



# European Assembly Elections Act 1978

## 1978 CHAPTER 10

An Act to make provision for and in connection with the election of representatives to the Assembly of the European Communities, and to prevent any treaty providing for any increase in the powers of the Assembly from being ratified by the United Kingdom unless approved by Act of Parliament. [5th May 1978]

### Modifications etc. (not altering text)

- C1** By reason of the retrospective amendment of s. 9(1) of this Act by [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(b\)\(2\)\(b\)\(3\)](#) the short title is now retrospectively the European Parliamentary Elections Act 1978
- C2** By [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(a\)\(2\)\(a\)\(3\)](#) in the long title for the references to the Assembly of the European Communities and the Assembly there are substituted retrospectively references to the European Parliament
- C3** In this Act references to constituency to be construed as mentioned in [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), [s. 1\(2\)](#)
- C4** Act amended (N.I.) by [S.I. 1986/1091](#), [regs. 2](#), 51(6)
- C5** Act amended (E.W.) by [S.I. 1986/1081](#), [regs. 2](#), 51(6)
- C6** Act modified (5.11.1993) by [1993 c. 41](#), [s. 2\(5\)](#).
- C7** Act: power to apply conferred (19.11.1998) by [1998 c. 46](#), [s. 12\(4\)\(5\)](#)
- C8** Act: power to apply or incorporate conferred (1.12.1998) by [1998 c. 38](#), [s. 11\(3\)\(a\)](#) (with [s. 143\(2\)](#)); [S.I. 1998/2789](#), [art. 2](#)

### Commencement Information

- I1** Act wholly in force at Royal Assent

### [<sup>F1</sup>1 Election of MEPs.

This Act makes provision for the election in the United Kingdom of Members of the European Parliament (“MEPs”).]

*Status: Point in time view as at 16/02/2001.*

*Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)*

#### Textual Amendments

- F1** Ss. 1-3D substituted for ss. 1-3 (16.3.1999 for specified purposes only and 1.5.1999 otherwise) by 1999 c. 1, s. 1; S.I. 1999/717, art. 2(1)(2) (with art. 2(3))

### [<sup>F2</sup> Electoral regions and number of MEPs.

- (1) The United Kingdom shall be divided into electoral regions.
- (2) England shall be divided into nine electoral regions.
- (3) Scotland, Wales and Northern Ireland shall each constitute a single electoral region.
- (4) The number of MEPs elected in the United Kingdom shall be 87, of whom—
  - (a) 71 shall be elected for electoral regions in England,
  - (b) 8 shall be elected for Scotland,
  - (c) 5 shall be elected for Wales, and
  - (d) 3 shall be elected for Northern Ireland.
- (5) Schedule 2 (which sets out the electoral regions in England and makes provision for the number of MEPs to be elected for each region) shall have effect.]

#### Textual Amendments

- F2** Ss. 1-3D substituted for ss. 1-3 (16.3.1999 for specified purposes only and 1.5.1999 otherwise) by 1999 c. 1, s. 1; S.I. 1999/717, art. 2(1)(2) (with art. 2(3))

### [<sup>F3</sup> Electoral system in Great Britain.

- (1) The system of election in an electoral region in Great Britain shall be a regional list system complying with the following conditions.
- (2) A vote may be cast for a registered party, or an individual candidate, named on the ballot paper.
- (3) The first seat shall be allocated to the party or individual candidate with the greatest number of votes.
- (4) The second and subsequent seats shall be allocated in the same way, except that the number of votes given to a party to which one or more seats have already been allocated shall be divided by the number of seats allocated plus one.
- (5) In allocating the second or any subsequent seat there shall be disregarded any votes given to—
  - (a) a party to which there has already been allocated a number of seats equal to the number of names on the party's list of candidates, and
  - (b) an individual candidate to whom a seat has already been allocated.
- (6) Seats allocated to a party shall be filled by the persons named on the party's list of candidates in the order in which they appear on that list.
- (7) For the purposes of subsections (3) and (4) fractions shall be taken into account.

*Status: Point in time view as at 16/02/2001.*

*Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)*

(8) In this section—

- (a) “registered party” means [<sup>F4</sup>a party registered under Part II of the Political Parties, Elections and Referendums Act 2000];
- (b) a reference to a party’s “list of candidates” is a reference to the list submitted in accordance with regulations made as required by paragraph 2(3B) of Schedule 1.]

#### Textual Amendments

- F3** Ss. 1-3D substituted for ss. 1-3 (16.3.1999 for specified purposes only and 1.5.1999 otherwise) by 1999 c. 1, s. 1; S.I. 1999/717, art. 2(1)(2) (with art. 2(3))
- F4** Words in s. 3(8)(a) substituted (16.2.2001) by 2000 c. 41, s. 158(1), Sch. 21 para. 5(2) (with s. 156(6)); S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

#### [<sup>F5</sup>3A Electoral system in Northern Ireland.

The system of election in Northern Ireland shall be a single transferable vote system under which—

- (a) a vote is capable of being given so as to indicate the voter’s order of preference for the candidates, and
- (b) a vote is capable of being transferred to the next choice—
  - (i) when the vote is not required to give a prior choice the necessary quota of votes, or
  - (ii) when, owing to the deficiency in the number of votes given for a prior choice, that choice is eliminated from the list of candidates.]

#### Textual Amendments

- F5** Ss. 1-3D substituted for ss. 1-3 (16.3.1999 for specified purposes only and 1.5.1999) by 1999 c. 1, s. 1; S.I. 1999/717, art. 2(1)(2) (with art. 2(3))

#### [<sup>F6</sup>3B Electoral system: supplementary.

Schedule 1 (which makes supplementary provision about the holding of elections, the filling of vacancies, and disqualification) shall have effect.]

