

SCHEDULE

Section 7

SCHEDULE 1A TO THE 2002 ACT

“SCHEDULE 1A

PERIODIC REVIEWS OF DISTRIBUTION OF MEPS

Electoral Commission review and recommendation

- 1 (1) As soon as possible after 1st May in a pre-election year the Electoral Commission (“the Commission”) must, subject to paragraph 2—
 - (a) carry out a review (“the periodic review”) of the distribution of MEPS between the electoral regions; and
 - (b) report its conclusions to the Secretary of State.
- (2) In carrying out the periodic review the Commission must consider whether (assuming that each region is entitled to be allocated at least three MEPS) the ratio of electors to MEPS is as nearly as possible the same for every electoral region.
- (3) If the Commission concludes that the result mentioned in sub-paragraph (2) is not achieved by the current distribution of MEPS, it must include in its report a recommendation specifying a distribution that would achieve that result.
- (4) The report must be published by the Commission and laid before Parliament by the Secretary of State.

Exclusion or suspension of duties under paragraph 1

- 2 (1) The Commission may not take any step (or further step) under paragraph 1 if a 2003 Act order is made or a suspension notice is given to the Commission—
 - (a) within the period of 12 months ending with 1st May in the pre-election year in question or,
 - (b) after the end of that period but before the Commission makes its report, unless and until the duties under paragraph 1 revive by virtue of sub-paragraph (2).
- (2) If the Secretary of State withdraws a suspension notice more than nine months before the date of the poll for the next general election of MEPS, the duties under paragraph 1 revive (but subject again to this paragraph).
- (3) In this Schedule—

“2003 Act order” means an order under section 5 of the European Parliament (Representation) Act 2003 (orders implementing changes in the number of United Kingdom MEPS) which takes effect in relation to the next general election of MEPS after it is made; and

“suspension notice” means a notice stating that the Secretary of State considers it likely that a 2003 Act order will be made before the next general election of MEPS.

Implementation of Electoral Commission recommendation

- 3 (1) Where a recommendation under paragraph 1(3) is made to him, the Secretary of State must—

Status: This is the original version (as it was originally enacted).

- (a) lay before Parliament a draft of an order giving effect to the recommendation by amending any of the numbers specified in section 1(3); and
 - (b) if the draft is approved by resolution of each House, make an order in the terms of the draft.
- (2) An order under this paragraph may make consequential, transitional or saving provision.
 - (3) Provision made under sub-paragraph (2) may modify any enactment.
 - (4) The Secretary of State must consult the Commission before laying an order under this paragraph before Parliament.
 - (5) This paragraph has effect subject to paragraphs 4 and 5.
- 4
- (1) If a motion for the approval of a draft of an order under paragraph 3 is rejected by either House or withdrawn by leave of the House, the Secretary of State may, after consulting the Commission, alter the draft order and lay it before Parliament for approval.
 - (2) But the Secretary of State may not, without the consent of the Commission, alter a draft order so as to propose a distribution of MEPs other than that recommended under paragraph 1(3).
 - (3) The Commission may not give its consent under sub-paragraph (2) unless it is satisfied that the distribution of MEPs could have been recommended under paragraph 1(3).
 - (4) If an altered draft order is approved by both Houses the Secretary of State must make an order under paragraph 3 in the terms of the altered draft.
 - (5) This paragraph has effect subject to paragraph 5.

Exclusion or suspension of duties and powers under paragraph 3 or 4

- 5
- (1) The Secretary of State may not take any step (or further step) under paragraph 3 or 4 if a 2003 Act order is made before he would otherwise have taken it.
 - (2) Subject to that, the Secretary of State is not required to take any step (or further step) under paragraph 3 or 4 if and so long as he is of the opinion that it is likely that a 2003 Act order will be made before the next general election of MEPs.
 - (3) But if he ceases to be of that opinion, the Secretary of State—
 - (a) may not make an order under paragraph 3 on or after the relevant day; and
 - (b) is not required to take any other step under paragraph 3 or 4 if he does not consider that it will be practicable to make an order under paragraph 3 before the relevant day.
 - (4) In sub-paragraph (3) “the relevant day” means the first day of the period of four months ending with the day on which the poll for the next general election of MEPs is to be held.

Supplementary

- 6
- (1) In this Schedule—

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

“general election of MEPs” means an election required to be held in the United Kingdom by virtue of Article 10(2) of the Act annexed to Council Decision 76/787;

“pre-election year” means a year (including 2003) which immediately precedes a year in which a general election of MEPs is to be held; and

“relevant register” means—

- (a) a register of parliamentary electors;
- (b) a register of local government electors;
- (c) a register of peers maintained under section 3 of the Representation of the People Act 1985 (c. 50) (peers resident outside the United Kingdom); and
- (d) a register maintained under regulation 5 of the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 (SI 2001/1184) (citizens of the European Union other than Commonwealth and Republic of Ireland citizens).

(2) For the purposes of paragraph 1(2) a person is an “elector”, in relation to an electoral region, if his name appears on 1st May in the pre-election year concerned in (or in any part of) a relevant register which relates to the region.

(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.”