
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Northern Ireland only, make provision for the conduct of elections to the European Parliament and for the questioning of such an election and the consequences of irregularities. They revoke and replace the European Parliamentary Elections (Northern Ireland) Regulations 1986, as amended by the instruments listed in Schedule 7, which applied provisions of the Representation of the People Acts and regulations made under those Acts as modified by those Regulations. In these Regulations, the relevant provisions of the Representation of the People Acts and regulations made thereunder are set out in full with appropriate modifications.

Part 1 of these Regulations makes general provision for the conduct of the poll and the manner of voting in the electoral region of Northern Ireland. Regulation 6 introduces Schedule 1, which contains rules for European Parliamentary elections. Provision about absent voting is made by regulations 7 to 13 and Schedule 2. Regulation 14 and Schedule 3 modify these Regulations for the 2004 election in respect of citizens of the Accession States (as defined in regulation 2, that is the States joining the European Union on 1st May 2004). Provision is also made about the register of electors and the functions of the registration officer and returning officer (who is by virtue of section 6(4) of the European Parliamentary Elections Act 2002 the Chief Electoral Officer). Offences relating to voting and other offences are created by regulations 23 to 29 and provision is made about the secrecy of voting and prohibition of publication of exit polls by regulations 30 and 31.

Part 2 makes provision about the election campaign including the appointment of agents and the issuing of election broadcasts and publications. Regulation 38 and Schedule 4 impose controls on donation to candidates and regulations 39 to 57 and Schedule 5 deal with the election expenses of candidates. Various election offences including bribery and treating are created. Part 3 provides for the filling of vacancies by the holding of by-elections.

Part 4 deals with legal proceedings in relation to European Parliamentary elections. Regulation 79 provides for the questioning of such an election to be by election petition and regulations 80 to 96 govern how such a petition is to be presented and served, provide for the hearing of a petition by an election court and for the procedure at and following the trial of an election petition. Regulations 97 to 109 deal with the prosecution of offences.

Part 5 contains miscellaneous provisions. Regulation 115 and Schedule 6 provide for the combination of polls at European Parliamentary elections with those at parliamentary or local elections. Regulation 116 and Schedule 7 revoke the European Parliamentary Elections (Northern Ireland) Regulations 1986 and amending regulations.