#### Textual Amendments

- F6** Ss. 1-3D substituted for ss. 1-3 (16.3.1999 for specified purposes only and 1.5.1999 otherwise) by 1999 c. 1, s. 1; S.I. 1999/717, art. 2(1)(2) (with art. 2(3))

#### [<sup>F7</sup>3C Franchise.

- (1) A person shall be entitled to vote as an elector at a European Parliamentary election in an electoral region if he is within any of subsections (2) to (5) below.

*Status: Point in time view as at 16/02/2001.*

*Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)*

- (2) A person is within this subsection if on the day of the poll he would be entitled to vote as an elector at a parliamentary election in a parliamentary constituency wholly or partly comprised in the electoral region, and—
- (a) the address in respect of which he is registered in the relevant register of parliamentary electors is within the electoral region, or
  - (b) his registration in the relevant register of parliamentary electors results from an overseas elector's declaration which specifies an address within the electoral region.
- (3) A person is within this subsection if—
- (a) he is a peer who on the day of the poll would be entitled to vote at a local government election in an electoral area wholly or partly comprised in the electoral region, and
  - (b) the address in respect of which he is registered in the relevant register of local government electors is within the electoral region.
- (4) A person is within this subsection if he is entitled to vote in the electoral region by virtue of section 3(2) to (9) of the Representation of the <sup>M1</sup>People Act 1985 (peers resident outside the United Kingdom).
- (5) A person is within this subsection if he is entitled to vote in the electoral region by virtue of Part III of the European Parliamentary Elections (Changes to the <sup>M2</sup>Franchise and Qualifications of Representatives) Regulations 1994 (relevant citizens of the European Union).
- (6) Subsection (1) shall have effect subject to any provision of regulations made under paragraph 2 of Schedule 1 which provides for alterations made after a specified date in a register of electors to be disregarded.
- (7) In subsection (3) "local government election" includes a municipal election in the City of London (that is, an election to the office of mayor, alderman, common councilman or sheriff and also the election of any officer elected by the mayor, aldermen and liverymen in common hall.)]

#### Textual Amendments

**F7** Ss. 1-3D substituted for ss. 1-3 (16.3.1999 for specified purposes only and 1.5.1999 otherwise) by c. 1, s. 1; S.I. 1999/717, **art. 2(1)(2)** (with **art. 2(3)**)

#### Marginal Citations

**M1** 1985 c. 50.

**M2** S.I. 1994/342.

### [<sup>F8</sup>3D Date of elections.

- (1) The poll at each general election of MEPs shall be held on a day appointed by order of the Secretary of State.
- (2) A statutory instrument made under this section shall be laid before Parliament after being made.]

*Status: Point in time view as at 16/02/2001.*

*Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)*

#### Textual Amendments

- F8** Ss. 1-3D substituted for ss. 1-3 (16.3.1999 for specified purposes only and 1.5.1999 otherwise) by 1999 c. 1, s. 1; S.I. 1999/717, **art. 2(1)(2)(3)**

#### 4 Double voting.

- (1) Without prejudice to any enactment relating to voting offences as applied by regulations under this Act to elections of [<sup>F9</sup>MEPs] held in the United Kingdom, a person shall be guilty of an offence if, on any occasion when under Article 9 elections to the Assembly are held in all the member States, he votes otherwise than as a proxy more than once in those elections, whether in the United Kingdom or elsewhere.
- (2) The provisions of the [<sup>F10</sup>Representation of the People Act 1983] as applied by regulations under this Act shall have effect in relation to an offence under this section as they have effect in relation to an offence under [<sup>F11</sup>section 61(2)] of that Act (double voting); and, without prejudice to the generality of the foregoing provision, [<sup>F12</sup>section 61(7)] of that Act (which makes such an offence an illegal practice but allows any incapacity resulting from conviction to be mitigated by the convicting court) and [<sup>F13</sup>section 178] of that Act (prosecutions for offences committed outside the United Kingdom) shall apply accordingly.

#### Textual Amendments

- F9** Words in s. 4(1) substituted (1.5.1999) by virtue of 1999 c. 1, s. 3(2), **Sch. 3 para. 1**; S.I. 1999/717, **art. 2(1)** (with **art. 2(3)**)
- F10** Words substituted by **Representation of the People Act 1983 (c. 2, SIF 42)**, ss. 205(2), 206, **Sch. 8 para. 21(a)**
- F11** Words substituted by **Representation of the People Act 1983 (c. 2, SIF 42)**, ss. 205(2), 206, **Sch. 8 para. 21(b)**
- F12** Words substituted by **Representation of the People Act 1983 (c. 2, SIF 42)**, ss. 205(2), 206, **Sch. 8 para. 21(c)**
- F13** Words substituted by **Representation of the People Act 1983 (c. 2, SIF 42)**, ss. 205(2), 206, **Sch. 8 para. 21(d)**

#### 5 Exemption from jury service.

- (1) In Part III of Schedule 1 to the <sup>M3</sup> Juries Act 1974 (excusal of certain persons from jury service in England and Wales) <sup>F14</sup>. . . , before the heading “The Forces” there shall be inserted the following:

*“ European Assembly*

*Representatives to the Assembly of the European Communities.”.*

- (2) . . . . . <sup>F15</sup>

#### Textual Amendments

- F14** Words in s. 5(1) repealed (31.7.1996) by S.I. 1996/1141 (N.I. 6), **art. 32(3)**, **Sch. 5**; S.R. 1996/267, **art. 2**

*Status: Point in time view as at 16/02/2001.*

*Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)*

**F15** S. 5(2) repealed by Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55, SIF 72:2), s. 28(2), **Sch. 3**

**Modifications etc. (not altering text)**

**C9** The text of s. 5(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M3** 1974 c. 23.

**6 Parliamentary approval of treaties increasing Assembly's powers.**

- (1) No treaty which provides for any increase in the powers of the Assembly shall be ratified by the United Kingdom unless it has been approved by an Act of Parliament.
- (2) In this section "treaty" includes any international agreement, and any protocol or annex to a treaty or international agreement.

