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STATUTORY INSTRUMENTS

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**2004 No. 293**

**The European Parliamentary Elections Regulations 2004**

**PART 2**

**THE ELECTION CAMPAIGN**

*Election agents of registered parties*

**Appointment of national election agent of registered party**

**33.**—(1) This regulation applies where, at a general election of MEPs, the nominating officer of a registered party (in accordance with the European Parliamentary elections rules) nominates, or authorises the nomination of, that party to stand for election in more than one electoral region.

(2) Not later than the latest date for the delivery of notices of withdrawal for an election, that officer shall name himself, or some other person, as the party's national election agent.

(3) The name and address of the person so named shall be declared in writing by or on behalf of the party's nominating officer to the Secretary of State not later than that time.

(4) One national election agent only shall be appointed for each registered party but the appointment (whether or not the national election agent appointed is the party's nominating officer) may be revoked.

(5) If (whether before, during or after the general election of MEPs) the appointment or deemed appointment of a national election agent is revoked or a national election agent dies, another national election agent shall be appointed forthwith and his name and address declared to the Secretary of State.

(6) The declaration as a party's national election agent of a person other than the nominating officer of that party shall be of no effect under this regulation unless it is made and signed by that person or is accompanied by a written declaration of acceptance signed by him.

(7) Upon the name and address of a national election agent being declared to the Secretary of State, the Secretary of State shall forthwith give public notice of that name and address.

(8) Where for any reason the nominating officer of a registered party is unable to act, functions conferred on him by this regulation shall be discharged by—

- (a) the person registered as leader of that party under the 2000 Act, or
- (b) where that person is also the nominating officer, the person who holds some other office in the party and is registered in pursuance of it under section 24 of that Act.

(9) In the following provisions of these Regulations, except regulations 38 to 41—

- (a) any reference to an election agent shall, in the case of a registered party to which this regulation applies, be construed as a reference to a national election agent, and
- (b) any reference to the election agent of a candidate shall, in the case of a registered party to which this regulation applies, be construed as a reference to that party's national election agent.

### **Appointment of election agent by a registered party standing in one electoral region only**

**34.**—(1) This regulation applies where a registered party is nominated for election in one electoral region only.

(2) Not later than the latest date for the delivery of notices of withdrawal for an election, the nominating officer of a registered party shall name himself, or some other person, as the party's election agent.

(3) The name and address of the person so named shall be declared in writing by or on behalf of the party's nominating officer to the appropriate officer not later than that time.

(4) One election agent only shall be appointed for each registered party, but the appointment (whether or not the election agent appointed is the party's nominating officer) may be revoked.

(5) If (whether before, during or after the election) the appointment or deemed appointment of an election agent is revoked or an election agent dies, another election agent shall be appointed forthwith and his name and address declared to the appropriate officer.

(6) The declaration as a party's election agent of a person other than the nominating officer of that party shall be of no effect under this regulation unless it is made and signed by that person or is accompanied by a written declaration of acceptance signed by him.

(7) Upon the name and address of an election agent being declared to the appropriate officer, the appropriate officer shall forthwith give public notice of that name and address.

(8) Regulation 33(8) above applies for the purposes of this regulation as it applies for the purposes of that regulation.

(9) In the following provisions of these Regulations, except regulations 38 to 41, any reference to the election agent of a candidate shall, in the case of a registered party to which this regulation applies, be construed as a reference to that party's election agent.

### **Appointment of sub-agent for registered parties**

**35.**—(1) A national election agent or a person authorised by him may appoint to act in any electoral region one, but not more than one, deputy election agent and in any part of an electoral region one, but not more than one, deputy election agent (referred to in these Regulations as a sub-agent).

(2) An election agent of a registered party may appoint to act in any part of the electoral region one, but not more than one, deputy election agent (referred to in these Regulations as a sub-agent).

(3) As regards matters in the area for which there is a sub-agent, the election agent (including the national election agent), may act by the sub-agent and—

(a) anything done for the purposes of these Regulations, by or to the sub-agent in his area shall be deemed to be done by or to the election agent (including the national election agent); and

(b) any act or default of a sub-agent which, if he were the election agent (including the national election agent), would be an illegal practice or other offence against these Regulations, shall be an illegal practice and offence against these Regulations committed by the sub-agent and the sub-agent shall be liable to punishment accordingly.

