



# European Parliament (Representation) Act 2003

## 2003 CHAPTER 7

### PART 1

#### CHANGES IN TOTAL NUMBER OF UNITED KINGDOM MEPs

##### *Preliminary*

### 1 Electoral regions in the United Kingdom

For section 1 of the European Parliamentary Elections Act 2002 (c. 24) (“the 2002 Act”) (electoral regions and number of MEPs) there is substituted—

#### “1 Number of MEPs and electoral regions

- (1) There shall be 87 members of the European Parliament (“MEPs”) elected for the United Kingdom.
- (2) For the purposes of electing those MEPs—
  - (a) England is divided into the nine electoral regions specified in Schedule 1; and
  - (b) Scotland, Wales and Northern Ireland are each single electoral regions.
- (3) The number of MEPs to be elected for each electoral region is as follows—

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East Midlands	6
Eastern	8
London	10
North East	4
North West	10

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*Status: This is the original version (as it was originally enacted).*

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South East	11
South West	7
West Midlands	8
Yorkshire and the Humber	7
Scotland	8
Wales	5
Northern Ireland	3.”

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*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.

#### *Implementation of changes in total number of United Kingdom MEPs*

#### **5 Orders implementing changes**

- (1) The Lord Chancellor may by order give effect to a change under Community law in the number of MEPs to be elected for the United Kingdom by amending—
- (a) the figure specified in section 1(1) of the 2002 Act (total number of MEPs to be elected for the United Kingdom); and
  - (b) any of the figures specified in section 1(3) of that Act (numbers of MEPs to be elected in the electoral regions).
- (2) The distribution of MEPs resulting from the provision made under subsection (1)(b) must (subject to section 6(6) to (8)) be the distribution proposed in a recommendation of the Electoral Commission under section 3 which is effective on the day on which the order is made.
- (3) An order making an amendment to section 1 of the 2002 Act may be made before the provision making the relevant change has entered into force.
- (4) If the relevant change is made by a provision of a treaty, an order making such an amendment may also be made before that provision has become part of the Community Treaties and, if the treaty requires ratification, before it is ratified by the United Kingdom.

- (5) But no amendment to section 1 of the 2002 Act may be made so as to come into force—
  - (a) if the relevant change is made by a provision mentioned in section 2(1)(b), before that provision has entered into force; and
  - (b) if the relevant change is made by a treaty provision, before that provision has both entered into force and become part of the Community Treaties.
- (6) In subsections (3) to (5) “the relevant change”, in relation to an order under this section amending section 1 of the 2002 Act, means the change under Community law being implemented by the order.
- (7) The Lord Chancellor must consult the Electoral Commission before making an order under this section.

## 6 **Section 5: supplementary**

- (1) This section applies to orders under section 5.
- (2) The power to make such an order is exercisable by statutory instrument.
- (3) Such an order may make consequential, transitional or saving provision.
- (4) Provision made under subsection (3) may modify any enactment.
- (5) An order which contains amendments to section 1 of the 2002 Act may not be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.
- (6) If a motion for the approval of a draft order is rejected by either House or withdrawn by leave of the House the Lord Chancellor may, after consulting the Electoral Commission, alter the draft order.
- (7) But the Lord Chancellor may not, without the consent of the Electoral Commission, alter any amendments to section 1(3) of the 2002 Act contained in the draft order.
- (8) The Electoral Commission may not give its consent under subsection (7) unless it is satisfied that the distribution of MEPs proposed by the altered draft order could have been recommended under section 3.
- (9) A statutory instrument containing an order that is not subject to approval in draft under subsection (5) is subject to annulment in pursuance of a resolution of either House of Parliament.

### *Supplementary*

## 7 **Periodic reviews of distribution of MEPs**

- (1) After section 1 of the 2002 Act there is inserted—

### **“1A Periodic reviews of distribution of MEPs**

Schedule 1A (which provides for periodic reviews by the Electoral Commission of the distribution of MEPs between the electoral regions) has effect.”

- (2) After Schedule 1 to the 2002 Act there is inserted the Schedule 1A set out in the Schedule to this Act.

## **8 Consequential amendments**

- (1) The 2002 Act is amended as follows.
- (2) In section 13(3) (instruments subject to annulment) paragraph (b) and the preceding “or” are repealed.
- (3) In Schedule 1 (electoral regions in England)—
- (a) for paragraph 1 (and the preceding heading) there is substituted—

“1           The electoral regions in England are listed in column (1) of the Table below and comprise the areas specified in column (2) of the Table.”;
  - (b) in paragraph 2 (changes to areas specified in column (2) of the Table) in subparagraph (1), for the words from “in” to “area” (in the first place it appears) there is substituted “to an area specified in column (2) of the Table”; and
  - (c) paragraphs 3 and 4 (with the preceding heading), and column (3) of the Table, are repealed.