



European Assembly Elections Act 1978

1978 CHAPTER 10

An Act to make provision for and in connection with the election of representatives to the Assembly of the European Communities, and to prevent any treaty providing for any increase in the powers of the Assembly from being ratified by the United Kingdom unless approved by Act of Parliament. [5th May 1978]

Modifications etc. (not altering text)

- C1** By reason of the retrospective amendment of s. 9(1) of this Act by [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(b\)\(2\)\(b\)\(3\)](#) the short title is now retrospectively the European Parliamentary Elections Act 1978
- C2** By [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(a\)\(2\)\(a\)\(3\)](#) in the long title for the references to the Assembly of the European Communities and the Assembly there are substituted retrospectively references to the European Parliament
- C3** In this Act references to constituency to be construed as mentioned in [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), [s. 1\(2\)](#)
- C4** Act amended (N.I.) by [S.I. 1986/1091](#), [regs. 2](#), 51(6)
- C5** Act amended (E.W.) by [S.I. 1986/1081](#), [regs. 2](#), 51(6)
- C6** Act modified (5.11.1993) by [1993 c. 41](#), [s. 2\(5\)](#).
- C7** Act: power to apply conferred (19.11.1998) by [1998 c. 46](#), [s. 12\(4\)\(5\)](#)
- C8** Act: power to apply or incorporate conferred (1.12.1998) by [1998 c. 38](#), [s. 11\(3\)\(a\)](#) (with [s. 143\(2\)](#)); [S.I. 1998/2789](#), [art. 2](#)

Commencement Information

- I1** Act wholly in force at Royal Assent

[^{F1}1 Election of MEPs.

This Act makes provision for the election in the United Kingdom of Members of the European Parliament (“MEPs”).]

Status: Point in time view as at 16/03/1999.

Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)

Textual Amendments

- F1** Ss. 1-3D substituted for ss. 1-3 (16.3.1999 for specified purposes only and 1.5.1999 otherwise) by 1999 c. 1, s. 1; S.I. 1999/717, art. 2(1)(2) (with art. 2(3))

[^{F2} Electoral regions and number of MEPs.

- (1) The United Kingdom shall be divided into electoral regions.
- (2) England shall be divided into nine electoral regions.
- (3) Scotland, Wales and Northern Ireland shall each constitute a single electoral region.
- (4) The number of MEPs elected in the United Kingdom shall be 87, of whom—
 - (a) 71 shall be elected for electoral regions in England,
 - (b) 8 shall be elected for Scotland,
 - (c) 5 shall be elected for Wales, and
 - (d) 3 shall be elected for Northern Ireland.
- (5) Schedule 2 (which sets out the electoral regions in England and makes provision for the number of MEPs to be elected for each region) shall have effect.]

Textual Amendments

- F2** Ss. 1-3D substituted for ss. 1-3 (16.3.1999 for specified purposes only and 1.5.1999 otherwise) by 1999 c. 1, s. 1; S.I. 1999/717, art. 2(1)(2) (with art. 2(3))

[^{F3} Electoral system in Great Britain.

- (1) The system of election in an electoral region in Great Britain shall be a regional list system complying with the following conditions.
- (2) A vote may be cast for a registered party, or an individual candidate, named on the ballot paper.
- (3) The first seat shall be allocated to the party or individual candidate with the greatest number of votes.
- (4) The second and subsequent seats shall be allocated in the same way, except that the number of votes given to a party to which one or more seats have already been allocated shall be divided by the number of seats allocated plus one.
- (5) In allocating the second or any subsequent seat there shall be disregarded any votes given to—
 - (a) a party to which there has already been allocated a number of seats equal to the number of names on the party's list of candidates, and
 - (b) an individual candidate to whom a seat has already been allocated.
- (6) Seats allocated to a party shall be filled by the persons named on the party's list of candidates in the order in which they appear on that list.
- (7) For the purposes of subsections (3) and (4) fractions shall be taken into account.

Status: Point in time view as at 16/03/1999.

Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)

(8) In this section—

- (a) “registered party” means [^{F4}a party registered under the Registration of Political Parties Act 1998];
- (b) a reference to a party’s “list of candidates” is a reference to the list submitted in accordance with regulations made as required by paragraph 2(3B) of Schedule 1.]

Textual Amendments

- F3** Ss. 1-3D substituted for ss. 1-3 (16.3.1999 for specified purposes only and 1.5.1999 otherwise) by 1999 c. 1, s. 1; S.I. 1999/717, art. 2(1)(2) (with art. 2(3))
- F4** Words in s. 3(8)(a) substituted (3.12.1998) by 1998 c. 48, ss. 23, 25(3), Sch. 3 para. 1

[^{F5}3A Electoral system in Northern Ireland.

The system of election in Northern Ireland shall be a single transferable vote system under which—

- (a) a vote is capable of being given so as to indicate the voter’s order of preference for the candidates, and
- (b) a vote is capable of being transferred to the next choice—
 - (i) when the vote is not required to give a prior choice the necessary quota of votes, or
 - (ii) when, owing to the deficiency in the number of votes given for a prior choice, that choice is eliminated from the list of candidates.]

Textual Amendments

- F5** Ss. 1-3D substituted for ss. 1-3 (16.3.1999 for specified purposes only and 1.5.1999) by 1999 c. 1, s. 1; S.I. 1999/717, art. 2(1)(2) (with art. 2(3))

[^{F6}3B Electoral system: supplementary.

Schedule 1 (which makes supplementary provision about the holding of elections, the filling of vacancies, and disqualification) shall have effect.]

Textual Amendments

- F6** Ss. 1-3D substituted for ss. 1-3 (16.3.1999 for specified purposes only and 1.5.1999 otherwise) by 1999 c. 1, s. 1; S.I. 1999/717, art. 2(1)(2) (with art. 2(3))

[^{F7}3C Franchise.

