



European Parliamentary Elections Act 2002

2002 CHAPTER 24

Entitlement to be MEP

10 Disqualification

- (1) A person is disqualified for the office of MEP if—
 - (a) he is disqualified for membership of the House of Commons, or
 - (b) he is a Lord of Appeal in Ordinary.
- (2) But a person is not disqualified for the office of MEP under subsection (1)(a) merely because—
 - (a) he is a peer,
 - (b) he is a Lord Spiritual,
 - (c) he holds an office mentioned in section 4 of the House of Commons Disqualification Act 1975 (c. 24) (stewardship of Chiltern Hundreds etc.), or
 - (d) he holds any of the offices described in Part 2 or 3 of Schedule 1 to that Act which are designated by order by the Secretary of State for the purposes of this section.
- (3) A citizen of the European Union who is resident in the United Kingdom is not disqualified for the office of MEP under subsection (1)(a) merely because he is disqualified for membership of the House of Commons under section 3 of the [Act of Settlement \(12&13 Will 3 c.2\)](#) (disqualification of persons, other than Commonwealth and Republic of Ireland citizens, who are born outside Great Britain and Ireland and the dominions).
- (4) A person is disqualified for the office of MEP for a particular electoral region if, under section 1(2) of the House of Commons Disqualification Act 1975 (c. 24), he is disqualified for membership of the House of Commons for any parliamentary constituency wholly or partly comprised in that region.
- (5) A person who—

- (a) is a citizen of the European Union, and
 - (b) is not a Commonwealth citizen or a citizen of the Republic of Ireland,
- is disqualified for the office of MEP if he is disqualified for that office through a criminal law or civil law decision under the law of the member state of which he is a national (and in this subsection “criminal law or civil law decision” has the same meaning as in Council Directive [93/109/EC](#)).
- (6) If a person who is returned as an MEP for an electoral region under section 2, 3 or 5—
 - (a) is disqualified under this section for the office of MEP, or
 - (b) is disqualified under this section for the office of MEP for that region,
 his return is void and his seat vacant.
 - (7) If an MEP becomes disqualified under this section for the office of MEP or for the office of MEP for the electoral region for which he was returned, his seat is to be vacated.
 - (8) Subsection (1) is without prejudice to Article 6(1) of the Act annexed to Council Decision 76/787 (incompatibility of office of MEP with certain offices in or connected with Community institutions).

11 Judicial determination of disqualification

- (1) Any person may apply to the appropriate court for a declaration or (in Scotland) declarator that a person who purports to be an MEP for a particular electoral region—
 - (a) is disqualified under section 10 (whether generally or for that region), or
 - (b) was so disqualified at the time when, or at some time since, he was returned as an MEP under section 2, 3 or 5.
- (2) For the purposes of subsection (1), the appropriate court is—
 - (a) the High Court, if the electoral region concerned is in England, or is Wales,
 - (b) the Court of Session, if the electoral region concerned is Scotland, or
 - (c) the High Court of Justice in Northern Ireland, if the electoral region concerned is Northern Ireland.
- (3) The decision of the court on an application under this section is final.
- (4) On an application under this section—
 - (a) the person in respect of whom the application is made is to be the respondent or (in Scotland) the defender, and
 - (b) the applicant must give such security for the costs or expenses of the proceedings, not exceeding £5000, as the court may direct.
- (5) The Secretary of State may by order substitute another figure for the figure in subsection (4)(b).
- (6) No declaration or declarator is to be made under this section in respect of any person on grounds which subsisted at the time of his election if there is pending, or has been tried, an election petition in which his disqualification on those grounds is, or was, in issue.
- (7) Any declaration or declarator made by the court on an application under this section must be certified in writing to the Secretary of State immediately by the court.