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STATUTORY INSTRUMENTS

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**2004 No. 1246**

**REPRESENTATION OF THE PEOPLE**

**The European Parliament (Disqualification)  
(United Kingdom and Gibraltar) Order 2004**

*Made - - - - 27th April 2004*

*Coming into force in accordance with article 1(1)*

The Secretary of State, in exercise of the powers conferred on him by section 10(4A) of the European Parliamentary Elections Act 2002(1), after consultation with the Electoral Commission in accordance with section 10(4B) of that Act, hereby makes the following Order, a draft of which has been laid before and approved by a resolution of each House of Parliament:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the European Parliament (Disqualification) (United Kingdom and Gibraltar) Order 2004 and shall come into force on the day after the day on which it is made.

(2) In this Order—

“Gibraltar public office” means a public office for the purposes of sections 28 (disqualifications for elected members) and 80 (references to public office, etc.) of the Constitution of Gibraltar set out in Annex 1 to the Gibraltar Constitution Order 1969.

(3) References in this Order to the House of Assembly Ordinance are to the Gibraltar Ordinance of that name.

**Disqualification for office of MEP**

2. In addition to persons otherwise disqualified for the office of MEP(2), a person is disqualified for the office of MEP if—

- (a) he has been adjudged or otherwise declared bankrupt under any law in force in Gibraltar and has not been discharged;
- (b) he holds or acts in a Gibraltar public office, unless the public office in question is described in Schedule 2 (classes of public officers who may be candidates for election) to the House of Assembly Ordinance;

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(1) 2002 c. 24; sections 10(4A) and (4B) and 13(3A) to (3C) were inserted by section 21(1)(b) and (3) of the European Parliament (Representation) Act 2003 (c. 7).

(2) See section 10 of the European Parliamentary Elections Act 2002 (c. 24) and the Act annexed to Council Decision 76/787/ECSC, EEC, Euratom (OJ L 278, 08.10.1976, p.21 (Cmnd. 6623)).

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**Status:** This is the original version (as it was originally made).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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- (c) he is the clerk to the House of Assembly of Gibraltar, or any deputy or clerk appointed by him (in his capacity as local returning officer or the European electoral registration officer for Gibraltar);
- (d) he is disqualified for election as an Elected Member of the House of Assembly of Gibraltar by virtue of section 36 of the House of Assembly Ordinance (penalty for and incapacity following illegal practices); or
- (e) having been found guilty of one or more offences (whether in Gibraltar or elsewhere), and sentenced or ordered to be imprisoned or detained indefinitely or for more than one year, he is detained anywhere in Gibraltar in pursuance of the sentence or order or is unlawfully at large at a time when he would otherwise be so detained.

Signed on behalf of the Secretary of State for Constitutional Affairs

Date 27th April 2004

*Christopher Leslie*  
Parliamentary Under Secretary of State,  
Department for Constitutional Affairs

## EXPLANATORY NOTE

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

Section 10 of the European Parliamentary Elections Act 2002 provides for certain classes of people to be disqualified from entitlement to be MEPs. Section 21 of the European Parliament (Representation) Act 2003 amended section 10 of the 2002 Act so as to give the Secretary of State power to disqualify persons of a description connected to Gibraltar. The Order provides for similar classes of people to be disqualified as those who are disqualified in the United Kingdom.

The Order refers to the Gibraltar House of Assembly Ordinance. It can be obtained from: Publications, Government Secretariat, No 6 Convent Place, Gibraltar. Telephone: 00 350 47932. Fax: 00 350 74524. email: [legisunit2@gibnynex.gi](mailto:legisunit2@gibnynex.gi)