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STATUTORY INSTRUMENTS

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**1999 No. 1214**

**The European Parliamentary Elections Regulations 1999**

**PART I  
GENERAL**

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the European Parliamentary Elections Regulations 1999.

(2) These Regulations shall come into force on the fifth day after the day on which they are made.

(3) These Regulations shall not extend to Northern Ireland.

**Interpretation**

2. Unless the context otherwise requires, in these Regulations and in any provision applied by these Regulations—

“1978 Act” means the European Parliamentary Elections Act 1978;

“1983 Act” means the Representation of the People Act 1983<sup>(1)</sup>;

“1985 Act” means the Representation of the People Act 1985<sup>(2)</sup>;

“1986 Regulations” means the Representation of the People Regulations 1986<sup>(3)</sup>;

“1986 (Scotland) Regulations” means the Representation of the People (Scotland) Regulations 1986<sup>(4)</sup>;

“1994 Regulations” means the European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994<sup>(5)</sup>;

“citizen of the Union” shall be construed in accordance with Article 8.1 of the Treaty establishing the European Community (as amended by Title II of the Treaty on European Union), and “relevant citizen of the Union” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;

“elections rules” and “parliamentary elections rules” mean the rules in Schedule 1 to the 1983 Act, as applied by regulation 3 of, and Schedule 1 to, these Regulations;

“European Parliamentary overseas elector” means a person falling within section 3C(4) of the 1978 Act<sup>(6)</sup>;

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(1) 1983 c. 2.

(2) 1985 c. 50.

(3) S.I. 1986/1081.

(4) S.I. 1986/1111 (S.93).

(5) S.I. 1994/342.

(6) Section 3C was substituted by section 1 of the European Parliamentary Elections Act 1999.

“European Parliamentary overseas elector’s declaration” means a declaration made in pursuance of section 2 of the 1985 Act, as applied by regulation 14 of, and Schedule 3 to, the 1986 Regulations or regulation 13 of, and Schedule 3 to, the 1986 (Scotland) Regulations;

“list” means a list of candidates submitted by a registered party to accompany its nomination for election;

“local returning officer” means the person who is, in relation to a parliamentary election—

- (a) in England and Wales, the acting returning officer, or
- (b) in Scotland, the returning officer;

and, as respects any parliamentary constituency for which he acts, includes any person designated as a returning officer for the European Parliamentary electoral region;

“national election agent” means a person appointed under regulation 10 below;

“nominating officer” means the person registered under the Registration of Political Parties Act 1998<sup>(7)</sup> as the officer with responsibility for the matters referred to in paragraph 5(2) of Schedule 1 to that Act in respect of a registered party;

“overseas elector” means a person falling within subsection (2) of section 3C of the 1978 Act by virtue of paragraph (b) of that subsection;

“overseas elector’s declaration” has the meaning given in section 2 of the 1985 Act;

“register of electors” means any part of—

- (a) a register of parliamentary or, in the case of peers, local government electors,
- (b) a register under section 3 of the 1985 Act, and
- (c) a register under regulation 9 of the 1994 Regulations,

in force within an electoral region at the time of a European Parliamentary election in that region;

“registered party” means a party registered under the Registration of Political Parties Act 1998; and

“registration officer” means an officer appointed under section 8 of the 1983 Act<sup>(8)</sup>.

## PART II

### CONDUCT OF ELECTIONS

#### Application of certain provisions for European Parliamentary elections

**3.—**(1) The provisions of the 1983 Act and the 1985 Act which are specified in the left-hand column of Schedule 1 to these Regulations shall, subject to—

- (a) any modifications and exceptions specified in relation to those provisions in the right-hand column of that Schedule,
- (b) paragraph (4) below, and
- (c) any modifications necessary in consequence of those provisions,

apply for the purposes of a European Parliamentary election.

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<sup>(7)</sup> 1998 c. 48.

<sup>(8)</sup> Section 8 was amended by Schedule 16 to the Local Government (Wales) Act 1994 (c. 19) and Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39).

(2) The provisions of the 1986 Regulations and the 1986 (Scotland) Regulations which are specified in the left-hand column of Schedule 2 to these Regulations shall, subject to—

- (a) any modifications and exceptions specified in relation to those provisions in the right-hand column of that Schedule,
- (b) paragraph (4) to (6) below, and
- (c) any modifications necessary in consequence of those provisions,

apply for the purposes of a European Parliamentary election.

(3) Section 65(6) of the Local Government Finance Act 1988 (hereditaments to be treated as unoccupied notwithstanding use for election purposes)<sup>(9)</sup> and section 72 of the Post Office Act 1969 (remuneration of Post Office for services in relation to a parliamentary election)<sup>(10)</sup> shall apply in relation to a European Parliamentary election as they apply in relation to a parliamentary election and as though the reference in section 65(6) to a person's candidature included a reference to a registered party's; as though the reference to a returning officer was a reference to a local returning officer and as though the reference in section 72 to the 1983 Act was a reference to that Act as applied by this regulation and Schedule 1 to these Regulations.

