper or other periodical,
- (b) a broadcast made by the British Broadcasting Corporation, or
- (c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990⁽¹⁾ or Part 1 or 2 of the Broadcasting Act 1996⁽²⁾.

(1B) Paragraph (1) does not apply to any expenses incurred by any person—

- (a) which do not exceed in the aggregate the permitted sum (and are not incurred by that person as part of a concerted plan of action), or
- (b) in travelling or living away from home or similar personal expenses.

(2) For the purposes of paragraph (1B), the “permitted sum” means £5,000; and expenses must be regarded as incurred by a person “as part of a concerted plan of action” if they are incurred by that person in pursuance of any plan or other arrangement whereby that person and one or more other persons are to incur, with a view to promoting or procuring the election of the same candidate, expenses which (disregarding paragraph (1B)) fall within paragraph (1).

(2A) For the purposes of paragraph (1), expenditure incurred before or on the date when a person becomes a candidate is to be treated as having been incurred after that date if it is incurred in connection with any thing which is used or takes place after that date.”.

(1) 1990 c. 42. Parts 1 and 3 have been amended by the Communications Act 2003 (c. 21).

(2) 1996 c. 55. Parts 1 and 2 have been amended by the Communications Act 2003 (c. 21).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory
Instrument: The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2009 No. 813
