

2008 No. 1647

EUROPEAN COMMUNITIES

**The European Parliament (House of Lords Disqualification)
Regulations 2008**

<i>Made</i> - - - -	<i>20th June 2008</i>
<i>Laid before Parliament</i>	<i>24th June 2008</i>
<i>Coming into force</i> - -	<i>15th July 2008</i>

The Secretary of State is a Minister designated for the purpose of section 2(2) of the European Communities Act 1972(a) in relation to the European Parliament (including elections to the Parliament and disqualification for the office of member of the Parliament)(b).

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2)(b) of that Act:

Citation and commencement

1. These Regulations may be cited as the European Parliament (House of Lords Disqualification) Regulations 2008 and shall come into force on 15th July 2008.

Interpretation

2. In these Regulations—

“life peer” means a person upon whom a peerage has been conferred under section 1 of the Life Peerages Act 1958(c); and

“MEP” means a member of the European Parliament.

Application of these Regulations

3.—(1) These Regulations apply to a life peer who, on or after the date of the first general election of MEPs held after the coming into force of these Regulations, is—

(a) declared returned as an MEP in accordance with regulation 83(5) of the European Parliamentary Elections Regulations 2004(d); or

(b) declared elected as an MEP in accordance with rule 56(1) or (2) of the European Parliamentary Elections Rules set out in Schedule 1 to those Regulations.

(a) 1972 c.68.

(b) S.I. 2004/1110.

(c) 1958 c. 21. Section 1(1) was amended by paragraph 15 of Schedule 17 to the Constitutional Reform Act 2005 (c.4).

(d) S.I.2004/293.

Disqualification of life peers

4.—(1) A life peer to whom these Regulations apply is disqualified—

- (a) from sitting or voting in the House of Lords; and
- (b) from sitting or voting in a committee of the House of Lords or a joint committee of both Houses of Parliament,

at any time during which he remains an MEP.

(2) No writ of summons shall be issued to a life peer while disqualified under this regulation.

Notification to the Speaker of the House of Lords

5. Where a life peer to whom these regulations apply is declared elected or returned as an MEP, the returning officer must notify the Speaker of the House of Lords.

20th June 2008

Jack Straw
Secretary of State for Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

By virtue of Council Decision 2002/772/EC, Euratom (a) (implemented by S.I. 2004/304 and S.I. 2004/1374), the office of member of the European Parliament is incompatible with that of member of a national Parliament. Until the European Parliamentary elections in 2009, the UK has the benefit of a derogation. That derogation permits anyone who was a member of the House of Lords and who was also a member of the European Parliament at the time the Council Decision was introduced to continue to be permitted to have a dual mandate.

These Regulations make provision for a life peer who is elected to the office of member of the European Parliament to be disqualified from sitting and voting in the House of Lords for the duration of their membership of the European Parliament. Taking effect from the 2009 European Parliamentary elections, this will allow a life peer to be elected and serve as a member of the European Parliament, without breaching the prohibition on dual mandates.

(a) OJ No. L 283, 21.10.2002, p 1.

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