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STATUTORY INSTRUMENTS

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**1994 No. 342**

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

**PART III**

**CHANGES TO THE FRANCHISE AND PROVISIONS ABOUT REGISTRATION**

**Extension of the franchise at European Parliamentary elections**

7.—(1) A person is entitled by virtue of this regulation to vote as elector at a European Parliamentary election in any European Parliamentary constituency if —

- (a) he is resident there on the qualifying date (subject to paragraph (2) below in relation to Northern Ireland);
- (b) on that date and on the day appointed for the election, he
  - (i) is not subject to any legal incapacity to vote (age apart); and
  - (ii) is a relevant citizen of the Union;
- (c) he is of voting age, that is, 18 years or over, on the day appointed for the election, and
- (d) he is registered in the European Parliamentary constituency in the register under regulation 9 below to be used at the election.

(2) A relevant citizen of the Union is not entitled to vote as an elector at a European Parliamentary election in Northern Ireland unless he was resident there during the whole of the period of three months ending on the qualifying date for that election.

(3) In this regulation—

“legal incapacity” has the same meaning in relation to European Parliamentary elections as it has in the Act of 1983 in relation to parliamentary elections; and

“qualifying date” means—

- (a) in England and Wales and Scotland, 10th October in any year as respects a European Parliamentary election at which the date appointed for it falls within the period of twelve months beginning with 16th February in the next following year;
- (b) in Northern Ireland, 15th September in any year as respects such a European Parliamentary election as mentioned above.

(4) Sections 5 (residence), 6 (residence: merchant seamen), 7(1) (residence: detained mental patients) and 59(2) (residence in the context of Her Majesty’s reserve or auxiliary forces) of, and the definition of “dwelling house” in section 202(1) of, the Act of 1983 shall apply for the purposes of determining questions as to a person’s residence under this regulation as they apply for the purposes of sections 1 and 2 of that Act and as if, for the references in sections 5, 6 and 7(1) to sections 1 and 2, there were substituted a reference to this regulation.

## Registration officers

8.—(1) The officer who—

- (a) under subsection (2), (3) or (4) of section 8 of the Act of 1983 is the registration officer for any of the areas therein referred to for the purposes of parliamentary elections,
- (b) under the provision substituted by the Schedule to the Isles of Scilly Order 1978<sup>(1)</sup> is the registration officer for the Isles of Scilly for those purposes,

shall be the registration officer for the area in question for the purposes of the registration of relevant citizens of the Union as European Parliamentary electors.

(2) Sections 52 (discharge of registration duties) and 54 (payment of expenses of registration)<sup>(2)</sup> of the Act of 1983 shall apply for the purposes of the registration of relevant citizens of the Union as European Parliamentary electors as they apply for the purposes of a registration officer’s functions under that Act.

(3) Section 63 of the Act of 1983 (breach of official duty)<sup>(3)</sup> shall apply to registration officers, their deputies and the other persons mentioned in subsection (3)(e) of that section in connection with the registration of relevant citizens of the Union as European Parliamentary electors as it applies to such officers, deputies and persons in connection with the registration of parliamentary and local government electors and the meaning of “official duty” in section 63(3) shall be construed accordingly.

## Registration of relevant citizens of the Union

9.—(1) It is every registration officer’s duty to prepare and publish in every year for each part of a European Parliamentary constituency in the area for which he acts a register of those relevant citizens of the Union who are entitled to be registered as European Parliamentary electors under or by virtue of these Regulations.

(2) Such a register shall so far as practicable be combined with the registers of parliamentary electors and of local government electors and any register of peers under section 3 of the Representation of the People Act 1985<sup>(4)</sup>, the names of persons registered under this provision being marked to indicate that fact.

(3) A registration officer’s general duty to prepare and publish registers of European Parliamentary electors in conformity with these Regulations includes the duty to take reasonable steps to obtain information required by him for that purpose (without prejudice to any specific requirement of these Regulations or the provisions applied or amended by them).