**Modifications etc. (not altering text)**

**C10** References to the European Parliament substituted retrospectively for references to the Assembly by virtue of European Communities (Amendment) Act 1986 (c. 58, SIF 29:5), s. 3(1)(a)(3)

**7 Expenses.**

- (1) There shall be charged on, and paid out of, the Consolidated Fund.
  - [<sup>F16</sup>(a) charges to which persons on whom functions are conferred by regulations made by virtue of paragraph 4(2) of Schedule 1 are entitled by virtue of regulations under this Act, and
  - (aa) any sums required by the Secretary of State for expenditure on the provision of training relating to functions conferred by regulations made by virtue of paragraph 4(2) of Schedule 1;]
  - (b) any increase attributable to this Act in the sums charged on and payable out of that Fund under any other enactment.
- (2) There shall be paid out of money provided by Parliament—
  - (a) any additional sums payable by way of rate support grant because of an increase attributable to this Act in the registration expenses of registration officers in Great Britain;
  - (b) any increase so attributable in the sums payable out of money so provided under [<sup>F17</sup>section 54(2) of the Representation of the People Act 1983] on account of the registration expenses of registration officers in Northern Ireland; and
  - (c) any increase so attributable in the sums payable out of money so provided under the <sup>M4</sup>House of Commons (Redistribution of Seats) Act 1949.

**Textual Amendments**

**F16** S. 7(1)(a)(aa) substituted for s. 7(1)(a) (1.5.1999) by 1999 c. 1, s. 4; S.I. 1999/717, art. 2(1) (with art. 2(3))

*Status: Point in time view as at 16/02/2001.*

*Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)*

**F17** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), ss. 205(2), 206, **Sch. 8 para. 22**

#### Marginal Citations

**M4** 1949 c. 66.

## 8 Interpretation.

<sup>F18</sup>(1) .....

(2) In this Act—

- (a) any reference to a numbered Article is a reference to the Article so numbered of the Act concerning the election of the representatives of the Assembly by direct universal suffrage annexed to the decision of the Council of the European Communities dated the 20th September 1976, and any reference to a numbered subdivision of a numbered Article shall be construed accordingly;
- (b) “enactment” includes an enactment contained in an Act of the Parliament of Northern Ireland or an Order in Council made under the <sup>M5</sup>Northern Ireland (Temporary Provisions) Act 1972, or in a Measure of the Northern Ireland Assembly.

(3) Except where the context otherwise requires, any reference in this Act to an enactment is a reference to that enactment as amended, and includes a reference to it as applied, by or under any other enactment, including this Act.

#### Textual Amendments

**F18** [S. 8\(1\)](#) repealed (1.5.1999) by [1999 c. 1, s. 3\(3\)](#), **Sch. 4**; [S.I. 1999/717, art. 2\(1\)](#) (with [art. 2\(3\)](#))

#### Modifications etc. (not altering text)

**C11** References to the European Parliament substituted retrospectively for references to the Assembly by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), **s. 3(1)(a)(3)**

#### Marginal Citations

**M5** 1972 c. 22.

## 9 Citation etc.

(1) This Act may be cited as the [<sup>F19</sup>European Parliamentary] Elections Act 1978.

(2) Any power to make orders or regulations conferred by this Act shall be exercisable by statutory instrument; and any power to make an order under any provision of this Act includes power to vary or revoke a previous order made under that provision.

#### Textual Amendments

**F19** Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), **s. 3(1)(b)(2)(b)(3)**

*Status: Point in time view as at 16/02/2001.*

*Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 3.

[<sup>F20</sup>SYSTEM OF ELECTION, &C.]

#### Textual Amendments

**F20** Title in Sch. 1 substituted (1.5.1999) by 1999 c. 1, s. 3(1), Sch. 2 paras. 1, 2; S.I. 1999/717, art. 2(1) (with art. 2(3))

[<sup>F21</sup>European Parliamentary] constituencies

#### Textual Amendments

**F21** Words substituted retrospectively by virtue of European Communities (Amendment) Act 1986 (c. 58, SIF 29:5), s. 3(1)(b)(3)

.....  
<sup>F22</sup><sub>1</sub>

#### Textual Amendments

**F22** Sch. 1 para. 1 repealed (1.5.1999) by 1999 c. 1, s. 3(1)(3), Sch. 2 paras. 1, 3, Sch. 4; S.I. 1999/717, art. 2(1) (with art. 2(3))

[<sup>F23</sup>European Parliamentary] elections

#### Textual Amendments

**F23** Words substituted retrospectively by virtue of European Communities (Amendment) Act 1986 (c. 58, SIF 29:5), s. 3(1)(b)(3)

- 2 [<sup>F24</sup>(1) The persons entitled to vote as electors at an [<sup>F25</sup>European Parliamentary] election in any particular [<sup>F25</sup>European Parliamentary] constituency shall be—
- (a) those who, on the day appointed under paragraph 3 below for the election, would be entitled to vote as electors at a parliamentary election in a parliamentary constituency wholly or partly comprised in the [<sup>F25</sup>European Parliamentary] constituency (excluding any person not registered in the