(4) Unless the context otherwise requires, in the provisions applied by Schedules 1 and 2 to these Regulations,

- (a) any provision relating to a local government election or local government electors and references in connection therewith (including a reference to a petition questioning an election under the local government Act) shall be disregarded;
- (b) any reference to a parliamentary election (except the reference specified in paragraph (7) below) shall be construed as a reference to a European Parliamentary election and any reference to a general election shall accordingly be construed as a reference to a general election of MEPs;
- (c) any reference to a constituency (or parliamentary constituency), except the references in sections 6(2A) and 9 of the 1985 Act<sup>(11)</sup>, shall be construed as a reference to an electoral region;
- (d) any reference to promoting or procuring the election of a candidate shall be construed as a reference to promoting or procuring the election of either—
  - (i) a registered party, or
  - (ii) an individual candidate,as the case may be;
- (e) any reference to a candidate, other than the one referred to in sub-paragraph (d) above, shall be construed as a reference to either—
  - (i) a candidate on the list of a registered party, or
  - (ii) an individual candidate,as the case may be;
- (f) any reference to a returning officer in—
  - (i) rules 24 to 48 and 54 to 58 of the elections rules,
  - (ii) regulations 78 to 96 of the 1986 Regulations, and
  - (iii) regulations 76 to 94 of the 1986 (Scotland) Regulations,shall be construed as a reference to the local returning officer;

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<sup>(9)</sup> 1998 c. 41.

<sup>(10)</sup> 1969 c. 48; section 72 was amended by Schedule 8 to the 1983 Act.

<sup>(11)</sup> Section 6(2A) was inserted by the Representation of the People Act 1990 (c. 32).

- (g) any reference to a returning officer, other than the ones referred to in sub-paragraph (f) above, shall be construed as a reference to that officer at a European Parliamentary election;
- (h) any reference to a parliamentary elector shall be construed as a reference to an elector at a European Parliamentary election;
- (i) any reference to a member in the context of a Member of Parliament shall be construed as a reference to an MEP;
- (j) any reference to a parliamentary election petition, except in the context of the rota for the trial of parliamentary election petitions, shall be construed as a reference to a European Parliamentary election petition;
- (k) any reference to a return in the context of a return to the writ of election (and a return to Parliament) shall be construed as a reference to the declaration of the result by the returning officer under rule 50 of the elections rules;
- (l) any reference to an election agent shall be construed in accordance with regulations 10(9) and 11(9) below;
- (m) any reference to the statement of persons nominated shall be construed as a reference to the statement of parties and individual candidates nominated;
- (n) any reference to an overseas elector shall be construed as including a reference to a European Parliamentary overseas elector and any reference to an overseas elector's declaration shall be construed as including a reference to a European Parliamentary overseas elector's declaration;
- (o) any reference to a register of electors shall be construed in accordance with the definition of "register of electors" in regulation 2 above;
- (p) any reference to Northern Ireland shall be disregarded; and
- (q) any reference to an enactment or instrument made under an enactment shall be construed as a reference to that enactment or instrument as applied by these Regulations.

(5) In the forms in Schedule 2 to the 1986 Regulations, as applied by Schedule 2 to these Regulations, and Schedule 2 to the 1986 (Scotland) Regulations, as so applied, for the words "REPRESENTATION OF THE PEOPLE ACTS" there shall be substituted "EUROPEAN PARLIAMENTARY ELECTIONS ACT 1978".

(6) The reference in regulation 70(2) of the 1986 Regulations, as applied by Schedule 2 to these Regulations, to form D and the reference in regulation 68(2) of the 1986 (Scotland) Regulations, as so applied, to form C shall, in the case of a proxy for either a relevant citizen of the Union registered as a European Parliamentary elector or a European Parliamentary overseas elector, be construed as a reference to the form set out in Part II of Schedule 4 to these Regulations.

(7) The references to "parliamentary election" to which paragraph (4)(b) above does not apply are those in section 160(4) of the 1983 Act and the first reference in section 160(5) of that Act.

### **Conduct of poll and count in each parliamentary constituency**

4. The local returning officer for each parliamentary constituency wholly or partly comprised in an electoral region shall be responsible for—

- (a) the conduct of the poll in that constituency;
- (b) unless the returning officer otherwise directs, the printing of the ballot papers;
- (c) the issue and receipt of postal ballot papers for electors in that constituency and their proxies;
- (d) the verification of the ballot paper accounts; and

- (e) the counting of the votes given in that constituency.