(4) Sections 10, except paragraph (a), (preparation of registers)<sup>(5)</sup>, 11 (correction of register)<sup>(6)</sup>, 13, except subsection (2), (publication of registers), 18(8) (effect on register of changes to polling districts), 56 (registration appeals: England and Wales)<sup>(7)</sup>, 57 (registration appeals: Scotland) and 58 (registration appeals: Northern Ireland)<sup>(8)</sup> and the definition of “prescribed” in section 202(1) of the Act of 1983 shall apply to the register of relevant citizens of the Union as European Parliamentary electors (and electors lists therefor) and any appeals relating to inclusion in that register as they apply to the register of parliamentary and local government electors (and electors lists therefor and any appeals) but with the following modifications:

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(1) S.I. 1978/1844.

(2) Sections 52 and 54 have been amended and, in part, repealed by Schedules 4 and 5 to the Representation of the People Act 1985 (c. 50).

(3) Section 63 has been substituted by Schedule 4 to the Representation of the People Act 1985.

(4) 1985 c. 50.

(5) Section 10 has been amended by section 4(2) of the Representation of the People Act 1985.

(6) Section 11 has been amended by Schedule 4 to the Representation of the People Act 1985.

(7) Section 56 has been amended and repealed in part by Part I of Schedule 2 to, and Schedules 4 and 5 to, the Representation of the People Act 1985.

(8) Section 58 has been amended by Schedule 4 to the Representation of the People Act 1985.

- (a) in section 10(c) the reference to “electors lists” shall be construed as including the electors lists in respect of the registers of parliamentary and local government electors;
- (b) in section 13(4) after the words “(including this Act)” there shall be inserted “, as applied by regulations under the Act of 1978, and the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994”;
- (c) in section 56—
  - (i) in paragraph (a) of subsection (1) for the words “this Act” there shall be substituted “the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994”; and
  - (ii) paragraph (b) of subsection (1) shall be omitted.

### **Right to be registered**

**10.**—(1) Subject to paragraphs (4) and (6) below, a relevant citizen of the Union who may be entitled to vote as an elector at a European Parliamentary election for which any register prepared under regulation 9 above is to be used is entitled to be registered in that register provided that the registration officer has received in respect of him an application and declaration made in writing in accordance with paragraphs (2) and (3) below (and subject to any provision imposing disqualification for registration as a European Parliamentary elector).

(2) An application under this regulation may be made by or on behalf of the relevant citizen of the Union (“the applicant”), shall be signed and dated by the person making it and shall state—

- (a) the full name of the applicant and, where a person makes the application on behalf of the applicant, that person’s name and address;
- (b) the address in respect of which the applicant claims to be registered and whether he will be or, as the case may be, is or was resident there on the qualifying date;
- (c) in the case of an application in Northern Ireland, that the applicant will be or, as the case may be, was resident in Northern Ireland for the whole of the period of three months ending on that date;
- (d) if the applicant will not or, as the case may be, is not or was not resident on the qualifying date at the address in respect of which he claims to be registered, whether he has made a service declaration or a patient’s declaration;
- (e) if the applicant will be or, as the case may be, is or was a merchant seaman on the qualifying date, that fact; and
- (f) either that the applicant is aged 18 years or over or, if not, the date of his birth.

(3) An application under this regulation shall include a declaration stating —

- (a) the nationality of the applicant;
- (b) the applicant’s address in the United Kingdom, if different from the address given under paragraph (2)(b) above;
- (c) where the applicant’s name has been entered in a register of electors in a locality or constituency in the Member State of which he is a national, the name of the locality or constituency where, so far as he knows, his name was last so entered; and
- (d) that the applicant will exercise any right which he has to vote at European Parliamentary elections at any such election only in the United Kingdom during the period for which the register to which the application relates remains in force.

(4) Subject to paragraph (5) below, a relevant citizen of the Union who on the qualifying date has a service qualification (within the meaning of regulation 13 below) is not entitled to be registered as mentioned in paragraph (1) above except in pursuance of a service declaration —

- (a) made in accordance with section 15 of the Act of 1983, as applied by regulation 13 below, and
- (b) in force on that date,

in addition to the application and declaration required by paragraphs (2) and (3) above.

