

1987 No. 557

REPRESENTATION OF THE PEOPLE

**The European Parliamentary Election Petition
(Amendment) Rules 1988**

<i>Made</i> - - - -	<i>16th March 1988</i>
<i>Laid before Parliament</i>	<i>29th March 1988</i>
<i>Coming into force</i>	<i>2nd May 1988</i>

We, the authority having for the time being power to make rules of court for the Supreme Court, in exercise of the powers conferred on us by sections 136 and 182 of the Representation of the People Act 1983(a), hereby make the following Rules:

1. These Rules may be cited as the European Parliamentary Election Petition (Amendment) Rules 1988, and shall come into force on 2nd May 1988.

2. The European Parliamentary Election Petition Rules 1979(b) ("the principal Rules") shall be amended as follows.

(1) In Rule 2(1) of the principal Rules (definition of "the Act") for the words "Representation of the People Act 1949" there shall be substituted the words "Representation of the People Act 1983".

(2) For Rules 5 and 6 of the principal Rules there shall be substituted the following Rules:

"5.—(1) Within three days after the presentation of the petition the petitioner shall apply ex parte by summons to a master to fix the amount of security for costs which he is to give pursuant to section 136 of the Act.

(2) A recognisance as security for costs shall be acknowledged before a person authorised to take affidavits under the Commissioners for Oaths Acts 1889 and 1891 or the Solicitors Act 1974, and shall be filed forthwith after being acknowledged.

(3) The recognisance shall be accompanied by an affidavit sworn by each surety and stating that after payment of all his debts he is worth a sum not less than that for which he is bound by his recognisance.

6.—(1) Within five days after giving the security the petitioner shall serve on the respondent within the meaning of section 121(2) of the Act and on the Director of Public Prosecutions a notice of the presentation of the petition and of the nature and amount of the security which he has given, together with a copy of the petition and of the affidavit accompanying any recognisance.

(a) 1983 c.2, amended by the Representation of the People Act 1985 (c.50); section 182 reenacted section 160 of the Representation of the People Act 1949 (c.68), which was applied by regulation 3 of, and Schedule 1 to, the European Parliamentary Elections Regulations 1979 (S.I. 1979/338) (renamed by virtue of section 3(1) of the European Communities (Amendment) Act 1986 (c.58)). (b) S.I. 1979/521 (renamed as above).

(2) Service shall be effected in the manner in which a writ of summons is served and an affidavit of service shall be filed as soon as practicable after service has been effected.”.

(3) Rule 7(1) of the principal Rules shall be amended by substituting for the words “within five days” the words “within fourteen days” and for the words “Rule 5” the words “Rule 6”.

(4) Rule 18(1) of the principal Rules shall be amended by substituting for the words “prescribed by Rule 7” the words “prescribed by Rules 5, 6 or 7”.

(5) The Rules of the principal Rules cited in the first column of the Schedule to these Rules shall be amended by omitting the words in the second column and by substituting the words in the third column.

*Mackay of Clashfern, C.,
Lane, C.J.,
Donaldson of Lymington, M.R.,
Stephen Brown, P.,
Nicolas Browne-Wilkinson, V-C.,
Dillon, L.J.,
Hirst, J.,
Steyn, J.,
R. J. P. Aitkens
Michael S. Howells
Harvey M. Crush*

16th March 1988

SCHEDULE

Rule-2(5)

<i>Rule</i>	<i>Words to be omitted</i>	<i>Words to be substituted</i>
Rule 2(2)	“master of the Supreme Court (Queen’s Bench Division)” “section 137(4) of the Act, as originally enacted”	“master of the Queen’s Bench Division” “section 157(4) of the Act”
Rule 3(2)	“master of the Supreme Court (Queen’s Bench Division)”	“master of the Queen’s Bench Division”
Rule 4(1)	“section 108(1)” “subsection (2) or (3) of section 109”	“section 121(1)” “subsection (2) or (3) of section 122”
Rule 7(1)	“section 119(4)”	“section 136(4)”
Rule 8	“section 121(1)”	“section 138(1)”
Rule 10(2)	“section 122(5)”	“section 139(5)”
Rule 11	“section 126(1)”	“section 146(1)”
Rule 16(1)	“section 134(1)”	“section 153(1)”
Rule 18(1)	“section 106”	“section 119”
Rule 18(2)	“section 106(2)”	“section 119(2)”
Rule 20(2)	“section 162”	“section 184”
Schedule	“Representation of the People Act 1949” “section 109(2) or (3)”	“Representation of the People Act 1983” “section 122(2) or (3)”

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the European Parliamentary Election Petition Rules 1979 so as—

(1) to give effect to amendments to the Representation of the People Act 1983 contained in the Representation of the People Act 1985 relating to security for costs of petitions (rule 2(2) and (3));

(2) to extend the application of section 119 of the Representation of the People Act 1983 (computation of time) to the periods prescribed by Rules 5 and 6 (Rule 2(4)).

(3) to correct certain obsolete references (Rule 2(5)).

The Rules are similar to those made by the Election Petition (Amendment) Rules 1985 (S.I. 1985/1278) in respect of parliamentary elections.