- (1) A person shall be entitled to vote as an elector at a European Parliamentary election in an electoral region if he is within any of subsections (2) to (5) below.
- (2) A person is within this subsection if on the day of the poll he would be entitled to vote as an elector at a parliamentary election in a parliamentary constituency wholly or partly comprised in the electoral region, and—

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Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)

- (a) the address in respect of which he is registered in the relevant register of parliamentary electors is within the electoral region, or
 - (b) his registration in the relevant register of parliamentary electors results from an overseas elector's declaration which specifies an address within the electoral region.
- (3) A person is within this subsection if—
- (a) he is a peer who on the day of the poll would be entitled to vote at a local government election in an electoral area wholly or partly comprised in the electoral region, and
 - (b) the address in respect of which he is registered in the relevant register of local government electors is within the electoral region.
- (4) A person is within this subsection if he is entitled to vote in the electoral region by virtue of section 3(2) to (9) of the Representation of the ^{M1}People Act 1985 (peers resident outside the United Kingdom).
- (5) A person is within this subsection if he is entitled to vote in the electoral region by virtue of Part III of the European Parliamentary Elections (Changes to the ^{M2}Franchise and Qualifications of Representatives) Regulations 1994 (relevant citizens of the European Union).
- (6) Subsection (1) shall have effect subject to any provision of regulations made under paragraph 2 of Schedule 1 which provides for alterations made after a specified date in a register of electors to be disregarded.
- (7) In subsection (3) “local government election” includes a municipal election in the City of London (that is, an election to the office of mayor, alderman, common councilman or sheriff and also the election of any officer elected by the mayor, aldermen and liverymen in common hall).]

Textual Amendments

F7 Ss. 1-3D substituted for ss. 1-3 (16.3.1999 for specified purposes only and 1.5.1999 otherwise) by c. 1, s. 1; S.I. 1999/717, art. 2(1)(2) (with art. 2(3))

Marginal Citations

M1 1985 c. 50.

M2 S.I. 1994/342.

[^{F8}3D Date of elections.

- (1) The poll at each general election of MEPs shall be held on a day appointed by order of the Secretary of State.
- (2) A statutory instrument made under this section shall be laid before Parliament after being made.]

Textual Amendments

F8 Ss. 1-3D substituted for ss. 1-3 (16.3.1999 for specified purposes only and 1.5.1999 otherwise) by 1999 c. 1, s. 1; S.I. 1999/717, art. 2(1)(2)(3)

Status: Point in time view as at 16/03/1999.

Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)

4 Double voting.

- (1) Without prejudice to any enactment relating to voting offences as applied by regulations under this Act to elections of representatives to the Assembly held in the United Kingdom, a person shall be guilty of an offence if, on any occasion when under Article 9 elections to the Assembly are held in all the member States, he votes otherwise than as a proxy more than once in those elections, whether in the United Kingdom or elsewhere.
- (2) The provisions of the [^{F9}Representation of the People Act 1983] as applied by regulations under this Act shall have effect in relation to an offence under this section as they have effect in relation to an offence under [^{F10}section 61(2)] of that Act (double voting); and, without prejudice to the generality of the foregoing provision, [^{F11}section 61(7)] of that Act (which makes such an offence an illegal practice but allows any incapacity resulting from conviction to be mitigated by the convicting court) and [^{F12}section 178] of that Act (prosecutions for offences committed outside the United Kingdom) shall apply accordingly.

Textual Amendments

- F9** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\), ss. 205\(2\), 206, Sch. 8 para. 21\(a\)](#)
- F10** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\), ss. 205\(2\), 206, Sch. 8 para. 21\(b\)](#)
- F11** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\), ss. 205\(2\), 206, Sch. 8 para. 21\(c\)](#)
- F12** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\), ss. 205\(2\), 206, Sch. 8 para. 21\(d\)](#)

Modifications etc. (not altering text)

- C9** References to the European Parliament substituted retrospectively for references to the Assembly by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\), s. 3\(1\)\(a\)\(3\)](#)

5 Exemption from jury service.

- (1) In Part III of Schedule 1 to the ^{M3} Juries Act 1974 (excusal of certain persons from jury service in England and Wales) ^{F13} . . . , before the heading “The Forces” there shall be inserted the following:

“ European Assembly

Representatives to the Assembly of the European Communities.”.

- (2) ^{F14}

Textual Amendments

- F13** Words in s. 5(1) repealed (31.7.1996) by [S.I. 1996/1141 \(N.I. 6\), art. 32\(3\), Sch. 5; S.R. 1996/267, art. 2](#)
- F14** [S. 5\(2\) repealed by Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 72:2\), s. 28\(2\), Sch. 3](#)

Status: Point in time view as at 16/03/1999.

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Modifications etc. (not altering text)

C10 The text of s. 5(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M3 1974 c. 23.

6 Parliamentary approval of treaties increasing Assembly's powers.

- (1) No treaty which provides for any increase in the powers of the Assembly shall be ratified by the United Kingdom unless it has been approved by an Act of Parliament.
- (2) In this section "treaty" includes any international agreement, and any protocol or annex to a treaty or international agreement.

Modifications etc. (not altering text)

C11 References to the European Parliament substituted retrospectively for references to the Assembly by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(a\)\(3\)](#)

7 Expenses.

- (1) There shall be charged on, and paid out of, the Consolidated Fund.
 - (a) such reasonable charges as returning officers are by virtue of this Act entitled to in connection with [^{F15}European Parliamentary] elections; and
 - (b) any increase attributable to this Act in the sums charged on and payable out of that Fund under any other enactment.
- (2) There shall be paid out of money provided by Parliament—
 - (a) any additional sums payable by way of rate support grant because of an increase attributable to this Act in the registration expenses of registration officers in Great Britain;
 - (b) any increase so attributable in the sums payable out of money so provided under [^{F16}section 54(2) of the Representation of the People Act 1983] on account of the registration expenses of registration officers in Northern Ireland; and
 - (c) any increase so attributable in the sums payable out of money so provided under the ^{M4}House of Commons (Redistribution of Seats) Act 1949.

Textual Amendments

F15 Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(b\)\(3\)](#)

F16 Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), ss. 205(2), 206, [Sch. 8 para. 22](#)

Marginal Citations

M4 1949 c. 66.

Status: Point in time view as at 16/03/1999.

Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)

8 Interpretation.

- (1) The provisions of this Act, except section 4, apply only in relation to representatives to the Assembly who fall to be elected in the United Kingdom; and references in this Act (except section 4) to elections to the Assembly shall be construed accordingly.
- (2) In this Act—
 - (a) any reference to a numbered Article is a reference to the Article so numbered of the Act concerning the election of the representatives of the Assembly by direct universal suffrage annexed to the decision of the ^{M5} Council of the European Communities dated the 20th September 1976, and any reference to a numbered subdivision of a numbered Article shall be construed accordingly;
 - (b) “enactment” includes an enactment contained in an Act of the Parliament of Northern Ireland or an Order in Council made under the ^{M6} Northern Ireland (Temporary Provisions) Act 1972, or in a Measure of the Northern Ireland Assembly.
- (3) Except where the context otherwise requires, any reference in this Act to an enactment is a reference to that enactment as amended, and includes a reference to it as applied, by or under any other enactment, including this Act.

Modifications etc. (not altering text)

- C12** References to the European Parliament substituted retrospectively for references to the Assembly by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(a\)\(3\)](#)

Marginal Citations

- M5** Cmnd. 6623
M6 1972 c. 22.

9 Citation etc.

- (1) This Act may be cited as the [^{F17}European Parliamentary] Elections Act 1978.
- (2) Any power to make orders or regulations conferred by this Act shall be exercisable by statutory instrument; and any power to make an order under any provision of this Act includes power to vary or revoke a previous order made under that provision.

Textual Amendments

- F17** Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(b\)\(2\)\(b\)\(3\)](#)

Status: Point in time view as at 16/03/1999.

Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 3.

SIMPLE MAJORITY SYSTEM (FOR GREAT BRITAIN) WITH S.T.V. (FOR NORTHERN IRELAND)

[^{F18}European Parliamentary] constituencies

Textual Amendments

F18 Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(b\)\(3\)](#)

- 1 (1) Representatives to the Assembly shall be elected in Great Britain for the [^{F19}European Parliamentary] constituencies for the time being specified in an Order in Council under Schedule 2 to this Act, and in Northern Ireland for a single [^{F19}European Parliamentary] constituency comprising the whole of Northern Ireland; and there shall be—
- (a) one representative for each such constituency in Great Britain; and
 - (b) three representatives for the [^{F19}European Parliamentary] constituency of Northern Ireland.
- (2) There shall be a total of [^{F20}85][^{F19}European Parliamentary] constituencies, of which—
- (a) [^{F20}71] shall be in England;
 - (b) 8 shall be in Scotland;
 - (c) [^{F20}5n] shall be in Wales;
 - (d) 1 shall be that of Northern Ireland.

Textual Amendments

F19 Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(b\)\(3\)](#)

F20 Words in [Sch. 1 para. 1\(2\)](#) substituted (1.5.1994) by [1993 c. 41, s. 1\(2\)](#);; [S.I. 1994/1089, art. 2](#)

Modifications etc. (not altering text)

C13 References to the European Parliament substituted retrospectively for references to the Assembly by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(a\)\(3\)](#)

Status: Point in time view as at 16/03/1999.

Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)

[^{F21}European Parliamentary] elections

Textual Amendments

F21 Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(b\)\(3\)](#)

- 2 [^{F22}(1) The persons entitled to vote as electors at an [^{F23}European Parliamentary] election in any particular [^{F23}European Parliamentary] constituency shall be—
- (a) those who, on the day appointed under paragraph 3 below for the election, would be entitled to vote as electors at a parliamentary election in a parliamentary constituency wholly or partly comprised in the [^{F23}European Parliamentary] constituency (excluding any person not registered in the register of parliamentary electors at an address within the [^{F23}European Parliamentary] constituency); and
 - (b) peers who, on that day, would be entitled to vote at a local government election in an electoral area wholly or partly comprised in the [^{F23}European Parliamentary] constituency (excluding any peer not registered at an address within the [^{F23}European Parliamentary] constituency for the purposes of local government elections).]
- [(2) In an [^{F23}European Parliamentary] election in the constituency of Northern Ireland each vote shall be a single transferable vote, that is to say a vote—
- (a) capable of being given so as to indicate the voter's order of preference for the candidates for election as representatives for the constituency; and
 - (b) capable of being transferred to the next choice—
 - (i) when the vote is not required to give a prior choice the necessary quota of votes; or
 - (ii) when, owing to the deficiency in the number of votes given for a prior choice, that choice is eliminated from the list of candidates.]
- (3) Subject to the provisions of this and the following paragraph, the Secretary of State may by regulations make provision—
- (a) as to the conduct of [^{F23}European Parliamentary] elections [^{F24}(including the registration of electors and the limitation of candidates' election expenses)]; and
 - (b) as to the questioning of such an election and the consequences of irregularities.
- [^{F25}(3A) Regulations under this paragraph may make provision (including the creation of criminal offences)—
- (a) about the limitation of election expenses (including expenses incurred in relation to a general election as a whole);
 - (b) for the allocation of seats in the case of an equality of votes;
 - (c) for securing that no person stands for election more than once at a general election.

For the purposes of this sub-paragraph a person stands for election if he is nominated as a candidate or is included in a party's list of candidates.

Status: Point in time view as at 16/03/1999.

Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)

- (3B) Regulations under this paragraph shall, in relation to an election in an electoral region in Great Britain, make provision for the nomination of registered parties, including provision requiring a nomination to be accompanied by a list of candidates numbering no more than the MEPs to be elected for that region.]
- (4) Regulations under this paragraph may—
- (a) apply, with such modifications or exceptions as may be specified in the regulations, any provision of the Representation of the People Acts or of any other enactment relating to parliamentary elections or local government elections, and any provision made under any enactment;
 - (b) amend any form contained in regulations made under the Representation of the People Acts so far as may be necessary to enable it to be used both for the purpose indicated in regulations so made and for the corresponding purpose in relation to [^{F23}European Parliamentary] elections;
 - [^{F26}(c) so far as may be necessary in consequence of any provision made by or under this Act, amend any provision made by or under any enactment relating to the registration of parliamentary electors or local government electors.]
- (5) Section [^{F27}26] of the ^{M7}Welsh Language Act [^{F27}1993] (power to prescribe Welsh version) shall apply in relation to regulations under this paragraph as it applies in relation to [^{F27}Acts of Parliament].
- (6) No regulations shall be made under this paragraph unless a draft thereof has been laid before Parliament and approved by a resolution of each House of Parliament.

