

EXPLANATORY MEMORANDUM TO
THE EUROPEAN PARLIAMENTARY ELECTIONS (APPOINTED DAY OF POLL)
ORDER 2019

2019 No. 832

1. Introduction

1.1 This explanatory memorandum has been prepared by Cabinet Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Order appoints 23rd May 2019 as the day of the poll for the next general election of members of the European Parliament in the UK and Gibraltar.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is only required to be laid before Parliament there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business.

4. Extent and Territorial Application

4.1 The territorial extent of the instrument is the United Kingdom and Gibraltar.

4.2 The instrument applies to the United Kingdom and Gibraltar.

5. European Convention on Human Rights

5.1 As the instrument is only required to be laid before Parliament and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 Article 10(1) of the Act annexed to the Council Decision dated 20th September 1976 (“the Act”) requires elections to the European Parliament to be held on a date and time fixed by each Member State; for all Member States this date falls within the same period starting on a Thursday morning and ending on the following Sunday.

6.2 Under Article 11(1) of the Act, the then Council of the European Communities determined the electoral period for the first elections. Article 11(2) of the Act requires all future elections to be held in the corresponding period starting on a Thursday and ending on a Sunday in the last year of a five-year European Parliament session; this is subject to the election period being moved by the Council of the European Union (“the Council”) acting unanimously.

- 6.3 Council Decision 2013/299/EU, Euratom set the 22nd to 25th May 2014 as the period for the eighth election of members of the European Parliament.
- 6.4 Council Decision (EU, Euratom) 2018/767 sets 23rd to 26th May 2019 as the period for the ninth election of members of the European Parliament.
- 6.5 Section 4 of the European Parliamentary Elections Act 2002 states that the poll at each general election of members of the European Parliament is to be held on a day appointed by order of the Secretary of State. This Order appoints the date of the poll for this election in the United Kingdom and Gibraltar.

7. Policy background

What is being done and why?

- 7.1 European Parliamentary elections are held every five years. European Parliamentary elections take place over a four-day period, from Thursday to Sunday, to accommodate electoral practice across the European Union. This flexible approach across Europe allows the UK to vote on a Thursday in line with usual practice at UK statutory elections, whilst other countries vote on other days, albeit in the same poll.
- 7.2 In May 2018, the Council, after consulting the European Parliament, decided in Council Decision (EU, Euratom) 2018/767 that the next European Parliamentary elections would take place from 23rd to 26th May 2019.
- 7.3 In line with the United Kingdom's obligations under EU law, this Order appoints 23rd May 2019 as the day of the poll for the next European Parliamentary elections in the UK and Gibraltar.
- 7.4 It remains the Government's intention to leave the EU with a deal and pass the necessary legislation before 22nd May, so that we do not need to participate in European Parliamentary elections.
- 7.5 This Order appoints the date of the European Parliamentary elections, but it does not make these elections inevitable as leaving the EU before the date of election automatically removes our obligation to take part.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

- 9.1 No consolidation is required.

10. Consultation outcome

- 10.1 There is no requirement to consult on the Order, and we have not consulted on this Order.

11. Guidance

- 11.1 The Electoral Commission will continue to issue guidance relating to the administration and conduct of elections.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because there is no impact on business.

13. Regulating small business

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 The Electoral Commission will produce reports on the administration and conduct of elections, and the Cabinet Office will consider any findings or recommendations made by the Electoral Commission. The Cabinet Office will continue to keep all electoral legislation under review to ensure it continues to support electors' participation in elections and effective electoral administration.

15. Contact

- 15.1 Peter Richardson at the Cabinet Office Telephone: 020 7271 6433 or email: peter.richardson@cabinetoffice.gov.uk can be contacted with any queries regarding this instrument.
- 15.2 Simon James, Deputy Director for the Elections Policy area, at the Cabinet Office can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 The Rt Hon David Lidington CBE MP, Minister for the Cabinet Office, can confirm that this Explanatory Memorandum meets the required standard.