



European Parliament (Representation) Act 2003

2003 CHAPTER 7

PART 1

CHANGES IN TOTAL NUMBER OF UNITED KINGDOM MEPS

*Electoral Commission recommendations relating to
changes in total number of United Kingdom MEPs*

2 References to changes under Community law

- (1) In this Part “change under Community law” (in relation to a change in the number of MEPs to be elected for the United Kingdom) means a change made by—
 - (a) a treaty provision that is part of the Community Treaties; or
 - (b) any provision of a Council Decision, or of any other instrument, made under a treaty provision that is part of the Community Treaties.
- (2) In this Part a reference to a treaty provision being part of the Community Treaties is to it being, or being included in provisions which are, specified in section 1(2) of the European Communities Act 1972 (c. 68) by virtue of an amendment made by an Act (whether passed before or after this Act).
- (3) In this Part “treaty” includes any international agreement (however described) and a protocol or annex to a treaty or other international agreement.

3 Recommendations by Electoral Commission as to the distribution of United Kingdom MEPs

- (1) The Lord Chancellor may by notice require the Electoral Commission to make a recommendation to him as to the distribution between the electoral regions of—
 - (a) a total number of MEPs specified in the notice; or

- (b) if the notice specifies more than one total number of MEPs, each of the total numbers so specified.
- (2) The power to give such a notice is exercisable with a view to the implementation of any change or anticipated change under Community law in the total number of MEPs to be elected for the United Kingdom.
- (3) The Electoral Commission must comply with such a notice within the period specified in the notice.
- (4) In determining what recommendation to make for the distribution of any total number of MEPs, the Electoral Commission must ensure that—
 - (a) each electoral region is allocated at least three MEPs; and
 - (b) the ratio of electors to MEPs is as nearly as possible the same in each electoral region.
- (5) A recommendation under this section—
 - (a) must be published by the Electoral Commission and laid before Parliament by the Lord Chancellor; and
 - (b) ceases to have effect at the end of the period of one year beginning with the day on which it is made.

4 Section 3: meaning of “elector”

- (1) For the purposes of section 3(4) an elector, in relation to an electoral region, is a person whose name appears on the relevant day in (or in any part of) a relevant register which relates to the region.
- (2) In subsection (1)—
 - “relevant day” means 1st December preceding the day on which the notice under section 3 is given; and
 - “relevant register” has the same meaning as in Schedule 1A to the 2002 Act (periodic reviews).
- (3) In calculating the total number of electors for any electoral region—
 - (a) persons who are registered but have not attained the age of 18 are to be counted as electors;
 - (b) a citizen of the European Union (not being a Commonwealth citizen or a citizen of the Republic of Ireland) who is registered only for the purposes of local government elections is to be disregarded; and
 - (c) the Electoral Commission may assume that each relevant register is accurate and that names appearing more than once on registers (or parts of registers) which relate to an electoral region are the names of different electors.