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- register of parliamentary electors at an address within the [<sup>F25</sup>European Parliamentary] constituency); and
- (b) peers who, on that day, would be entitled to vote at a local government election in an electoral area wholly or partly comprised in the [<sup>F25</sup>European Parliamentary] constituency (excluding any peer not registered at an address within the [<sup>F25</sup>European Parliamentary] constituency for the purposes of local government elections).]
- [(2) In an [<sup>F25</sup>European Parliamentary] election in the constituency of Northern Ireland each vote shall be a single transferable vote, that is to say a vote—
- (a) capable of being given so as to indicate the voter's order of preference for the candidates for election as representatives for the constituency; and
- (b) capable of being transferred to the next choice—
- (i) when the vote is not required to give a prior choice the necessary quota of votes; or
- (ii) when, owing to the deficiency in the number of votes given for a prior choice, that choice is eliminated from the list of candidates.]
- (3) Subject to the provisions of this and the following paragraph, the Secretary of State may by regulations make provision—
- (a) as to the conduct of [<sup>F25</sup>European Parliamentary] elections [<sup>F26</sup>(including the registration of electors and the limitation of candidates' election expenses)]; and
- (b) as to the questioning of such an election and the consequences of irregularities.
- [<sup>F27</sup>(3A) Regulations under this paragraph may make provision (including the creation of criminal offences)—
- (a) about the limitation of election expenses [<sup>F28</sup>of candidates];
- (b) for the allocation of seats in the case of an equality of votes;
- (c) for securing that no person stands for election more than once at a general election.
- For the purposes of this sub-paragraph a person stands for election if he is nominated as a candidate or is included in a party's list of candidates.
- (3B) Regulations under this paragraph shall, in relation to an election in an electoral region in Great Britain, make provision for the nomination of registered parties, including provision requiring a nomination to be accompanied by a list of candidates numbering no more than the MEPs to be elected for that region.]
- (4) Regulations under this paragraph may—
- (a) apply, with such modifications or exceptions as may be specified in the regulations, any provision of the Representation of the People Acts or of any other enactment relating to parliamentary elections or local government elections, and any provision made under any enactment;
- (b) amend any form contained in regulations made under the Representation of the People Acts so far as may be necessary to enable it to be used both for the purpose indicated in regulations so made and for the corresponding purpose in relation to [<sup>F25</sup>European Parliamentary] elections;

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- [<sup>F29</sup>(c) so far as may be necessary in consequence of any provision made by or under this Act, amend any provision made by or under any enactment relating to the registration of parliamentary electors or local government electors.]
- (5) Section [<sup>F30</sup>26] of the <sup>M6</sup>Welsh Language Act [<sup>F30</sup>1993] (power to prescribe Welsh version) shall apply in relation to regulations under this paragraph as it applies in relation to [<sup>F30</sup>Acts of Parliament].
- (6) No regulations shall be made under this paragraph unless a draft thereof has been laid before Parliament and approved by a resolution of each House of Parliament.

#### Textual Amendments

- F24** Sch. 1 para. 2(1)(2) repealed (1.5.1999) by 1999 c. 1, s. 3(1)(3), Sch. 2 para. 4, **Sch. 4**; S.I. 1999/717, **art. 2(1)** (with art. 2(3))
- F25** Words substituted retrospectively by virtue of European Communities (Amendment) Act 1986 (c. 58, SIF 29:5), **s. 3(1)(b)(3)**
- F26** Words in Sch. 1 para. 2(3)(a) repealed (1.5.1999) by 1999 c. 1, **s. 3(1)(3)**, Sch. 2 para. 5, Sch. 4; S.I. 1999/717, **art. 2(1)** (with art. 2(3))
- F27** Sch. 1 para. 2(3A)(3B) inserted (16.3.1999 in so far as the insertion confers any power to make subordinate legislation and 1.5.1999 otherwise) by 1999 c. 1, s. 3(1)(3), Sch. 2 para. 6, **Sch. 4**; S.I. 1999/717, **art. 2(1)(2)** (with art. 2(3))
- F28** Words in Sch. 1 para. 2(3A)(a) substituted (16.2.2001) by 2000 c. 41, s. 158(1), **Sch. 21 para. 5(3)** (with s. 156(6)); S.I. 2001/222, **art. 2, Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)
- F29** Sch. 1 para. 2(4)(c) repealed (1.5.1999) by 1999 c. 1, s. 3(1), Sch. 2 para. 7, **Sch. 4**; S.I. 1999/717, **art. 2(1)** (with art. 2(3))
- F30** Words in Sch. 1 para. 2(5) substituted (21.12.1993) by 1993 c. 38, **ss. 35(3), 36(1)**.

#### Modifications etc. (not altering text)

- C12** Sch. 1 para. 2 modified (S.) by S.I. 1986/1111, **regs. 2, 97(1)(3)**
- C13** Sch. 1 para. 2 modified (E.W.) by S.I. 1986/1081, **regs. 2, 99(1)(3)**
- C14** Sch. 1 para. 2 amended (16.2.2001) by 2000 c. 41, **s. 7(2)(a)** (with s. 156(6)); S.I. 2001/222, **art. 2, Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)
- C15** Power to exclude by regulations conferred (N.I.) by Elections (Northern Ireland) Act 1985 (c. 2, SIF 42), **s. 5(3)**
- C16** Sch. 1 para. 2(1)(a) extended by Representation of the People Act 1985 (c. 50, SIF 42), **s. 3(1)**
- C17** Reference to the register of parliamentary electors to be construed as mentioned in Representation of the People Act 1983 (c. 2, SIF 42), **ss. 205, 206, Sch. 7 para. 10**
- C18** Sch. 1 para. 2(3A)(a) amended (16.2.2001) by 2000 c. 41, **s. 8(3)(c)** (with s. 156(6)); S.I. 2001/222, **art. 2, Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)

#### Marginal Citations

- M6** 1967 c. 66.

