
STATUTORY INSTRUMENTS

2003 No. 1557

The Local and European Parliamentary Elections (Registration of Citizens of Accession States) Regulations 2003

Modification of the 1983 Act

2.—(1) The provisions of the 1983 Act shall apply for the purposes of—

- (a) the registration of relevant citizens of the Accession States as local government electors before 1st May 2004,
- (b) making arrangements for persons so registered to exercise the right to vote if they become relevant citizens of the Union on 1st May 2004, and
- (c) the alteration or removal of entries on the register in relation to relevant citizens of the Accession States after that date,

subject to the following modifications.

(2) In section 4 (entitlement to registration)(1), insert after subsection (3)—

“(3A) The entry in the register of local government electors for a relevant citizen of an Accession State shall, subject to subsection (3B) below, include a mark against his name in the register consisting of the letter “Y” to indicate that he is registered as a relevant citizen of an Accession State and, before the date on which that Accession State accedes to the European Union, he shall not be treated as an elector for any purposes other than those of an election the poll for which is held on or after that date.

(3B) Where a relevant citizen of an Accession State is registered in the register of local government electors, and that State accedes to the European Union on 1st May 2004, the mark referred to in subsection (3A) above shall be removed from his entry in the register.

(3C) From 1st May 2004, no relevant citizen of an Accession State shall be entitled to be registered in the register of local government electors under subsection (3)(c) unless he has become a relevant citizen of the Union following the accession to the European Union of the Accession State of which he is a national.”

(3) In—

- (a) section 4(3)(c);
- (b) section 7B(3)(e)(2);
- (c) section 7B(7)(a);
- (d) section 15(5)(a)(3);
- (e) section 16(e)(4); and
- (f) section 17(1)(c)(5),

(1) Section 4 was substituted by section 1(2) of the Representation of the People Act 2000 (c. 2).

(2) Section 7B was inserted by section 6 of the Representation of the People Act 2000 (c. 2).

(3) Section 15(5)(a) was amended by Schedule 2 to S.I. 1995/1948.

(4) Section 16(e) was amended by Schedule 2 to S.I. 1995/1948.

(5) Section 17(1) was substituted by paragraph 10 of Schedule 1 to the Representation of the People Act 2000 (c. 2).

for “relevant citizen of the Union” substitute in each case “relevant citizen of the Union or of an Accession State”.

(4) In section 49(6) (effect of registers), insert after subsection (5)—

“(5A) Nothing in subsection (5) shall prevent a relevant citizen of an Accession State from being excluded from voting on the ground that the Accession State of which he is a national has not acceded to the European Union.”.

(5) In section 61(1)(7) (other voting offences), for the words “For the purposes of this subsection” to the end of the subsection, substitute—

“For the purposes of this subsection, references to a person being subject to a legal incapacity to vote do not, in relation to things done before polling day at the election or first election at which or for which they are done—

- (i) include his being below voting age if he will be of voting age on that day;
- (ii) include his being a citizen of an Accession State, and therefore not entitled to vote until the Accession State in question accedes to the European Union on 1st May 2004.”.

(6) In section 62 (offences as to declarations), insert after subsection (2)—

“(3) For the purposes of subsection (1), a person shall not be treated as being subject to a legal incapacity to vote because he is a citizen of an Accession State, and therefore not entitled to vote until the Accession State in question accedes to the European Union on 1st May 2004.”.

(7) In section 202(1)(8) of the 1983 Act—

(a) there shall be inserted at the appropriate place—

““Accession State” means any of the following States—

- (a) the Czech Republic,
- (b) the Republic of Estonia,
- (c) the Republic of Cyprus,
- (d) the Republic of Latvia,
- (e) the Republic of Lithuania,
- (f) the Republic of Hungary,
- (g) the Republic of Malta,
- (h) the Republic of Poland,
- (i) the Republic of Slovenia, or
- (j) the Slovak Republic;”;

““citizen of an Accession State” means a national of one of the Accession States and “relevant citizen of an Accession State” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland”; and

(b) in the definition of “elector”, after the word “age”, insert “, or, subject to section 4(3A), those shown in the register as a relevant citizen of an Accession State,”.

(6) Section 49 was amended by paragraph 12 of Schedule 1 to the Representation of the People Act 2000 (c. 2).

(7) There are amendments to section 61 which are not relevant to these Regulations.

(8) There have been a number of amendments to section 202, which are not relevant to these Regulations.