Textual Amendments

- F22** Sch. 1 para. 2(1)(2) repealed (1.5.1999) by 1999 c. 1, s. 3(1)(3), Sch. 2 para. 4, **Sch. 4**; S.I. 1999/717, **art. 2(1)** (with art. 2(3))
- F23** Words substituted retrospectively by virtue of **European Communities (Amendment) Act 1986** (c. 58, SIF 29:5), **s. 3(1)(b)(3)**
- F24** Words in Sch. 1 para. 2(3)(a) repealed (1.5.1999) by 1999 c. 1, s. 3(1)(3), Sch. 2 para. 5, Sch. 4; S.I. 1999/717, **art. 2(1)** (with art. 2(3))
- F25** Sch. 1 para. 2(3A)(3B) inserted (16.3.1999 in so far as the insertion confers any power to make subordinate legislation and 1.5.1999 otherwise) by 1999 c. 1, s. 3(1)(3), Sch. 2 para. 6, **Sch. 4**; S.I. 1999/717, **art. 2(1)(2)** (with art. 2(3))
- F26** Sch. 1 para. 2(4)(c) repealed (1.5.1999) by 1999 c. 1, s. 3(1), Sch. 2 para. 7, **Sch. 4**; S.I. 1999/717, **art. 2(1)** (with art. 2(3))
- F27** Words in Sch. 1 para. 2(5) substituted (21.12.1993) by 1993 c. 38, **ss. 35(3)**, 36(1).

Modifications etc. (not altering text)

- C14** Sch. 1 para. 2 modified (S.) by S.I. 1986/1111, **regs. 2**, 97(1)(3)
- C15** Sch. 1 para. 2 modified (E.W.) by S.I. 1986/1081, **regs. 2**, 99(1)(3)
- C16** Power to exclude by regulations conferred (N.I.) by **Elections (Northern Ireland) Act 1985** (c. 2, SIF 42), **s. 5(3)**
- C17** Sch. 1 para. 2(1)(a) extended by **Representation of the People Act 1985** (c. 50, SIF 42), **s. 3(1)**
- C18** Reference to the register of parliamentary electors to be construed as mentioned in **Representation of the People Act 1983** (c. 2, SIF 42), **ss. 205**, 206, **Sch. 7 para. 10**

Marginal Citations

- M7** 1967 c. 66.

Status: Point in time view as at 16/03/1999.

Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)

Times of elections

- [^{F28}3 (1) Regulations under paragraph 2 shall include provision prescribing the procedure to be followed when a seat is or becomes vacant.
- (2) The regulations may—
- (a) include provision requiring a by-election to be held in specified circumstances (and provision modifying section 3 in its application to by-elections);
 - (b) require a seat last filled from a party's list of candidates to be filled, in specified circumstances, from such a list (without a by-election).
- (3) Where regulations provide for a by-election to be held—
- (a) the poll shall take place on a day, appointed by order of the Secretary of State, within such period as may be specified in the regulations, but
 - (b) the regulations may enable the Secretary of State to decline to appoint a day in certain circumstances.
- (4) A statutory instrument containing an order made by virtue of sub-paragraph (3) shall be laid before Parliament after being made.]

Textual Amendments

F28 Sch. 1 para. 3 substituted (16.3.1999 in so far as the substitution confers any power to make subordinate legislation and 1.5.1999 otherwise) by 1999 c. 1, s. 3(1), Sch. 2 paras. 1, 8; S.I. 1999/717, art. 2(1)(2) (with art. 2(3))

Returning officers, and staff to assist them

- [^{F29}4 (1) There shall be a returning officer for each electoral region who shall be—
- (a) in the case of a region in England and in the case of Wales, a person who—
 - (i) is an acting returning officer by virtue of section 28(1) of the Representation of the ^{M8}People Act 1983, and
 - (ii) is designated for the purposes of this sub-paragraph by order of the Secretary of State;
 - (b) in the case of Scotland, a person who—
 - (i) is a returning officer by virtue of section 25 of that Act, and
 - (ii) is designated for the purposes of this sub-paragraph by order of the Secretary of State;
 - (c) in the case of Northern Ireland, the Chief Electoral Officer.
- (2) Regulations under paragraph 2 may confer functions on the returning officers for electoral regions and on persons who are, in relation to parliamentary elections—
- (a) in the case of England and Wales, acting returning officers, or
 - (b) in the case of Scotland, returning officers.
- (3) The council of a relevant area which is wholly or partly within an electoral region shall place the services of their officers at the disposal of any person on

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whom functions in relation to that region are conferred in accordance with sub-paragraph (2), for the purpose of assisting him in the discharge of those functions.

- (4) In sub-paragraph (3), “relevant area” means—
- (a) a district or London borough in England,
 - (b) a county or county borough in Wales, and
 - (c) a local government area in Scotland.]

Textual Amendments

F29 Sch. 1 para. 4 substituted (16.3.1999 in so far as the substitution confers any power to make subordinate legislation and 1.5.1999 otherwise) by 1999 c. 1, s. 3(1); S.I. 1999/717, art. 2(1)(2) (with art. 2(3))

Modifications etc. (not altering text)

C19 Sch. 1 para. 4(1)(a)(b) amended (16.2.2001) by 2000 c. 41, s. 7(2)(b) (with s. 156(6)); S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

C20 Sch. 1 para. 4(3)(4): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1

Marginal Citations

M8 1983 c. 2.

Disqualification for office of representative to Assembly

Modifications etc. (not altering text)

C21 References to the European Parliament substituted retrospectively for references to the Assembly by virtue of European Communities (Amendment) Act 1986 (c. 58, SIF 29:5), s. 3(1)(a)(3)

- 5 (1) Subject to sub-paragraph (3) below, and without prejudice to Article 6(1) (incompatibility of office of representative with certain offices in or connected with Community institutions), a person is disqualified for the office of [^{F30}Member of] the Assembly if—
- (a) he is disqualified, whether under the ^{M9}House of Commons Disqualification Act 1975 or otherwise, for membership of the House of Commons; or
 - (b) he is a Lord of Appeal in Ordinary.
- (2) A person is disqualified for the office of [Member of] the Assembly for a particular [^{F31}European Parliamentary][^{F32}electoral region] if he is under section 1(2) of the ^{M10}House of Commons Disqualification Act 1975 disqualified for membership of the House of Commons for any particular parliamentary constituency wholly or partly comprised in that [^{F31}European Parliamentary][^{F32}electoral region].
- [^{F33}2A) A citizen of the Union, determined in accordance with article 8.1 of the Treaty establishing the European Community (as amended by Title II of the Treaty on European Union), who is not a Commonwealth citizen or citizen of the Republic of Ireland is disqualified under this paragraph for the office of [^{F30}Member of] the European Parliament if he is disqualified for that office through a criminal law or civil law decision under the law of the Member State of which he is a national.

