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STATUTORY INSTRUMENTS

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**1997 No. 874**

**REPRESENTATION OF THE PEOPLE**

**The European Parliamentary Elections  
(Amendment) Regulations 1997**

*Made* - - - - *16th March 1997*  
*Coming into force* - - *24th March 1997*

Whereas a draft of these Regulations has been approved by a resolution of each House of Parliament; Now, therefore, in exercise of the powers conferred on me by paragraph 2 of Schedule 1 to the European Parliamentary Elections Act 1978(1), I hereby make the following Regulations:

**1.**—(1) These Regulations may be cited as the European Parliamentary Elections (Amendment) Regulations 1997.

(2) These Regulations shall come into force on the expiry of seven days after the day on which they are made.

(3) These Regulations do not extend to Northern Ireland.

**2.**—(1) Regulation 5 (application of certain provisions for the purposes of European Parliamentary elections) of the European Parliamentary Elections Regulations 1986(2) is amended as follows.

(2) In paragraph (1)(3) the words from “The entry in” to the end of that paragraph are hereby revoked.

(3) In paragraph (2) the words from “The entries in” to the end of that paragraph are hereby revoked.

(4) In paragraph (7) after the words “the references in” there is inserted “section 6(2A) and”.

**3.** The European Parliamentary Elections (Amendment) Regulations 1992(4) and regulation 2 of the European Parliamentary Elections (Amendment) Regulations 1994(5) are hereby revoked.

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(1) 1978 c. 10; the citation of this Act was amended by section 3(1)(b) and (2)(b) of the European Communities (Amendment) Act 1986 (c. 58).

(2) S.I. 1986/2209; the citation of these Regulations was amended by section 3(1)(b) and (2)(b) of the European Communities (Amendment) Act 1986.

(3) Paragraphs (1) and (2) of regulation 5 were amended by S.I. 1992/723, S.I. 1994/748 and S.I. 1995/1948.

(4) S.I. 1992/723.

(5) S.I. 1994/748.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Home Office  
16th March 1997

*Michael Howard*  
One of Her Majesty's Principal Secretaries of  
State

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Paragraphs (1) and (2) of regulation 5 of the European Parliamentary Elections Regulations 1986 applied the provisions in primary and subordinate legislation which were listed in Schedules 1 and 2 to those Regulations for the purposes of European Parliamentary elections, subject to the modifications made by paragraphs (6) to (9) of regulation 5. Paragraphs (1) and (2) were subsequently amended to provide that references in Schedules 1 and 2 to particular items of primary and subordinate legislation which had been subsequently amended were to be construed as references to that legislation, as amended.

Without these specific provisions about amended primary and subordinate legislation, the same result would be achieved by section 20(2) of the Interpretation Act 1978 (c. 30), read with section 23(2) of that Act. Paragraphs (2) and (3) of regulation 2 of these Regulations revoke the specific provisions made by regulation 5(1) and (2) (as amended) so that sections 20(2) and 23(2) can operate to achieve the same result.

Regulation 5(7)(b) of the 1986 Regulations converts references in the primary and subordinate legislation applied by Schedules 1 and 2 to those Regulations to parliamentary constituencies into references to European Parliamentary constituencies. This conversion is subject to an exception. Regulation 2(4) of these Regulations creates another exception so that references to a parliamentary constituency in section 6(2A) of the Representation of the People Act 1985 (as inserted by the Representation of the People Act 1990) are not converted. Section 6(2A) sets out the meaning of the expression “the same area” in section 6(2)(aa) of the 1985 Act (as inserted by the 1990 Act) which confers a right to an absent vote for an indefinite period on an elector who no longer resides in the same area as his qualifying address.