(5) Paragraph (4) above does not apply to a relevant citizen of the Union who on the qualifying date is the wife or husband of a member of the forces if on that date—

- (a) that citizen has no other service qualification;
- (b) that citizen is resident in the United Kingdom; and
- (c) no service declaration (made in accordance with section 15 of the Act of 1983, as applied by regulation 13 below) is in force in respect of that citizen.

(6) A relevant citizen of the Union who on the qualifying date is a voluntary mental patient (within the meaning of section 7 of the Act of 1983) is not entitled to be registered as mentioned in paragraph (1) above except in pursuance of a declaration—

- (a) made in accordance with section 7(4) of the Act of 1983, as applied by regulation 14 below, and
- (b) with reference to that date,

in addition to the application and declaration required by paragraphs (2) and (3) above.

The requirement in this paragraph for a patient's declaration is without prejudice to the registration of a voluntary mental patient by virtue of his residence at an address other than the mental hospital (within the meaning of section 7 of the Act of 1983, as applied by regulation 14 above) in which he is a patient in any case in which he would be entitled to be so registered apart from this paragraph and section 7(4) to (8) of the Act of 1983, as applied by regulation 14 below.

(7) A relevant citizen of the Union is entitled to be registered in the register prepared under regulation 9 above if he will attain voting age before the end of the twelve months following the day by which the register is required to be published; but if he will not be of voting age on the first day of those twelve months —

- (a) his entry in the register shall give the date on which he will attain that age; and
- (b) until the date given in the entry he shall not by virtue of the entry be treated as an elector for any purposes other than purposes of an election at which the day appointed for election is that or a later date.

(8) The registration officer shall supply free of charge as many copies of forms for use in connection with applications and declarations under paragraphs (2) and (3) above as appear to that officer reasonable in the circumstances to any person who satisfies that officer of his intention to use the forms in connection with the registration of relevant citizens of the Union as European Parliamentary electors.

(9) Except where, by virtue of the Schedule to these Regulations, the procedure in respect of claims and objections under the Regulations of 1986, the Regulations (Scotland) of 1986 or the Regulations (Northern Ireland) of 1986, as the case may be, applies (and the applicant, or a person acting on his behalf, is thereby notified whether an application to be registered is successful), the registration officer shall inform the applicant or the person who made the application on the applicant's behalf if he decides to reject the application and his reasons for so doing.

(10) In this regulation, "locality or constituency" has the same meaning as it has in the directive of the Council of the European Communities No. [93/109/EC](#).

### **Punishment of false statement in application and declaration under regulation 10(2) and (3)**

**11.**—(1) A person who makes a statement which he knows to be false in an application or declaration required by regulation 10(2) and (3) above is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) The provisions of Part III of the Act of 1983 relating to the prosecution of offences, as applied by regulations under the Act of 1978, shall have effect in relation to an offence under paragraph (1) above as if it were an offence under the Act of 1983, as so applied.

### **Copies of certain applications and declarations to be sent to the Secretary of State**

**12.**—(1) This regulation applies to any application and declaration under regulation 10(2) and (3) above to be registered in a register of relevant citizens of the Union as European Parliamentary electors which—

- (a) under the modifications made by Part IV of these Regulations, is required to be published not later than 9th May 1994; or
- (b) is required to be published not later than 15th February in 1999; or
- (c) is required to be published not later than that date in any year at intervals of five years thereafter.

(2) As soon as practicable after the registration officer has registered the name of a relevant citizen of the Union in the register of such citizens as European Parliamentary electors in pursuance of an application and declaration to which this regulation applies, he shall send a copy of the application and declaration to the Secretary of State.

### **Service voters**

**13.**—(1) A relevant citizen of the Union who—

- (a) is a member of the forces,
- (b) is the wife or husband of such a member,

has a service qualification for the purposes of these Regulations.