Status: Point in time view as at 16/03/1999.

Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)

(2B) In sub-paragraph (2A) above “a criminal law or civil law decision” has the same meaning as it has in the directive of the Council of the European Communities No.93/109/EC.]

(3) A person is not disqualified for office as a [^{F30}Member of]the Assembly by reason only—

- (a) that he is a peer, whether of the United Kingdom, Great Britain, England or Scotland; or
- (b) that he has been ordained or is a minister of any religious denomination; or
- (c) that he holds an office mentioned in section 4 of the ^{M11}House of Commons Disqualification Act 1975 (stewardship of Chiltern Hundreds etc.); or
- (d) that he holds any of the offices for the time being described in Part II or Part III of Schedule 1 to the ^{M12}House of Commons Disqualification Act 1975 which are for the time being designated in an order by the Secretary of State as nondisqualifying offices in relation to the Assembly.

[^{F34}or

- (e) that he is disqualified under section 3 of the Act of Settlement ^{F35}(disqualification for membership of either House of Parliament of persons born out of the Kingdoms of England, Scotland or Ireland or the dominions thereunto belonging except those who are Commonwealth citizens or citizens of the Republic of Ireland), provided that he is a citizen of the Union, determined in accordance with article 8.1 of the Treaty establishing the European Community (as amended by Title II of the Treaty on European Union), who is resident in the United Kingdom.]

[^{F36}(4) If a person who is disqualified under this paragraph for the office of MEP is returned as an MEP under—

- (a) section 3, or
- (b) regulations made in accordance with paragraph 3(1),

his return shall be void and his seat vacant.

(4A) If a person who is disqualified under this paragraph for the office of MEP for a particular electoral region is returned as an MEP for that region under—

- (a) section 3, or
- (b) regulations made in accordance with paragraph 3(1),

his return shall be void and his seat vacant.]

(5) If a [^{F30}Member of]the Assembly becomes disqualified under this paragraph for the office of [^{F30}Member of] the Assembly or for the office of [^{F30}Member of] the Assembly for the [^{F31}European Parliamentary][^{F32}electoral region] for which he was [^{F37}returned], his seat shall be vacated.

(6) A statutory instrument made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F30 Words in Sch. 1 para. 5(1)(2)(2A)(3)(5) substituted (16.3.1999 in so far as the substitution confers any power to make subordinate legislation and 1.5.1999 otherwise) by 1999 c. 1, s. 3(1), Sch. 2 paras. 1, 10(a); S.I. 1999/717, art. 2(1)(2) (with art. 2(3))

Status: Point in time view as at 16/03/1999.

Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)

- F31** Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), **s. 3(1)(b)(3)**
- F32** Words in [Sch. 1 para. 5\(2\)\(5\)](#) substituted (16.3.1999 in so far as the substitution confers any power to make subordinate legislation and 1.5.1999 otherwise) by [1999 c. 1, s. 3\(1\)](#), [Sch. 2 paras. 1, 10\(b\)](#); [S.I. 1999/717, art. 2\(1\)\(2\)](#) (with [art. 2\(3\)](#))
- F33** [Schedule 1 para. 5 \(2A\)\(2B\)](#) inserted (17.2.1994) by [S.I. 1994/342, reg. 3\(1\)](#)
- F34** [Sch. 1 para. 5\(3\)\(e\)](#) inserted (17.2.1994) by [S.I. 1994/342, reg. 3\(2\)](#)
- F35** [12&13Will. 3 Sch. 2](#), as amended by [Schedule 7 to the British Nationality Act 1981 \(c. 61\)](#).
- F36** [Sch. 1 para. 5\(4\)\(4A\)](#) substituted for [Sch. 1 para. 5\(4\)](#) (16.3.1999 in so far as the substitution confers any power to make subordinate legislation and 1.5.1999 otherwise) by [1999 c. 1, s. 3\(1\)](#), [Sch. 2 paras 1, 10\(c\)](#); [S.I. 1999/717, art. 2\(1\)\(2\)](#) (with [art. 2\(3\)](#))
- F37** Word in [Sch. 1 para. 5\(5\)](#) substituted (16.3.1999 in so far as the substitution confers any power to make subordinate legislation and 1.5.1999 otherwise) by [1999 c. 1, s. 3\(1\)](#), [Sch. 2 paras. 1, 10\(d\)](#); [S.I. 1999/717, art. 2\(1\)\(2\)](#) (with [art. 2\(3\)](#))

Modifications etc. (not altering text)

- C22** References to the European Parliament substituted retrospectively for references to the Assembly by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), **s. 3(1)(a)(3)**

Marginal Citations

- M9** 1975 c. 24.
M10 1975 c. 24.
M11 1975 c. 24.
M12 1975 c. 24.

Judicial proceedings as to disqualification under paragraph 5

- 6 ^[F38](1) Any person may apply to the court for a declaration or, as the case may be, a declarator that a person who purports to be an MEP -
- (a) is disqualified, or
 - (b) was disqualified at the time when, or at some time since, he was returned as an MEP under section 3 or under regulations made in accordance with paragraph 3(1).
- (1A) The decision of the court on an application under this paragraph shall be final.]
- (2) On an application under this paragraph the person in respect of whom the application is made shall be the respondent or, as the case may be, defender; and the applicant shall give such security for the costs or expenses of the proceedings, not exceeding ^[F39]£5,000], as the court may direct.
 - (3) No declaration or declarator shall be made under this paragraph in respect of any person on grounds which subsisted at the time of his election if there is pending, or has been tried, an election petition in which his disqualification on those grounds is, or was, in issue.
 - (4) Any declaration or declarator made by the court on an application under this paragraph shall be certified in writing to the Secretary of State forthwith by the court.
 - (5) The court for the purposes of this paragraph is the High Court, the Court of Session or the High Court of Justice in Northern Ireland according as the ^[F40]European Parliamentary^[F41]electoral region] to which the application relates is in England

Status: Point in time view as at 16/03/1999.

Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)

and Wales, or Scotland, or Northern Ireland; and in this paragraph “disqualified” means disqualified under paragraph 5 above for the office of [^{F42}Member of] to the Assembly (whether generally or in relation to a particular [^{F40}European Parliamentary][^{F41}electoral region]).

[^{F43}(6) The Secretary of State may by order substitute another figure for the figure in sub-paragraph (2).

(7) A statutory instrument made under sub-paragraph (6) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F38** Sch. 1 para. 6(1)(1A) substituted for Sch. 1 para. 6(1) (16.3.1999 in so far as the substitution confers any power to make subordinate legislation and 1.5.1999 otherwise) by 1999 c. 1, s. 3(1), Sch. 2 paras. 1, 11(2); S.I. 1999/717, art. 2(1)(2) (with art. 2(3))
- F39** Word in Sch. 1 para. 6(2) substituted (16.3.1999 in so far as the substitution confers any power to make subordinate legislation and 1.5.1999 otherwise) by 1999 c. 1, s. 3(1), Sch. 2 paras. 1, 11(3); S.I. 1999/717, art. 2(1)(2) (with art. 2(3))
- F40** Words substituted retrospectively by virtue of European Communities (Amendment) Act 1986 (c. 58, SIF 29:5), s. 3(1)(b)(3)
- F41** Words in Sch. 1 para. 6(5) substituted (16.3.1999 in so far as the substitution confers any power to make subordinate legislation and 1.5.1999 otherwise) by 1999 c. 1, s. 3(1), Sch. 2 paras. 1, 11(4)(a); S.I. 1999/717, art. 2(1)(2) (with art. 2(3))
- F42** Words in Sch. 1 para. 6(5) substituted (16.3.1999 in so far as the substitution confers any power to make subordinate legislation and 1.5.1999 otherwise) by 1999 c. 1, s. 3(1), Sch. 2 paras. 1, 11(4)(b); S.I. 1999/717, art. 2(1)(2) (with art. 2(3))
- F43** Sch. 1 para. 6(6)(7) inserted (16.3.1999 in so far as the insertion confers any power to make subordinate legislation and 1.5.1999 otherwise) by 1999 c. 1, s. 3(1), Sch. 2 para. 1, 11(5); S.I. 1999/717, art. 2(1)(2) (with art. 2(3))

SCHEDULE 2

Section 3 and Schedule 1, para. 1.

[^{F44}EUROPEAN PARLIAMENTARY] CONSTITUENCIES IN GREAT BRITAIN

Textual Amendments

- F44** Words substituted retrospectively by virtue of European Communities (Amendment) Act 1986 (c. 58, SIF 29:5), s. 3(1)(b)(3)

PART I

Reports of Boundary Commission and Orders in Council

[^{F45}1 If—

Status: Point in time view as at 16/03/1999.

Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)

- (a) an Order in Council has been made under [^{F46}the 1986 Act] giving effect, with or without modifications, to the recommendations contained in a report submitted to the Secretary of State under [^{F47}section 3(1)] of that Act by the Boundary Commission for any part of Great Britain; or
- (b) the Boundary Commission for any part of Great Britain have submitted a report to the Secretary of State under [^{F47}section 3(1)] stating that, in the opinion of the Commission, no alteration is required to be made in the parliamentary constituencies into which that part of Great Britain is divided;

the Boundary Commission shall thereupon proceed to consider the representation in [^{F48}the European Parliament] of the part of Great Britain with which they are concerned and shall as soon as may be after that time submit to the Secretary of State a supplementary report in accordance with paragraph 2 below.]

Textual Amendments

- F45** Sch. 2 para. 1 substituted by European Assembly Elections Act 1981 (c. 8, SIF 42), s.1(1)
- F46** Words substituted by Parliamentary Constituencies Act 1986 (c. 56, SIF 42), s. 7, Sch. 3 para. 5(2)(a)
- F47** Words substituted by Parliamentary Constituencies Act 1986 (c. 56, SIF 42), s. 7, Sch. 3 para. 5(2)(b)
- F48** Reference to the European Parliament substituted retrospectively for reference to the Assembly by virtue of European Communities (Amendment) Act 1986 (c. 58, SIF 29:5), s. 3(1)(a)(3)

- 2 [^{F49}The supplementary report which the Boundary Commission for any part of Great Britain is required under paragraph 1 above to submit to the Secretary of State shall be a] report either—
- (a) showing the [^{F50}European Parliamentary] constituencies into which they recommend that that part of Great Britain should be divided in order to give effect to the provisions of paragraph 1(2) of Schedule 1 to this Act and Part II of this Schedule; or
 - (b) stating that, in the opinion of the Commission, no alteration is required to be made in the [^{F50}European Parliamentary] constituencies in that part of Great Britain in order to give effect to those provisions.

Textual Amendments

- F49** Words substituted by European Assembly Elections Act 1981 (c. 8, SIF 42), s. 1(2)
- F50** Words substituted retrospectively by virtue of European Communities (Amendment) Act 1986 (c. 58, SIF 29:5), s. 3(1)(b)(3)

- [^{F51}3 If—
- (a) an Order in Council has been made under [^{F52}the 1986 Act] giving effect, with or without modifications, to recommendations for the alteration of any particular parliamentary constituency or constituencies contained in a report submitted to the Secretary of State under [^{F53}section 3(3)] of that Act by the Boundary Commission for any part of Great Britain; and
 - (b) the result of the alterations in parliamentary constituencies made by the Order is that paragraph 9 below is no longer complied with in relation to

Status: Point in time view as at 16/03/1999.

Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)

one or more of the [^{F54}European Parliamentary] constituencies into which that part of Great Britain is divided;

the Boundary Commission shall thereupon proceed to consider in what manner the [^{F54}European Parliamentary] constituency or constituencies affected should be altered in order that paragraph 9 be complied with and shall as soon as may be after that time submit to the Secretary of State a supplementary report showing the alterations which they recommended should be made in the [^{F54}European Parliamentary] constituency or constituencies for that purpose.]