[<sup>F31</sup> Filling of vacancies]

#### Textual Amendments

- F31** Cross-heading substituted (1.5.1999) by 1999 c. 1, s. 3(1), Sch. 2 paras. 1, **8**; S.I. 1999/717, **art. 2(1)(2)** (with art. 2(3))

*Status: Point in time view as at 16/02/2001.*

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- [<sup>F323</sup> (1) Regulations under paragraph 2 shall include provision prescribing the procedure to be followed when a seat is or becomes vacant.
- (2) The regulations may—
- (a) include provision requiring a by-election to be held in specified circumstances (and provision modifying section 3 in its application to by-elections);
  - (b) require a seat last filled from a party's list of candidates to be filled, in specified circumstances, from such a list (without a by-election).
- (3) Where regulations provide for a by-election to be held—
- (a) the poll shall take place on a day, appointed by order of the Secretary of State, within such period as may be specified in the regulations, but
  - (b) the regulations may enable the Secretary of State to decline to appoint a day in certain circumstances.
- (4) A statutory instrument containing an order made by virtue of sub-paragraph (3) shall be laid before Parliament after being made.]

#### Textual Amendments

**F32** Sch. 1 para. 3 substituted (16.3.1999 in so far as the substitution confers any power to make subordinate legislation and 1.5.1999 otherwise) by 1999 c. 1, s. 3(1), Sch. 2 paras. 1, 8; S.I. 1999/717, art. 2(1)(2) (with art. 2(3))

#### [<sup>F33</sup>Returning officers]

#### Textual Amendments

**F33** Crossheading substituted (1.5.1999) by 1999 c. 1, s. 3(1), Sch. 2 paras. 1, 9; S.I. 1999/717, art. 2(1)(2) (with art. 2(3))

- [<sup>F344</sup> (1) There shall be a returning officer for each electoral region who shall be—
- (a) in the case of a region in England and in the case of Wales, a person who—
    - (i) is an acting returning officer by virtue of section 28(1) of the Representation of the <sup>M7</sup>People Act 1983, and
    - (ii) is designated for the purposes of this sub-paragraph by order of the Secretary of State;
  - (b) in the case of Scotland, a person who—
    - (i) is a returning officer by virtue of section 25 of that Act, and
    - (ii) is designated for the purposes of this sub-paragraph by order of the Secretary of State;
  - (c) in the case of Northern Ireland, the Chief Electoral Officer.
- (2) Regulations under paragraph 2 may confer functions on the returning officers for electoral regions and on persons who are, in relation to parliamentary elections—
- (a) in the case of England and Wales, acting returning officers, or
  - (b) in the case of Scotland, returning officers.

*Status: Point in time view as at 16/02/2001.*

*Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)*

- (3) The council of a relevant area which is wholly or partly within an electoral region shall place the services of their officers at the disposal of any person on whom functions in relation to that region are conferred in accordance with sub-paragraph (2), for the purpose of assisting him in the discharge of those functions.
- (4) In sub-paragraph (3), “relevant area” means—
- (a) a district or London borough in England,
  - (b) a county or county borough in Wales, and
  - (c) a local government area in Scotland.]

#### Textual Amendments

**F34** Sch. 1 para. 4 substituted (16.3.1999 in so far as the substitution confers any power to make subordinate legislation and 1.5.1999 otherwise) by 1999 c. 1, s. 3(1); S.I. 1999/717, art. 2(1)(2) (with art. 2(3))

#### Modifications etc. (not altering text)

**C19** Sch. 1 para. 4(1)(a)(b) amended (16.2.2001) by 2000 c. 41, s. 7(2)(b) (with s. 156(6)); S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

**C20** Sch. 1 para. 4(3)(4): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1

#### Marginal Citations

**M7** 1983 c. 2.

### *Disqualification for office of representative to Assembly*

#### Modifications etc. (not altering text)

**C21** References to the European Parliament substituted retrospectively for references to the Assembly by virtue of European Communities (Amendment) Act 1986 (c. 58, SIF 29:5), s. 3(1)(a)(3)

- 5 (1) Subject to sub-paragraph (3) below, and without prejudice to Article 6(1) (incompatibility of office of representative with certain offices in or connected with Community institutions), a person is disqualified for the office of [<sup>F35</sup>Member of] the Assembly if—
- (a) he is disqualified, whether under the <sup>M8</sup>House of Commons Disqualification Act 1975 or otherwise, for membership of the House of Commons; or
  - (b) he is a Lord of Appeal in Ordinary.
- (2) A person is disqualified for the office of [Member of] the Assembly for a particular [<sup>F36</sup>European Parliamentary][<sup>F37</sup>electoral region] if he is under section 1(2) of the <sup>M9</sup>House of Commons Disqualification Act 1975 disqualified for membership of the House of Commons for any particular parliamentary constituency wholly or partly comprised in that [<sup>F36</sup>European Parliamentary][<sup>F37</sup>electoral region].
- [<sup>F38</sup>(2A) A citizen of the Union, determined in accordance with article 8.1 of the Treaty establishing the European Community (as amended by Title II of the Treaty on European Union), who is not a Commonwealth citizen or citizen of the Republic

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*Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)*

of Ireland is disqualified under this paragraph for the office of [<sup>F35</sup>Member of] the European Parliament if he is disqualified for that office through a criminal law or civil law decision under the law of the Member State of which he is a national.

