
EXPLANATORY NOTE

(This note is not part of the Order)

By virtue of the European Parliament (Representation) Act 2003 (the 2003 Act), Gibraltar is to be combined with one of the electoral regions in England and Wales to form a new electoral region for the purposes of European Parliamentary elections. The new region is referred to in that Act, and in this Order, as “the combined region”.

Section 11 of the 2003 Act enables the Secretary of State to specify an existing region which is to be combined with Gibraltar to form the combined region. In article 2 this Order specifies the South West region, implementing a recommendation of the Electoral Commission made under section 10(1) (b) of the 2003 Act; and in article 3 it makes minor amendments to the European Parliamentary Elections Act 2002.

As a result of the combination, in article 4 and the Schedule the Order also amends a number of provisions of the Political Parties, Elections and Referendums Act 2000 or extends them to Gibraltar, or both. In article 5 relevant Orders made under that Act are also extended to Gibraltar and, where appropriate, modified.

The principal effect of article 4 and the Schedule is to adapt the Act to take into account Gibraltar in its framework where relevant, including for the purposes of Gibraltar parties which may wish to register under it with a view to contesting European Parliamentary elections. Gibraltar third parties will also be able to become recognised third parties for the purposes of campaigning while a European Parliamentary general election is pending. Registered parties may declare that they intend to contest a European Parliamentary election in the combined region so that they may receive donations from Gibraltar based donors. However, in the case of parties which are not Gibraltar parties they may only receive such donations during the four month period preceding the date of the European Parliamentary election and if those donations exceed in total the amount of campaign expenditure that the registered party would be permitted to incur if it were standing for election in the combined region only, the excess is to be returned to the donors.

Article 6 enables Gibraltar lawyers to have rights of audience, and to conduct litigation, in England and Wales courts in proceedings connected with European Parliamentary elections in the combined region.

The Order also deals with a matter not directly connected to Gibraltar. Part 5 of the Political Parties, Elections and Referendums Act 2000 controls campaign expenditure, which is defined by reference to the list of matters, and the exclusions, in Part 1 of Schedule 8. Article 7 amends the exclusions in Part 1 of that Schedule so that expenses in respect of newsletters and similar publications relating to MEPs and candidates for European Parliamentary elections in Great Britain are no longer excluded during the four month period preceding a European Parliamentary election, following a recommendation of the Electoral Commission.

The Order refers to a number of Gibraltar Ordinances. They can be obtained from:

Publications

Government Secretariat

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