Textual Amendments

- F51** Sch. 2 para. 3 substituted by European Assembly Elections Act 1981 (c. 8, SIF 42), s. 1(3)
F52 Words substituted by Parliamentary Constituencies Act 1986 (c. 56, SIF 42), s. 7, Sch. 3 para. 5(3)(a)
F53 Words substituted by Parliamentary Constituencies Act 1986 (c. 56, SIF 42), s. 7, Sch. 3 para. 5(3)(b)
F54 Words substituted retrospectively by virtue of European Communities (Amendment) Act 1986 (c. 58, SIF 29:5), s. 3(1)(b)(3)

[^{F554} A supplementary report of a Boundary Commission under this Schedule showing the [^{F56}European Parliamentary] constituencies into which they recommend that any area should be divided shall state, as respects each [^{F56}European Parliamentary] constituency, the name by which they recommend that it should be known.]

Textual Amendments

- F55** Sch. 2 paras. 4, 4A, 4B substituted for para. 4 by Parliamentary Constituencies Act 1986 (c. 56, SIF 42), s. 7, Sch. 3 para. 5(4)
F56 Words substituted retrospectively by virtue of European Communities (Amendment) Act 1986 (c. 58, SIF 29:5), s. 3(1)(b)(3)

- 4A (1) Where the Boundary Commission for any part of Great Britain intend to consider making a supplementary report under this Schedule, they shall, by notice in writing, inform the Secretary of State accordingly, and a copy of the notice shall be published—
- (a) in a case where it was given by the Boundary Commission for England or the Boundary Commission for Wales, in the London Gazette, and
 - (b) in a case where it was given by the Boundary Commission for Scotland, in the Edinburgh Gazette.
- (2) As soon as may be after a Boundary Commission have submitted a supplementary report to the Secretary of State under this Schedule, he shall lay the report before Parliament together, except in a case where the report states that no alteration is required to be made in respect of the part of Great Britain with which the Commission are concerned, with the draft of an Order in Council for giving effect, whether with or without modifications, to the recommendations contained in the report.
- 4B (1) The draft of any Order in Council laid before Parliament by the Secretary of State under this Schedule for giving effect, whether with or without modifications, to the

Status: Point in time view as at 16/03/1999.

Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)

recommendations contained in a supplementary report of a Boundary Commission may make provision for any matters which appear to him to be incidental to, or consequential on, the recommendations.

- (2) Where any such draft gives effect to any such recommendations with modifications, the Secretary of State shall lay before Parliament together with the draft a statement of the reasons for the modifications.
 - (3) If any such draft is approved by resolution of each House of Parliament, the Secretary of State shall submit it to Her Majesty in Council.
 - (4) If a motion for the approval of any such draft is rejected by either House of Parliament or withdrawn by leave of the House, the Secretary of State may amend the draft and lay the amended draft before Parliament, and if the draft as so amended is approved by resolution of each House of Parliament, the Secretary of State shall submit it to Her Majesty in Council.
 - (5) Where the draft of an Order in Council is submitted to Her Majesty in Council under this Schedule, Her Majesty in Council may make an Order in terms of the draft which (subject to paragraph 8 below) shall come into force on such date as may be specified in the Order and shall have effect notwithstanding anything in any enactment.
 - (6) The validity of any Order in Council purporting to be made under this Schedule and reciting that a draft of the Order has been approved by resolution of each House of Parliament shall not be called in question in any legal proceedings whatsoever.
- 5
- (1) Where a Boundary Commission have provisionally determined to make recommendations with respect to any [^{F57}European Parliamentary] constituency, they shall publish a notice under this paragraph in such manner as they think best calculated to bring it to the attention of those concerned.
 - (2) A notice under this paragraph relating to an [^{F57}European Parliamentary] constituency shall state—
 - (a) the effect of the proposed recommendations with respect to that constituency and (except where the proposed recommendations do not involve any alteration in that [^{F57}European Parliamentary] constituency) that copies of the recommendations are open to inspection at one or more specified places within each parliamentary constituency included in that [^{F57}European Parliamentary] constituency; and
 - (b) that representations with respect to the proposed recommendations may be made to the Commission within one month after the first publication of the notice,
 and the Commission shall take into consideration any representations duly made in accordance with any such notice.
 - ^{F58}(3) Where a Boundary Commission revise any proposed recommendations after publishing a notice of them under this paragraph the Commission shall publish a further notice under this paragraph in relation to the revised recommendations, as if no earlier notice had been published.]

Status: Point in time view as at 16/03/1999.

Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)

Textual Amendments

- F57** Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(b\)\(3\)](#)
- F58** [Sch. 2 para. 5\(3\)](#) inserted by [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), [s. 7, Sch. 3 para. 5\(5\)](#)

- ^{F59}5A (1) A Boundary Commission may, if they think fit, cause a local inquiry to be held in respect of any [^{F60}European Parliamentary] constituency or constituencies.
- (2) Where, on the publication of the notice under paragraph 5 above of a recommendation of a Boundary Commission for the alteration of any [^{F60}European Parliamentary] constituencies, the Commission receive any representation objecting to the proposed recommendation from an interested authority or from a body of electors numbering five hundred or more, the Commission shall not make the recommendation unless, since the publication of the notice, a local inquiry has been held in respect of the [^{F60}European Parliamentary] constituencies.
- (3) Where a local inquiry was held in respect of the [^{F60}European Parliamentary] constituencies before the publication of the notice mentioned in sub-paragraph (2) above, that sub-paragraph shall not apply if the Commission, after considering the matters discussed at the local inquiry, the nature of the representations received on the publication of the notice and any other relevant circumstances, are of opinion that a further local inquiry would not be justified.
- (4) In sub-paragraph (2) above, “interested authority” and “elector” respectively means, in relation to any recommendation, a local authority whose area is wholly or partly comprised in the [^{F60}European Parliamentary] constituencies affected by the recommendation, and an elector for any of those [^{F60}European Parliamentary] constituencies; and for this purpose “local authority” means—
- (a) in England ^{F61}. . . , the council of a county, London borough or district
[in Wales, the council of a county or county borough;]and
- ^{F62}(aa)
- (b) in Scotland, [^{F63}a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].]

