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STATUTORY INSTRUMENTS

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**2018 No. 107**

**The European Parliamentary Elections  
Act 2002 (Amendment) Regulations 2018**

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

2.—(1) Section 5 of the European Parliamentary Elections Act 2002 (filling vacant seats)<sup>(1)</sup> is amended as follows.

(2) After subsection (3) insert—

“(3A) As regards a seat for an electoral region other than Northern Ireland, the regulations may, in specified circumstances, require it to be filled as follows—

- (a) where the previous MEP filled the seat from a party’s list of candidates (whether at a general election of MEPs or under regulations made under subsection (2)(b)), by a person nominated by the nominating officer of that party;
- (b) where the previous MEP stood on behalf of a registered party when elected (or most recently elected) at a by-election, by a person nominated by the nominating officer of that party;
- (c) where the previous MEP stood on behalf of two or more registered parties when elected (or most recently elected) at a by-election, by a person jointly nominated by the nominating officers of those parties;
- (d) where none of paragraphs (a), (b) or (c) apply but the previous MEP gave a notice in accordance with regulations under this Act naming one or more persons as substitutes, by a person so named;
- (e) where the previous MEP was nominated to the seat by the nominating officer of a registered party in accordance with provision made under paragraph (a) or (b), by a further person so nominated;
- (f) where the previous MEP was jointly nominated to the seat by the nominating officers of two or more registered parties in accordance with provision made under paragraph (c), by a further person so nominated.

(3B) Regulations containing provision made under subsection (3A) may specify that the provision has effect in relation to any seat that is vacant at the time the provision comes into force and in respect of which a notice of a by-election has not been published at that time.”.

(3) For subsection (5), substitute—

“(5) In this section—

“nominating officer”, in relation to a registered party, means the person registered in the relevant register as its nominating officer;

“the previous MEP”, in relation to a vacancy in the seat of an MEP, means the person who was the MEP immediately before the vacancy arose;

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<sup>(1)</sup> 2002 c.24. Section 5 was amended by section 26 of the Political Parties and Elections Act 2009 (c.12).

“registered party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000(2);

“relevant register”, in relation to a registered party, means whichever of the Great Britain register or the Northern Ireland register (in each case within the meaning of that Act) the party is registered in.”.

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(2) 2000 c.41. Section 22 requires parties to be registered in order to be able to field candidates at elections, section 28 makes provision for a party to apply to be registered. Section 22 was amended by section 52 of the Electoral Administration Act 2006 (c.22), Schedule 1 of the Fixed Term Parliaments Act 2011 (c.14) and S.I. 2012/1917.