(2) For the purposes of regulation 7(2) above, a relevant citizen of the Union ceasing to have a service qualification shall be treated as if he were resident in Northern Ireland for the period during which he had a service qualification.

(3) Sections 15 (service declaration), 16 (contents of service declaration), 17 (effect of service declaration) and 62(1) (offences as to declarations)<sup>(9)</sup> of, and the definition of “prescribed” in section 202(1) of, the Act of 1983 shall apply in respect of a relevant citizen of the Union who has a service qualification under this regulation and any service declaration made by him as they apply in respect of a person who has a service qualification under that Act and any service declaration made by him thereunder, but with the following modifications:

- (a) subsections (1)(b), (3) and (4) of section 15 shall be omitted;
- (b) for section 15(5) there shall be substituted:

“(5) A service declaration under this section as applied by regulation 13 of the European Parliamentary Elections (Changes to Franchise and Qualification of Representatives) Regulations 1994 has effect for the purposes of European Parliamentary elections only.”;
- (c) in section 15(7)<sup>(10)</sup>, the words from “unless” onwards shall be omitted;
- (d) in section 16:

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<sup>(9)</sup> Section 62 has been amended by Schedules 3 and 4 to the Representation of the People Act 1985.

<sup>(10)</sup> Section 15(7) has been amended by Schedule 4 to the Representation of the People Act 1985.

- (i) paragraph (c) shall be omitted;
- (ii) for paragraph (e) there shall be substituted—
  - “(e) the nationality of the declarant on the date of the declaration,”; and
  - (iii) at the end the words “and (except” onwards shall be omitted;
- (e) in section 17(1), the words “and any other person whose service declaration is made with reference to the qualifying date for any register shall be so treated in relation to that register” shall be omitted; and
- (f) in section 17(1)(c) for the words “a Commonwealth citizen or a citizen of the Republic of Ireland” there shall be substituted “of the nationality stated in the declaration”.

### **Patient’s declaration**

14. Subsections (2) and (4) to (8) of section 7 (residence: voluntary mental patients) and section 62(1) (offences as to declarations) of, and the definition of “prescribed” in section 202(1) of, the Act of 1983 shall apply in respect of a relevant citizen of the Union who is a voluntary mental patient and any patient’s declaration made by him as they apply to a voluntary mental patient and any declaration made by him under that Act, but with the following modifications:

- (a) for sub-paragraph (v) of subsection (4)(d) there shall be substituted—
  - “(v) the nationality of the declarant on the date of the declaration,”;
- (b) in subsection (7)(c) for the words “a Commonwealth citizen or citizen of the Republic of Ireland” there shall be substituted “of the nationality stated in the declaration”; and
- (c) after subsection (8) there shall be added—
  - “(8A) A patient’s declaration under this section as applied by regulation 14 of the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994 has effect for the purposes of European Parliamentary elections only.”.

### **Amendments about electors to European Parliamentary Elections Regulations 1986**

15.—(1) In regulation 4 of the European Regulations (interpretation of those Regulations and of provisions applied by them)—

- (a) in the definition of “elector”, the word “either” shall be omitted and for the words “or section 3 of the Act of 1985” there shall be substituted “, section 3 of the Act of 1985 or regulation 7 of the Regulations of 1994”; and
- (b) in the definition of “register”, after paragraph (b), there shall be added—
  - “and
  - (c) a register under regulation 9 of the Regulations of 1994”.

(2) In regulation 5(11) of the European Regulations (references to proxy papers) after the words “proxy for” there shall be inserted “a relevant citizen of the Union registered as a European Parliamentary elector or”.

(3) There shall be inserted the following modification of section 49 of the Act of 1983(11) (effect of registers), as applied by the left-hand column of Schedule 1 to the European Regulations (application with modifications of provisions of the Representation of the People Acts 1983 and 1985 for the purposes of European Parliamentary elections), in the right-hand column of that Schedule:

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(11) Section 49 has been amended, and repealed in part, by section 4(4) of, and Schedules 4 and 5 to, the Representation of the People Act 1985.

