

SCHEDULE 2

Regulation 7

MODIFICATIONS CONSEQUENTIAL UPON THE REGISTRATION
OF CITIZENS OF ACCESSION STATES AS LOCAL ELECTORS

Modification of the Representation of the People (England and Wales) Regulations 2001

1.—(1) The Representation of the People (England and Wales) Regulations 2001 shall be modified as follows.

(2) In regulation 3(1) (interpretation), there shall be inserted in the appropriate place—

““Accession State” means any of the following states—

- (a) the Czech Republic,
- (b) the Republic of Estonia,
- (c) the Republic of Cyprus,
- (d) the Republic of Latvia,
- (e) the Republic of Lithuania,
- (f) the Republic of Hungary,
- (g) the Republic of Malta,
- (h) the Republic of Poland,
- (i) the Republic of Slovenia, or
- (j) the Slovak Republic;”;

““citizen of an Accession State” means a national of one of the Accession States and “relevant citizen of an Accession State” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;”;

““Treaty of Athens” means the Treaty signed at Athens on 16th April 2003 concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union;”.

(3) In—

- (a) regulation 24(2)(d)(ii);
- (b) regulation 26(3)(b)(2); and
- (c) regulation 42(3),

for “relevant citizen of the Union” substitute in each case “relevant citizen of the Union or of an Accession State”.

(4) In regulation 33(2)—

- (i) at the end of sub-paragraph (d), omit “or”;
- (ii) insert after sub-paragraph (3)(e)—

“; or

- (f) has been informed by the Lord Chancellor that the Accession State of which the relevant citizen is a national has not acceded to the European Union”.

(5) In regulation 71—

(1) S.I.2001/341, amended by regulations 2 and 3, S.I. 2001/1700 and regulation 5, S.I. 2002/1871.

(2) Regulation 26(3) was amended by regulation 8, S.I. 2002/1871.

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- (a) insert at the beginning of paragraph (2), “Subject to paragraph (3) below,”;
- (b) after paragraph (2), insert “(3) In the case of a relevant citizen of an Accession State, no postal ballot paper or declaration of identity may be issued by the returning officer before he has been informed by the Lord Chancellor that the Accession State in question has ratified the Treaty of Athens.”.

Modification of the Representation of the People (Scotland) Regulations 2001

2.—(1) The Representation of the People (Scotland) Regulations 2001⁽³⁾ shall be modified as follows.

(2) In regulation 3 (interpretation)⁽⁴⁾, there shall be inserted in the appropriate place—

““Accession State” means any of the following states—

- (a) the Czech Republic,
- (b) the Republic of Estonia,
- (c) the Republic of Cyprus,
- (d) the Republic of Latvia,
- (e) the Republic of Lithuania,
- (f) the Republic of Hungary,
- (g) the Republic of Malta,
- (h) the Republic of Poland,
- (i) the Republic of Slovenia, or
- (j) the Slovak Republic;”;

““citizen of an Accession State” means a national of one of the Accession States and “relevant citizen of an Accession State” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;” and

““Treaty of Athens” means the Treaty signed at Athens on 16th April 2003 concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union;”.

(3) In—

- (a) regulation 24(2)(d)(ii);
- (b) regulation 26(3)(b)⁽⁵⁾; and
- (c) regulation 42(2),

for “relevant citizen of the Union” substitute in each case “relevant citizen of the Union or of an Accession State”.

(4) In regulation 33(2)(a)—

- (a) at the end of sub-paragraph (iv), omit “or”;
- (b) at the end of sub-paragraph (v), substitute “or” for “and”;
- (c) insert after sub-paragraph (v)—

“; or

⁽³⁾ S.I. [2001/497](#).

⁽⁴⁾ Regulation 3 has been amended by regulation 5, S.I. [2002/1872](#).

⁽⁵⁾ Regulation 26(3) was amended by regulation 7(5) of S.I. [2002/1872](#).

- (vi) has been informed by the Secretary of State that the Accession State of which the relevant citizen is a national has not acceded to the European Union; and”.
- (5) In regulation 71—
 - (a) insert at the beginning of paragraph (2) “Subject to paragraph (3) below,”;
 - (b) after paragraph (2), insert
 - “(3) In the case of a relevant citizen of an Accession State, no postal ballot paper or declaration of identity may be issued by the returning officer before he has been informed by the Secretary of State that the Accession State in question has ratified the Treaty of Athens.”.

Modification of the Local Elections (Northern Ireland) Order 1985

3.—(1) Part III of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 is modified as follows.

- (2) In paragraph 3 (interpretation), there shall be inserted in the appropriate place—
 - ““Accession State” means any of the following states—
 - (a) the Czech Republic,
 - (b) the Republic of Estonia,
 - (c) the Republic of Cyprus,
 - (d) the Republic of Latvia,
 - (e) the Republic of Lithuania,
 - (f) the Republic of Hungary,
 - (g) the Republic of Malta,
 - (h) the Republic of Poland,
 - (i) the Republic of Slovenia, or
 - (j) the Slovak Republic;”;
 - ““citizen of an Accession State” means a national of one of the Accession States and “relevant citizen of an Accession State” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;”;
 - and
 - ““Treaty of Athens” means the Treaty signed at Athens on 16th April 2003 concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union;”.
- (3) After paragraph 7 (refusal to issue ballot paper) insert—
 - “**7A** In the case of a relevant citizen of an Accession State, no postal ballot paper may be issued by the returning officer before he has been informed by the Secretary of State that the Accession State in question has ratified the Treaty of Athens.”