Textual Amendments

- F59** [Sch. 2 para. 5A](#) inserted by [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), [s. 7, Sch. 3 para. 5\(6\)](#)
- F60** Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(b\)\(3\)](#)
- F61** Words in [Sch. 2 para. 5A\(4\)\(a\)](#) repealed (1.1.1996) by [1994 c. 19, s. 66\(6\)\(8\)](#), [Sch. 16 para. 54\(2\)](#), [Sch. 18](#); [S.I. 1995/3198, art. 6\(1\)](#), [Sch. 4 \(with art. 6\(2\)\)](#)
- F62** [Sch. 2 para. 5A\(4\)\(aa\)](#) inserted (1.1.1996) by [1994 c. 19, s. 66\(6\)](#), [Sch. 16 para. 54\(2\)](#); [1995/3198, art. 6\(1\)](#), [Sch. 4 \(with art. 6\(2\)\)](#)
- F63** Words in [Sch. 2 para. 5A\(4\)\(b\)](#) substituted (s.) (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 110\(3\)](#); [S.I. 1996/323, art. 4\(1\)\(c\)](#)

Status: Point in time view as at 16/03/1999.

Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)

- 6 Section 250(2) and (3) of the ^{M13}Local Government Act 1972 or, as the case may be, section 210(4) and (5) of the ^{M14}Local Government (Scotland) Act 1973 (attendance of witnesses at inquiries) shall apply in relation to an inquiry held in pursuance of [^{F64}paragraph 5A] above.

Textual Amendments

F64 Words substituted by [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), s. 7, **Sch. 3 para. 5(7)**

Marginal Citations

M13 1972 c. 70.

M14 1973 c. 65.

- 7 Nothing in [^{F65}paragraphs 4A and 4B] above shall be taken as enabling the Secretary of State to modify any recommendation or draft Order in Council in a manner conflicting with the provisions of Part II of this Schedule.

Textual Amendments

F65 Words substituted by [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), s. 7, **Sch. 3 para. 5(8)**

- 8 (1) An Order in Council under [^{F66}this Schedule] shall apply to the first general election of representatives to the Assembly held after the Order comes into force and (subject to any further Order in Council) to any subsequent [^{F67}European Parliamentary] election, but shall not affect any earlier election.
- (2) The validity of an [^{F67}European Parliamentary] election held in an [^{F67}European Parliamentary] constituency consisting of an area determined by an Order in Council made under [^{F66}this Schedule], being an Order which applies to that election, shall not be affected by any alteration made in any parliamentary constituency since the making of that Order.

Textual Amendments

F66 Words substituted by [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), s. 7, **Sch. 3 para. 5(9)**

F67 Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), s. **3(1)(b)(3)**

Modifications etc. (not altering text)

C23 References to the European Parliament substituted retrospectively for references to the Assembly by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), s. **3(1)(a)(3)**

Status: Point in time view as at 16/03/1999.

Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)

PART II

Modifications etc. (not altering text)

C24 Sch. 2 Pt. II extended (with modifications) (5.11.1993) by 1993 c. 41, s. 2(4)

Division of Great Britain into [^{F68}European Parliamentary] Constituencies

Textual Amendments

F68 Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), s. 3(1)(b)(3)

- 9 In Great Britain—
- (a) each [^{F69}European Parliamentary] constituency shall consist of an area that includes two or more parliamentary constituencies; and
 - (b) no parliamentary constituency shall be included partly in one [^{F69}European Parliamentary] constituency and partly in another.

Textual Amendments

F69 Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), s. 3(1)(b)(3)

- 10 The electorate of any [^{F70}European Parliamentary] constituency in Great Britain shall be as near the electoral quota as is reasonably practicable having regard, where appropriate, to special geographical considerations.

Textual Amendments

F70 Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), s. 3(1)(b)(3)

PART III

Modifications etc. (not altering text)

C25 Sch. 2 Pt. III extended (with modifications) (5.11.1993) by 1993 c. 41, s. 2(4)

Interpretation

- 11 In this Schedule—

Status: Point in time view as at 16/03/1999.

Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed). (See end of Document for details)

[^{F71} “the 1986 Act” means the Parliamentary Constituencies Act 1986];
 “Boundary Commission” means a Boundary Commission [^{F72} provided for by the 1986 Act] other than the Boundary Commission for Northern Ireland.

Textual Amendments

- F71** Words substituted by [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), s. 7, **Sch. 3 para. 5(10)(a)**
F72 Words substituted by [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), s. 7, **Sch. 3 para. 5(10)(b)**

12 In Part II of this Schedule and this paragraph in their application to a part of Great Britain for which there is a Boundary Commission—

“electoral quota” means the number obtained by dividing the electorate of that part of Great Britain by the number of [^{F73}European Parliamentary] constituencies specified for that part in paragraph 1(2) of Schedule 1 to this Act;

“electorate” means—

- (a) in relation to an [^{F73}European Parliamentary] constituency, the number of persons whose names appear on the relevant registers for that [^{F73}European Parliamentary] constituency in force on the enumeration date;
- (b) in relation to that part of Great Britain, the number of persons whose names appear on the relevant registers for that part of Great Britain in force on the enumeration date;

[^{F74} “enumeration date” means, in relation to any supplementary report of a Boundary Commission under this Schedule, the date on which the notice with respect to that report is published in accordance with [^{F75} paragraph 4A above]];

“the relevant registers” means the following registers under the Representation of the People Acts, namely—

- (a) in relation to an [^{F73}European Parliamentary] constituency, the registers of parliamentary electors to be used at an [^{F73}European Parliamentary] election in that [^{F73}European Parliamentary] constituency;
- (b) in relation to that part of Great Britain, the registers of parliamentary electors for the parliamentary constituencies in that part.

Textual Amendments

- F73** Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), s. 3(1)(b)(3)
F74 Definition substituted by [European Assembly Elections Act 1981 \(c. 8, SIF 42\)](#), s. 1(5)
F75 Words substituted by [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), s. 7, **Sch. 3 para. 5(11)**

Modifications etc. (not altering text)

- C26** Reference to the registers of parliamentary electors to be construed as mentioned in [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), ss. 205, 206 Sch. 7 para. 10

Status:

Point in time view as at 16/03/1999.

Changes to legislation:

There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed).