



European Parliament (Representation) Act 2003

2003 CHAPTER 7

PART 2

GIBRALTAR

New combined electoral region

9 Combination of Gibraltar with existing electoral region

Gibraltar is to be combined with an existing electoral region in England and Wales to form a new electoral region ("the combined region") for the purposes of European Parliamentary elections taking place after 1st April 2004.

10 Electoral Commission recommendation as to the electoral region to be combined with Gibraltar

- (1) The Electoral Commission must, before 1st September 2003—
 - (a) consider which of the existing electoral regions in England and Wales should be combined with Gibraltar; and
 - (b) report its conclusions (with a recommendation as to which existing region should be so combined) to the Lord Chancellor.
- (2) Before determining what recommendation to make under subsection (1)(b) the Electoral Commission must consult the Governor, the Chief Minister and the leader of each political party represented in the House of Assembly of Gibraltar.
- (3) The report required by this section must be published by the Electoral Commission and laid before Parliament by the Lord Chancellor.

11 Establishment of combined region

- (1) The Lord Chancellor may by order—
 - (a) specify the existing electoral region to be combined with Gibraltar to form the combined region; and
 - (b) make provision establishing the combined region.
- (2) The existing electoral region specified under subsection (1)(a) must (subject to section 13(8)) be the one recommended by the Electoral Commission under section 10.
- (3) The Lord Chancellor must consult the Electoral Commission before making an order under this section.

12 Power to make consequential etc provision

- (1) The Lord Chancellor may by order make such provision as he considers necessary or expedient in consequence of, or in connection with, the inclusion of Gibraltar in an electoral region for the purposes of European Parliamentary elections.
- (2) Such an order may be made before or after the combined region is established under section 11.
- (3) Without prejudice to the generality of subsection (1), the provision which may be made under this section includes provision about—
 - (a) the registration of political parties established in Gibraltar (as a condition for nomination in relation to a European Parliamentary election in the combined region) and the obligations of registered parties in Gibraltar and their officers;
 - (b) the control of any description of donation to registered parties in Gibraltar or to their members or officers;
 - (c) the obligations of persons providing programme services in or to Gibraltar, and the functions of any public authority in Gibraltar responsible for the regulation of persons providing such services, in relation to European Parliamentary elections and election campaigns.
- (4) In subsection (3)—

“donation” includes anything which is (or corresponds to) a donation within the meaning of Part 4 of the Political Parties, Elections and Referendums Act 2000 (c. 41); and

“programme services” includes services which would, if Gibraltar were part of the United Kingdom, be programme services (including digital services), teletext services or local delivery services for the purposes of the Broadcasting Act 1990 (c. 42).
- (5) The Lord Chancellor must consult the Electoral Commission before making an order under this section.
- (6) The power under this section is not restricted by any power conferred by section 17 (or any other power to make subordinate legislation which is exercisable by the Lord Chancellor).

13 Sections 11 and 12: supplementary

- (1) This section applies to orders under section 11 or 12.

- (2) The power to make such an order is exercisable by statutory instrument.
- (3) Such an order may—
 - (a) confer power to make subordinate legislation;
 - (b) make consequential, supplementary, incidental, transitional or saving provision;
 - (c) make provision extending or applying to (or extending or applying only to) Gibraltar or any part of the United Kingdom; and
 - (d) make different provision for different electoral regions or for different parts of the combined region.
- (4) Such an order may modify, exclude or apply (with or without modifications) any enactment.
- (5) Such an order may not be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (6) Subsection (5) does not apply to an order (not being an order which specifies the existing electoral region to be combined with Gibraltar) if it appears to the Lord Chancellor that by reason of urgency the order should be made without being approved in draft.
- (7) Where an order is made without being approved in draft, by virtue of subsection (6)—
 - (a) it must be laid before Parliament after being made; and
 - (b) if it is not approved by a resolution of each House of Parliament within the period of 40 days after the date on which it is made, the order shall cease to have effect at the end of that period.
- (8) If a motion for the approval of a draft order which specifies the existing electoral region to be combined with Gibraltar is rejected by either House or withdrawn by leave of the House, the Lord Chancellor may, after consulting the Electoral Commission, alter the draft order.
- (9) If, apart from this subsection, an order to which this section applies would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it shall proceed as if it were not such an instrument.