Modification of the Representation of the People (Northern Ireland) Regulations 2001

4.—(1) The Representation of the People (Northern Ireland) Regulations 2001(6) are modified as follows.

(6) S.I. 2001/400.

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(2) In regulation 3 (interpretation)(7), there shall be inserted in the appropriate place—

““Accession State” means one of the following states—

- (a) the Czech Republic,
- (b) the Republic of Estonia,
- (c) the Republic of Cyprus,
- (d) the Republic of Latvia,
- (e) the Republic of Lithuania,
- (f) the Republic of Hungary,
- (g) the Republic of Malta,
- (h) the Republic of Poland,
- (i) the Republic of Slovenia, or
- (j) the Slovak Republic;”;

““citizen of an Accession State” means a national of one of the Accession States and “relevant citizen of an Accession State” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;” and

““Treaty of Athens” means the Treaty signed at Athens on 16th April 2003 concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union;”.

(3) In—

- (a) regulation 24(2)(d)(ii);
- (b) regulation 26(3)(b); and
- (c) regulation 42(3),

for “relevant citizen of the Union” substitute in each case “relevant citizen of the Union or of an Accession State”.

(4) In regulation 33(2)—

- (a) at the end of sub-paragraph (d), omit “or”;
- (b) insert after sub-paragraph (e)—

“; or

- (f) has been informed by the Secretary of State that the Accession State of which the relevant citizen is a national has not acceded to the European Union.”.

Modification of the Scottish Parliament (Elections etc.) Order 2002

5.—(1) The Scottish Parliament (Elections etc.) Order 2002(8) shall be modified as follows.

(2) In article 3 (interpretation), there shall be inserted in the appropriate place—

““Accession State” means any of the following states—

- (a) the Czech Republic,
- (b) the Republic of Estonia,
- (c) the Republic of Cyprus,

(7) Regulation 3 has been amended by regulation 5, S.I. 2002/1873.

(8) S.I. 2002/2779.

- (d) the Republic of Latvia,
- (e) the Republic of Lithuania,
- (f) the Republic of Hungary,
- (g) the Republic of Malta,
- (h) the Republic of Poland,
- (i) the Republic of Slovenia, or
- (j) the Slovak Republic;” and

““citizen of an Accession State” means a national of one of the Accession States and “relevant citizen of an Accession State” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;” and

““Treaty of Athens” means the Treaty signed at Athens on 16th April 2003 concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union;”.

- (3) In article 22 (effect of register), insert after paragraph (3)—

“(3A) Nothing in paragraphs (2) and (3) shall prevent a relevant citizen of an Accession State from being excluded from voting on the ground that the Accession State of which he is a national has not acceded to the European Union.”.

- (4) In paragraph 7 of Schedule 4—

- (a) insert at the beginning of sub-paragraph (2) “Subject to sub-paragraph (3) below;”;
- (b) after sub-paragraph (2) insert—

“(3) In the case of a relevant citizen of an Accession State, no postal ballot paper or declaration of identity may be issued by the constituency returning officer before he has been informed by the Secretary of State that the Accession State in question has ratified the Treaty of Athens.”.

Modification of the National Assembly for Wales (Representation of the People) Order 2003

6.—(1) The National Assembly for Wales (Representation of the People) Order 2003⁽⁹⁾ shall be modified as follows.

- (2) In article 2 (interpretation), there shall be inserted in the appropriate place—

““Accession State” means any of the following states—

- (a) the Czech Republic,
- (b) the Republic of Estonia,
- (c) the Republic of Cyprus,
- (d) the Republic of Latvia,
- (e) the Republic of Lithuania,
- (f) the Republic of Hungary,
- (g) the Republic of Malta,
- (h) the Republic of Poland,
- (i) the Republic of Slovenia, or

(9) S.I. 2003/284.

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(j) the Slovak Republic;”;

““citizen of an Accession State” means a national of one of the Accession States and “relevant citizen of an Accession State” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;” and

““Treaty of Athens” means the Treaty signed at Athens on 16th April 2003 concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union;”.

(3) In article 24 (effect of registers), insert after paragraph (3)—

“(3A) Nothing in paragraphs (2) and (3) shall prevent a relevant citizen of an Accession State from being excluded from voting on the ground that the Accession State of which he is a national has not acceded to the European Union”.

(4) In paragraph 8 of Schedule 3—

(a) insert at the beginning of sub-paragraph (2) “Subject to sub-paragraph (3) below;” and

(b) after sub-paragraph (2) insert—

“(3) In the case of a relevant citizen of an Accession State, no postal ballot paper or declaration of identity may be issued by the constituency returning officer before he has been informed by the Lord Chancellor that the Accession State in question has ratified the Treaty of Athens.”.