(4) Not later than the fifth day before the day of the poll (calculated in accordance with regulation 32) the national election agent or a person acting on his behalf or, as the case may be, the election agent shall declare in writing to the returning officer—

(a) the name and address of every sub-agent, and

(b) the area for which he is appointed to act.

(5) The appointment of a sub-agent shall not be vacated by the national election agent or, as the case may be, the election agent who appointed him ceasing to be such an agent.

(6) The appointment of a sub-agent may be revoked by whoever is for the time being the national election agent or, as the case may be, election agent.

(7) Where the appointment of a sub-agent is revoked or the sub-agent dies, another sub-agent may be appointed, and the national election agent or a person acting on his behalf or, as the case may be, the election agent shall forthwith declare in writing to the returning officer—

- (a) the name and address of the sub-agent, and
- (b) the area for which he is appointed to act.

(8) On receipt of a declaration under paragraph (4) or (7) above, the returning officer shall forthwith give public notice of the name, address and area so declared.

(9) References in this regulation to an election agent are to the election agent of a registered party.

### **Office of agents of registered parties**

**36.**—(1) Every national election agent, every election agent and every sub-agent of a registered party shall have an office to which all claims, notices, writs, summonses and documents may be sent.

(2) The office of a national election agent shall be in the United Kingdom and shall be—

- (a) declared to the Secretary of State at the same time as the appointment of the agent is declared to him; and
- (b) stated in the public notice of the name of the agent.

(3) The office of the election agent or sub-agent of a registered party shall be within the United Kingdom or, in the case of a party standing for election in the combined region, Gibraltar and shall be—

- (a) declared to the appropriate officer at the same time as the appointment of the agent is declared to him; and
- (b) stated in the public notice of the name of the agent.

(4) Any claim, notice, writ, summons or document delivered at the address of the national election agent, election agent or sub-agent and addressed to him, shall be deemed to have been served on him and every national election agent, election agent or sub-agent may in respect of any matter connected with the election in which he is acting be sued in any court having jurisdiction at the place where his office is situated.

### **Effect of default in appointment of agents of registered parties**

**37.**—(1) If no person's name and address are given as required by—

- (a) regulation 33 as the national election agent of a registered party, or
- (b) regulation 34 (where regulation 33 does not apply) as the election agent of a registered party for an electoral region,

by the latest time for delivery of notices of withdrawals, the nominating officer shall be deemed to have named himself as the national election agent or, as the case may be, the election agent and to have revoked any appointment of another person as that agent.

(2) If—

- (a) the person whose name and address have been so given as those of the party's national election agent or, as the case may be, election agent (not being the party's nominating officer) dies, and
- (b) a new appointment is not made on the day of the death or the following day,

the party's nominating officer shall be deemed to have appointed himself as from the time of the death to the office in question.

(3) If the appointment of a party's national election agent or, as the case may be, election agent is revoked without a new appointment being made, the party's nominating officer shall be deemed to have been appointed (or re-appointed) to the office in question.

(4) The deemed appointment of a nominating officer as his party's national election agent or, as the case may be, election agent may be revoked as if it were an actual appointment.

(5) Regulation 33(8) applies for the purposes of this regulation as it applies for the purposes of that regulation.

(6) Where a party's nominating officer or officer determined under regulation 33(8), as applied by paragraph (5) above, is by virtue of this regulation to be treated as the party's national election agent or, as the case may be, election agent, he shall be deemed to have his office at the address registered under the 2000 Act as the party's headquarters (or, if it has no headquarters, the address to which communications to the party may be sent).

(7) On being satisfied that a party's nominating officer or officer determined under paragraph (5) above is by virtue of this regulation to be treated as—

- (a) the party's national election agent, or
- (b) the party's election agent,

the Secretary of State or the appropriate officer (as the case may be) shall forthwith proceed to publish the like notice as if that officer's name and address and the address of his office had been duly given to him under regulations 33 and 36 or, as the case may be, regulations 34 and 36.