(2B) In sub-paragraph (2A) above “a criminal law or civil law decision” has the same meaning as it has in the directive of the Council of the European Communities No.93/109/EC.]

(3) A person is not disqualified for office as a [<sup>F35</sup>Member of]the Assembly by reason only—

- (a) that he is a peer, whether of the United Kingdom, Great Britain, England or Scotland; or
- (b) that he has been ordained or is a minister of any religious denomination; or
- (c) that he holds an office mentioned in section 4 of the <sup>M10</sup>House of Commons Disqualification Act 1975 (stewardship of Chiltern Hundreds etc.); or
- (d) that he holds any of the offices for the time being described in Part II or Part III of Schedule 1 to the <sup>M11</sup>House of Commons Disqualification Act 1975 which are for the time being designated in an order by the Secretary of State as nondisqualifying offices in relation to the Assembly.

[<sup>F39</sup>or

- (e) that he is disqualified under section 3 of the Act of Settlement <sup>F40</sup>(disqualification for membership of either House of Parliament of persons born out of the Kingdoms of England, Scotland or Ireland or the dominions thereunto belonging except those who are Commonwealth citizens or citizens of the Republic of Ireland), provided that he is a citizen of the Union, determined in accordance with article 8.1 of the Treaty establishing the European Community (as amended by Title II of the Treaty on European Union), who is resident in the United Kingdom.]

[<sup>F41</sup>(4) If a person who is disqualified under this paragraph for the office of MEP is returned as an MEP under—

- (a) section 3 [<sup>F42</sup>or 3A], or
- (b) regulations made in accordance with paragraph 3(1),

his return shall be void and his seat vacant.

(4A) If a person who is disqualified under this paragraph for the office of MEP for a particular electoral region is returned as an MEP for that region under—

- (a) section 3 [<sup>F42</sup>or 3A], or
- (b) regulations made in accordance with paragraph 3(1),

his return shall be void and his seat vacant.]

(5) If a [<sup>F35</sup>Member of]the Assembly becomes disqualified under this paragraph for the office of [<sup>F35</sup>Member of] the Assembly or for the office of [<sup>F35</sup>Member of] the Assembly for the [<sup>F36</sup>European Parliamentary][<sup>F37</sup>electoral region] for which he was [<sup>F43</sup>returned], his seat shall be vacated.

(6) A statutory instrument made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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### Textual Amendments

- F35** Words in [Sch. 1 para. 5\(1\)\(2\)\(2A\)\(3\)\(5\)](#) substituted (16.3.1999 in so far as the substitution confers any power to make subordinate legislation and 1.5.1999 otherwise) by [1999 c. 1, s. 3\(1\), Sch. 2 paras. 1, 10\(a\)](#); [S.I. 1999/717, art. 2\(1\)\(2\)](#) (with [art. 2\(3\)](#))
- F36** Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\), s. 3\(1\)\(b\)\(3\)](#)
- F37** Words in [Sch. 1 para. 5\(2\)\(5\)](#) substituted (16.3.1999 in so far as the substitution confers any power to make subordinate legislation and 1.5.1999 otherwise) by [1999 c. 1, s. 3\(1\), Sch. 2 paras. 1, 10\(b\)](#); [S.I. 1999/717, art. 2\(1\)\(2\)](#) (with [art. 2\(3\)](#))
- F38** [Schedule 1 para. 5 \(2A\)\(2B\)](#) inserted (17.2.1994) by [S.I. 1994/342, reg. 3\(1\)](#)
- F39** [Sch. 1 para. 5\(3\)\(e\)](#) inserted (17.2.1994) by [S.I. 1994/342, reg. 3\(2\)](#)
- F40** [12&13Will. 3 Sch. 2, as amended by Schedule 7 to the British Nationality Act 1981 \(c. 61\)](#).
- F41** [Sch. 1 para. 5\(4\)\(4A\)](#) substituted for [Sch. 1 para. 5\(4\)](#) (16.3.1999 in so far as the substitution confers any power to make subordinate legislation and 1.5.1999 otherwise) by [1999 c. 1, s. 3\(1\), Sch. 2 paras 1, 10\(c\)](#); [S.I. 1999/717, art. 2\(1\)\(2\)](#) (with [art. 2\(3\)](#))
- F42** Words in [Sch. 1 para. 5\(4\)\(a\)\(4A\)\(a\)](#) inserted (16.2.2001) by [2000 c. 41, s. 142\(2\)](#) (with [s. 156\(6\)](#)); [S.I. 2001/222, art. 2, Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))
- F43** Word in [Sch. 1 para. 5\(5\)](#) substituted (16.3.1999 in so far as the substitution confers any power to make subordinate legislation and 1.5.1999 otherwise) by [1999 c. 1, s. 3\(1\), Sch. 2 paras. 1, 10\(d\)](#); [S.I. 1999/717, art. 2\(1\)\(2\)](#) (with [art. 2\(3\)](#))

### Modifications etc. (not altering text)

- C22** References to the European Parliament substituted retrospectively for references to the Assembly by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\), s. 3\(1\)\(a\)\(3\)](#)

### Marginal Citations

- M8** [1975 c. 24.](#)
- M9** [1975 c. 24.](#)
- M10** [1975 c. 24.](#)
- M11** [1975 c. 24.](#)

### *Judicial proceedings as to disqualification under paragraph 5*

- 6 <sup>[F44]</sup>(1) Any person may apply to the court for a declaration or, as the case may be, a declarator that a person who purports to be an MEP -
- (a) is disqualified, or
  - (b) was disqualified at the time when, or at some time since, he was returned as an MEP under section 3 <sup>[F45]</sup>or 3A] or under regulations made in accordance with paragraph 3(1).

(1A) The decision of the court on an application under this paragraph shall be final.]

(2) On an application under this paragraph the person in respect of whom the application is made shall be the respondent or, as the case may be, defender; and the applicant shall give such security for the costs or expenses of the proceedings, not exceeding <sup>[F46]</sup>£5,000], as the court may direct.

(3) No declaration or declarator shall be made under this paragraph in respect of any person on grounds which subsisted at the time of his election if there is pending, or

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has been tried, an election petition in which his disqualification on those grounds is, or was, in issue.

- (4) Any declaration or declarator made by the court on an application under this paragraph shall be certified in writing to the Secretary of State forthwith by the court.
- (5) The court for the purposes of this paragraph is the High Court, the Court of Session or the High Court of Justice in Northern Ireland according as the [<sup>F47</sup>European Parliamentary][<sup>F48</sup>electoral region] to which the application relates is in England and Wales, or Scotland, or Northern Ireland; and in this paragraph “disqualified” means disqualified under paragraph 5 above for the office of [<sup>F49</sup>Member of] to the Assembly (whether generally or in relation to a particular [<sup>F47</sup>European Parliamentary][<sup>F48</sup>electoral region]).
- [<sup>F50</sup>(6) The Secretary of State may by order substitute another figure for the figure in sub-paragraph (2).
- (7) A statutory instrument made under sub-paragraph (6) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F44** Sch. 1 para. 6(1)(1A) substituted for Sch. 1 para. 6(1) (16.3.1999 in so far as the substitution confers any power to make subordinate legislation and 1.5.1999 otherwise) by 1999 c. 1, s. 3(1), Sch. 2 paras. 1, 11(2); S.I. 1999/717, art. 2(1)(2) (with art. 2(3))
- F45** Words in Sch. 1 para. 6(1)(b) inserted (16.2.2001) by 2000 c. 41, s. 142(3) (with s. 156(6)); S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)
- F46** Word in Sch. 1 para. 6(2) substituted (16.3.1999 in so far as the substitution confers any power to make subordinate legislation and 1.5.1999 otherwise) by 1999 c. 1, s. 3(1), Sch. 2 paras. 1, 11(3); S.I. 1999/717, art. 2(1)(2) (with art. 2(3))
- F47** Words substituted retrospectively by virtue of European Communities (Amendment) Act 1986 (c. 58, SIF 29:5), s. 3(1)(b)(3)
- F48** Words in Sch. 1 para. 6(5) substituted (16.3.1999 in so far as the substitution confers any power to make subordinate legislation and 1.5.1999 otherwise) by 1999 c. 1, s. 3(1), Sch. 2 paras. 1, 11(4)(a); S.I. 1999/717, art. 2(1)(2) (with art. 2(3))
- F49** Words in Sch. 1 para. 6(5) substituted (16.3.1999 in so far as the substitution confers any power to make subordinate legislation and 1.5.1999 otherwise) by 1999 c. 1, s. 3(1), Sch. 2 paras. 1, 11(4)(b); S.I. 1999/717, art. 2(1)(2) (with art. 2(3))
- F50** Sch. 1 para. 6(6)(7) inserted (16.3.1999 in so far as the insertion confers any power to make subordinate legislation and 1.5.1999 otherwise) by 1999 c. 1, s. 3(1), Sch. 2 para. 1, 11(5); S.I. 1999/717, art. 2(1)(2) (with art. 2(3))

## [<sup>F51</sup>SCHEDULE 2

### ELECTORAL REGIONS IN ENGLAND]

#### Textual Amendments

- F51** Sch. 2 substituted (1.5.1999) by 1999 c. 1, s. 2, Sch. 1; S.I. 1999/717, art. 2(1) (with art. 2(3))



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### <sup>F52</sup> Electoral regions

#### Textual Amendments

**F52** Sch. 2 substituted (1.5.1999) by 1999 c. 1, s. 2, Sch. 1; S.I. 1999/717, art. 2(1) (with art. 2(2)(3))

[<sup>F53</sup>1 The electoral regions for England shall be those listed in the Table below.]

#### Textual Amendments

**F53** Sch. 2 substituted (1.5.1999) by 1999 c. 1, s. 2, Sch. 1; S.I. 1999/717, art. 2(1) (with art. 2(2)(3))

- <sup>F54</sup>2 (1) Subject to sub-paragraph (2), a reference in the Table to a local government or administrative area is a reference to that area as it is for the time being.
- (2) Where an area specified in column (2) of the Table is altered, the alteration shall not have effect for the purposes of this Act until the first general election of MEPs at which the poll in the United Kingdom takes place after the alteration comes into force for all other purposes.

#### Textual Amendments

**F54** Sch. 2 substituted (1.5.1999) by 1999 c. 1, s. 2, Sch. 1; S.I. 1999/717, art. 2(1) (with art. 2(2)(3))

### <sup>F55</sup> Number of MEPs elected for each region

#### Textual Amendments

**F55** Sch. 2 substituted (1.5.1999) by 1999 c. 1, s. 2, Sch. 1; S.I. 1999/717, art. 2(1) (with art. 2(2)(3))

<sup>F56</sup>3 The number of MEPs elected for each electoral region in England shall be the number specified in column (3) of the Table.

