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STATUTORY INSTRUMENTS

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**2004 No. 1374**

**EUROPEAN COMMUNITIES**

The European Parliamentary Elections (Common  
Electoral Principles) Regulations 2004

<i>Made</i>	- - - -	<i>17th May 2004</i>
<i>Laid before Parliament</i>		<i>18th May 2004</i>
<i>Coming into force</i>	- -	<i>8th June 2004</i>

The Secretary of State, being the Minister designated for the purposes of section 2(2) of the European Communities Act 1972<sup>(1)</sup>, in exercise of the powers conferred on him by that provision, hereby makes the following Regulations:

**Citation, commencement and extent**

1.—(1) These regulations may be cited as the European Parliamentary Elections (Common Electoral Principles) Regulations 2004.

- (2) They shall come into force on 8th June 2004.
- (3) Regulations 2 and 4 extend to each part of the United Kingdom.
- (4) Regulation 3 extends to Northern Ireland only.

**Amendments of the European Parliamentary Elections Act 2002**

2.—(1) The European Parliamentary Elections Act 2002<sup>(2)</sup> is amended as follows.

- (2) In section 9(1) (double voting) for “9” substitute “10”.
- (3) In section 10(8) (disqualification) for “6(1)” substitute “7(1) and (2)”.
- (4) In Schedule 1A (periodic reviews of distribution of MEPs), in paragraph 6(1) for “10(2)” substitute “11(2)”.

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<sup>(1)</sup> 1972 c. 68. See the European Communities (Designation) (No. 2) Order 2004 (S.I.2004/1110).

<sup>(2)</sup> 2002 c. 24; sections 9 and 10 were amended and extended to Gibraltar, and Schedule 1A was inserted and extended to Gibraltar, by sections 7, 19 and 21 of the European Parliament (Representation) Act 2003 (c. 7).

### **Amendments of the European Parliamentary Elections (Northern Ireland) Regulations 2004**

**3.**—(1) The European Parliamentary Elections (Northern Ireland) Regulations 2004<sup>(3)</sup> are amended as follows.

(2) In regulation 76 (by-elections)—

(a) in paragraph (1)—

(i) in sub-paragraph (a) for “12(2)” substitute “13(4)”; and

(ii) in sub-paragraph (b) for “that Article” substitute “Article 13(3)”; and

(b) in paragraph (4) for “10(2)” substitute “11(2)”.

### **Amendment of the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994**

**4.** In regulation 4 (offence of standing as a candidate in more than one Member State) of the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994<sup>(4)</sup>, in paragraph (1) for “9” substitute “10”.

Signed on behalf of the Secretary of State for Constitutional Affairs

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

Date 17th May 2004

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<sup>(3)</sup> S.I.2004/1267.

<sup>(4)</sup> S.I. 1994/342; regulation 4 was amended by Schedules 3 and 4 of the European Parliamentary Elections Act 1999 (c. 1).

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## EXPLANATORY NOTE

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

The provisions of the European Parliamentary Elections Acts 2002, the European Parliamentary Elections (Northern Ireland) Regulations 2004 and the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994 amended by these Regulations refer to Articles of the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Decision [76/787/ECSC](#), EEC, Euratom<sup>(5)</sup> (the 1976 Act). The 1976 Act is amended by Council Decision [2002/772/EC](#), Euratom<sup>(6)</sup> and the amendments made by these Regulations are in consequence of the entry into force of that Decision.

The Decision renumbers the Articles of the 1976 Act, and the changes made by regulations 2(2) and (4), 3 and 4 of these Regulations renumber cross references to provisions of the 1976 Act which are the same in substance as the provisions to which the previous cross references refer. Regulation 2(3) also takes into account new substantive provisions in the 1976 Act, following the amendments made by the Decision, concerning entitlement for membership of the European Parliament. In particular Article 7(2), to which regulation 2(3) refers, now provides that an MEP cannot also be a member of a national parliament, subject to a derogation until 2009 for United Kingdom MEPs who are already members of the United Kingdom Parliament.

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<sup>(5)</sup> O.J. L 278, 8.10.1976, p1 (Cmnd. 6623).

<sup>(6)</sup> O.J. L 283, 21.10.2002, p1 (Cmnd. 6093).