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“In subsection (5), for the words “Republic of Ireland”, in both places where they occur, there shall be substituted “Union”.”.

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(4) There shall be inserted the following modification of section 8 of the Representation of the People Act 1985 (proxies at elections), as applied by the left-hand column of Schedule 1 to the European Regulations, before the existing modification in the right-hand column of that Schedule:

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“In subsection (3)(b) for the words “Republic of Ireland” there shall be substituted “Union”.”.

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- (5) In Part II of Schedule 4 to the European Regulations—
- (a) in the heading, for the words after “FOR A PROXY” there shall be substituted “FOR AN ELECTOR AT EUROPEAN PARLIAMENTARY ELECTIONS ONLY”;
  - (b) in the form, after the word “who” there shall be inserted “\*is qualified to be registered as a European Parliamentary elector for (Qualifying address) ... ..\*”; and
  - (c) in note 3 of the notes to that form, for the words “the Republic of Ireland” there shall be substituted “a Member State of the European Communities”.

#### **Amendments about electors to European Parliamentary Elections (Northern Ireland) Regulations 1986**

**16.**—(1) In regulation 4 of the European (Northern Ireland) Regulations (interpretation of those Regulations and of provisions applied by them)

- (a) in the definition of “elector”, the word “either” shall be omitted and for the words “or section 3 of the Act of 1985” there shall be substituted “, section 3 of the Act of 1985 or regulation 7 of the Regulations of 1994”; and
- (b) in the definition of “register”, after paragraph (b), there shall be added—

“and

- (c) a register under regulation 9 of the Regulations of 1994”.

(2) In regulation 5(9) of the European (Northern Ireland) Regulations (references to proxy papers) after the words “proxy for” there shall be inserted “a relevant citizen of the Union registered as a European Parliamentary elector or”.

(3) There shall be inserted the following modification of section 49 of the Act of 1983, as applied by the left-hand column of Schedule 1 to the European (Northern Ireland) Regulations (application with modifications of provisions of the Representation of the People Acts 1983 and 1985 for the purposes of European Parliamentary elections), after the existing modification in the right-hand column of that Schedule:

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“In subsection (5), for the words “Republic of Ireland”, in both places where they occur, there shall be substituted “Union”.”.

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(4) There shall be inserted the following modification of rule 37 (voting procedure) in Schedule 1 (elections rules) to the Act of 1983<sup>(12)</sup>, as applied by the left-hand column of Schedule 1 to the European (Northern Ireland) Regulations, before the existing modification in the right-hand column of that Schedule:

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<sup>(12)</sup> Paragraphs (1A) to (1G) of rule 37 have been inserted by section 1(2) of the Elections (Northern Ireland) Act 1985 (c. 2) and there have been amendments to paragraph (1E) which are not relevant in this context.

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“In paragraph (1E)(b) for the words “the United” onwards there shall be substituted “any Member State”.”.

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(5) There shall be inserted the following modification of section 8 of the Representation of the People Act 1985, as applied by the left-hand column of Schedule 1 to the European (Northern Ireland) Regulations, before the existing modification in the right-hand column of that Schedule:

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“In subsection (3)(b) for the words “Republic of Ireland” there shall be substituted “Union”.”.

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- (6) In Part II of Schedule 3 to the European (Northern Ireland) Regulations —
- (a) in the heading, for the words after “FOR A PROXY” there shall be substituted “FOR AN ELECTOR AT EUROPEAN PARLIAMENTARY ELECTIONS ONLY”;
  - (b) in the form, after the word “who” there shall be inserted “\*is qualified to be registered as a European Parliamentary elector for (Qualifying address). .\*”; and
  - (c) in note 3 of the notes to that form, for the words “the Republic of Ireland” there shall be substituted “a Member State of the European Communities”.

#### **Amendments to Regulations under the Representation of the People Acts**

17. The Schedule to these Regulations (amendment of Regulations of 1986, Regulations (Scotland) of 1986 and Regulations (Northern Ireland) of 1986) shall have effect.