#### Textual Amendments

**F56** Sch. 2 substituted (1.5.1999) by 1999 c. 1, s. 2, Sch. 1; S.I. 1999/717, art. 2(1) (with art. 2(2)(3))

- <sup>F57</sup>4 (1) As soon as possible after [<sup>F58</sup>1st May] in each pre-election year the Secretary of State shall—
- (a) consider whether the ratio of registered electors to MEPs is as nearly as possible the same for every electoral region in England, and
  - (b) make by order such amendments of column (3) of the Table as he considers necessary to ensure that result.



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- (2) An order under sub-paragraph (1) shall not alter the total number of MEPs elected for electoral regions in England.
- (3) For the purposes of sub-paragraph (1) the Secretary of State shall consider the number of registered electors as at [<sup>F59</sup>1st May] of the pre-election year.
- (4) For the purposes of sub-paragraph (1) a registered elector for an electoral region is a person whose name appears in a relevant register, or part of a relevant register, which relates to the region, other than a person who is—
- (a) a relevant citizen of the Union within the meaning of section 202(1) of the Representation of the <sup>M12</sup>People Act 1983 (interpretation), and
  - (b) registered only for the purposes of local government elections.
- (5) The relevant registers are—
- (a) registers of parliamentary electors;
  - (b) registers of local government electors;
  - (c) registers of peers maintained under section 3(2) to (9) of the Representation of the <sup>M13</sup>People Act 1985 (peers resident outside the United Kingdom);
  - (d) registers maintained under regulation 9 of the European Parliamentary Elections (Changes to the <sup>M14</sup>Franchise and Qualification of Representatives) Regulations 1994 (relevant citizens of the European Union).
- [<sup>F60</sup>(5A) Each registration officer shall notify the Secretary of State, by 28th May in each pre-election year, of the number of persons whose names appear, on 1st May in that year, in any relevant register maintained by the registration officer (other than persons falling within paragraphs (a) and (b) of sub-paragraph (4)).]
- (6) In this paragraph “pre-election year” means any year after 2002 which immediately precedes a year in which general elections would be held in accordance with Article 10(2).
- (7) A statutory instrument made under sub-paragraph (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

TABLE

(1) Name of region	(2) Counties, &c. included	(3) Number of MEPs
East Midlands	County of Derbyshire County of Derby County of Leicester County of Leicestershire County of Lincolnshire County of Northamptonshire County of Nottinghamshire County of Nottingham County of Rutland	6
Eastern	County of Bedfordshire County of Cambridgeshire	8

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	County of Essex	
	County of Hertfordshire	
	County of Luton	
	County of Norfolk	
	County of Peterborough	
	County of Southend-on-Sea	
	County of Suffolk	
	County of Thurrock	
London	The administrative area of Greater London	10
North East	County of Darlington	4
	County of Durham	
	County of Hartlepool	
	County of Middlesbrough	
	County of Northumberland	
	County of Redcar and Cleveland	
	County of Stockton-on-Tees	
	County of Tyne and Wear	
North West	County of Blackburn with Darwen	10
	County of Blackpool	
	County of Cheshire	
	County of Cumbria	
	County of Greater Manchester	
	County of Halton	
	County of Lancashire	
	County of Merseyside	
	County of Warrington	
South East	County of Berkshire	11
	County of Brighton and Hove	
	County of Buckinghamshire	
	County of East Sussex	
	County of Hampshire	
	County of Isle of Wight	
	County of Kent	
	County of the Medway Towns	
	County of Milton Keynes	
	County of Oxfordshire	
	County of Portsmouth	
	County of Southampton	
	County of Surrey	
	County of West Sussex	

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South West	County of Bath and North East Somerset	7
	County of Bournemouth	
	County of the City of Bristol	
	County of Cornwall	
	County of Devon	
	County of Dorset	
	County of Gloucestershire	
	County of North Somerset	
	County of Plymouth	
	County of Poole	
	County of Somerset	
	County of South Gloucestershire	
	County of Swindon	
	County of Torbay	
County of Wiltshire		
Isles of Scilly		
West Midlands	County of Herefordshire	8
	County of Shropshire	
	County of Staffordshire	
	County of Stoke-on-Trent	
	County of Telford and Wrekin	
	County of Warwickshire	
	County of West Midlands	
County of Worcestershire		
Yorkshire & The Humber	County of the City of Kingston upon Hull	7
	County of the East Riding of Yorkshire	
	County of North East Lincolnshire	
	County of North Lincolnshire	
	County of North Yorkshire	
	County of South Yorkshire	
	County of West Yorkshire	
	County of York	

#### Textual Amendments

- F57** Sch. 2 substituted (1.5.1999) by 1999 c. 1, s. 2, **Sch. 1**; S.I. 1999/717, **art. 2** (1) (with art. 2(2)(3))
- F58** Words in Sch. 2 para. 4(1) substituted (16.2.2001) by 2000 c. 2, s. 15(1), **Sch. 6 para. 2(2)**; S.I. 2001/116, **art. 2(1)**
- F59** Words in Sch. 2 para. 4(3) substituted (16.2.2001) by 2000 c. 2, s. 15(1), **Sch. 6 para. 2(3)**; S.I. 2001/116, **art. 2(1)**
- F60** Sch. 2 para. 4(5A) inserted (16.2.2001) by 2000 c. 2, s. 15(1), **Sch. 6 para. 2(4)**; S.I. 2001/116, **art. 2(1)**

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*Status: Point in time view as at 16/02/2001.*

*Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)*

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**Marginal Citations**

**M12** 1983 c. 2.

**M13** 1985 c. 50.

**M14** S.I. 1994/342.

**Status:**

Point in time view as at 16/02/2001.

**Changes to legislation:**

There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed).