

Draft Order laid before Parliament under section 6(5) of the European Parliament (Representation) Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No. xxxx

REPRESENTATION OF THE PEOPLE

The European Parliament (Number of MEPs and Distribution between Electoral Regions) (United Kingdom and Gibraltar) Order 2008

Made - - - -

Coming into force in accordance with article 1.

The Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union signed at Luxembourg on 25th April 2005 (“the Luxembourg Treaty”) changed the number of MEPs to be elected for the United Kingdom(1).

The Luxembourg Treaty (which has been approved by Parliament and become part of the Community Treaties by virtue of the European Union (Accessions) Act 2006(2)) was ratified by the United Kingdom on 5th April 2006 and entered into force on 1st January 2007(3).

This Order implements the recommendation of the Electoral Commission dated 31st July 2007 made in accordance with section 3 of the European Parliament (Representation) Act 2003 (“the 2003 Act”)(4) as to the distribution between the electoral regions of the changed number of United Kingdom MEPs (5).

The Secretary of State has consulted the Electoral Commission about this Order in accordance with section 5(7) of the 2003 Act.

A draft of this Order has been laid before and approved by resolution of each House of Parliament.

Accordingly, the Secretary of State, in exercise of the powers conferred on him by sections 5(1) and 6(3) of the 2003 Act, makes the following Order:

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- (1) Article 9 of the Act annexed to the Luxembourg Treaty. The text of the Luxembourg Treaty is set out in Cm.6657.
 - (2) 2006 c.2. Section 1(1) of the European Union (Accessions) Act 2006 inserted section 1(2)(r) into the European Communities Act 1972 (c.68), which includes the Luxembourg Treaty in the definition of “the Community Treaties”.
 - (3) By virtue of section 5(5)(b) of the European Parliament (Representation) Act 2003 (c.7), no amendment to section 1 of the European Parliamentary Elections Act 2002 (c.24) implementing a change made by a treaty provision may come into force before that provision has both entered into force and become part of the Community Treaties specified in section 1(2) of the European Communities Act 1972 (c.68).
 - (4) 2003 c.7. Sections 3(1) and (5) and sections 5(1) and (7) of the European Parliament (Representation) Act 2003 were amended by S.I. 2003/1887 which substituted “Secretary of State” for “Lord Chancellor”.
 - (5) By virtue of section 5(2) of the European Parliament (Representation) Act 2003 (c.7), an amendment to the number of MEPs to be elected in the electoral regions must be in accordance with the distribution proposed in a recommendation of the Electoral Commission which is effective on the day on which the Order is made. Under section 3(5)(b) of that Act, a recommendation of the Electoral Commission made under section 3 of that Act ceases to have effect at the end of the period of one year beginning on the day on which it is made.

Citation and commencement

1.—(1) This Order may be cited as the European Parliament (Number of MEPs and Distribution between Electoral Regions) (United Kingdom and Gibraltar) Order 2008.

(2) This Order shall come into force on the day after the day on which it is made.

(3) Articles 2 and 3 do not affect the number or distribution of United Kingdom MEPs during the rest of the current term of the European Parliament.

Amendment of European Parliamentary Elections Act 2002

2.—(1) Section 1 of the European Parliamentary Elections Act 2002(6) is amended as follows.

(2) In subsection (1) (number of MEPs and electoral regions) for “78” substitute “72”.

(3) For subsection (3) substitute—

“(3) The number of MEPs to be elected for each electoral region is as follows—

East Midlands	5
Eastern	7
London	8
North East	3
North West	8
South East	10
South West	6
West Midlands	6
Yorkshire and the Humber	6
Scotland	6
Wales	4
Northern Ireland	3.”

Revocation

3. The European Parliament (Number of MEPs) (United Kingdom and Gibraltar) Order 2004(7) (which makes amendments that are superseded by this Order) is revoked.

2008

Secretary of State for Justice

(6) [2002 c. 24](#). Section 1 was substituted by section 1, and extended to Gibraltar by section 19, of the European Parliament (Representation) Act [2003 \(c.7\)](#). Section 1 of the European Parliamentary Elections Act [2002 \(c.24\)](#) and the Table in Schedule 1 to that Act (areas included in electoral regions) were also amended by [S.I.2004/366](#) and [S.I.2004/1245](#). By virtue of article 3(6) of [S.I.2004/366](#), Gibraltar is combined with the South West electoral region for the purpose of European Parliamentary elections.

(7) [S.I.2004/1245](#).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 1(1) of the European Parliamentary Elections Act 2002 (c.24) (“the 2002 Act”) to provide for a reduction in the number of MEPs elected for the United Kingdom from 78 to 72, implementing Article 9 of the Act annexed to the Luxembourg Treaty (Cm.6657).

This Order also amends section 1(3) of the 2002 Act to specify how the seats allocated to the United Kingdom will be distributed across the electoral regions, implementing the Electoral Commission’s recommendation made on 31 July 2007 in accordance with section 3 of the European Parliament (Representation) Act 2003 (c.7). As recommended by the Electoral Commission, the number of MEPs to be elected for each of the following electoral regions will be reduced by one: East Midlands, London, North West, South West, West Midlands, and Scotland. There is no change to the number of MEPs to be elected for the other electoral regions.

The Order does not affect the number or distribution of United Kingdom MEPs during the rest of the current term of the European Parliament.

This Order revokes the European Parliament (Number of MEPs) (United Kingdom and Gibraltar) Order 2004 (S.I.2004/1245) which makes amendments to section 1(1) and (3) of the 2002 Act that are superseded by this Order.

A full impact assessment has not been produced for this Order as no impact on the private or voluntary sectors is foreseen.