#### **Offences in connection with candidature**

5.—(1) A person who makes a statement which he knows to be false in the declaration required by rule 8A(2) of the elections rules is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) A person who, at a general election of MEPs—

- (a) consents to nomination as an individual candidate in more than one electoral region,
- (b) consents to nomination as an individual candidate in an electoral region and consents to being nominated in a list submitted by a registered party, whether in that region or some other,
- (c) consents to being nominated in the list submitted by more than one registered party in the same region, or
- (d) consents to being nominated in the lists submitted by a registered party or parties for more than one region,

is guilty of an illegal practice.

(3) The provisions of Part III of the 1983 Act relating to the prosecution of offences, as applied by regulation 3 of and Schedule 1 to these Regulations, shall have effect in relation to an offence under this regulation as if it were an offence under that Act, as so applied.

#### **Deputies and assistance**

6.—(1) A returning officer and a local returning officer may, in writing, appoint deputies to discharge all or any of the functions imposed on them under these Regulations or the provisions applied by these Regulations.

(2) A returning officer may appoint such clerks as may be necessary to assist him in his functions in relation to an election.

#### **Alterations in registers of electors**

7. An alteration made in a register after the last day on which nomination papers at a European Parliamentary election may be delivered to the returning officer shall not have effect for the purposes of that election.

#### **Combination of polls**

8. Where the poll at a European Parliamentary election is to be taken together with the poll at a parliamentary or local government election under section 15(1) or (2) of the 1985 Act, the elections rules shall have effect subject to—

- (a) in England and Wales, the modifications in Part I of Schedule 3 to these Regulations, and
- (b) in Scotland, the modifications in Part II of that Schedule.

#### **Amendment of proxy forms**

9. Form D of Schedule 2 (form of proxy paper) to the 1986 Regulations shall be amended in accordance with paragraph 1 of Part I of Schedule 4 to these Regulations and Form C of Schedule 2 (form of proxy paper) to the 1986 (Scotland) Regulations shall be amended in accordance with paragraph 2 of that Part.

## PART III

### SUPPLEMENTARY PROVISIONS ABOUT THE ELECTION CAMPAIGN AND REGISTERED PARTIES

#### **Appointment of national election agent**

**10.**—(1) This regulation applies where, at a general election of MEPs, the nominating officer of a registered party (in accordance with the elections rules) nominates, or authorises the nomination of, that party to stand for election in more than one electoral region.

(2) Not later than the latest date for the delivery of notices of withdrawal for an election, that officer shall name himself, or some other person, as the party's national election agent.

(3) The name and address of the person so named shall be declared in writing by or on behalf of the party's nominating officer to the Secretary of State not later than that time.

(4) One national election agent only shall be appointed for each registered party but the appointment (whether or not the national election agent appointed is the party's nominating officer) may be revoked.

(5) If (whether before, during or after the general election of MEPs) the appointment or deemed appointment of a national election agent is revoked or a national election agent dies, another national election agent shall be appointed forthwith and his name and address declared to the Secretary of State.

(6) The declaration as a party's national election agent of a person other than the nominating officer of that party shall be of no effect under this regulation unless it is made and signed by that person or is accompanied by a written declaration of acceptance signed by him.

(7) Upon the name and address of a national election agent being declared to the Secretary of State, the Secretary of State shall forthwith give public notice of that name and address.

(8) Where for any reason the nominating officer of a registered party is unable to act, functions conferred on him by this regulation shall be discharged by—

- (a) the person registered as leader of that party under the Registration of Political Parties Act 1998, or
- (b) where that person is also the nominating officer, the person who holds some other office in the party and is registered in pursuance of it under—
  - (i) section 4 of, and paragraph 6 of Schedule 1 to, that Act, or
  - (ii) section 6(5) of that Act.

(9) In the provisions applied by Schedules 1 and 2 to these Regulations, except sections 67 to 70 of the 1983 Act but including the modifications—

- (a) any reference to an election agent shall, in the case of a registered party to which this regulation applies, be construed as a reference to a national election agent, and
- (b) any reference to the election agent of a candidate shall, in the case of a registered party to which this regulation applies, be construed as a reference to that party's national election agent.

#### **Appointment of election agent by a registered party standing in one electoral region only**

**11.**—(1) This regulation applies where a registered party is nominated for election in one electoral region only (whether at a general election of MEPs or a by-election).

(2) Not later than the latest date for the delivery of notices of withdrawal for an election, the nominating officer of a registered party shall name himself, or some other person, as the party's election agent.

(3) The name and address of the person so named shall be declared in writing by or on behalf of the party's nominating officer to the Secretary of State not later than that time.

(4) One election agent only shall be appointed for each registered party, but the appointment (whether or not the election agent appointed is the party's nominating officer) may be revoked.

(5) If (whether before, during or after the election) the appointment or deemed appointment of an election agent is revoked or an election agent dies, another election shall be appointed forthwith and his name and address declared to the Secretary of State.

(6) The declaration as a party's election agent of a person other than the nominating officer of that party shall be of no effect under this regulation unless it is made and signed by that person or is accompanied by a written declaration of acceptance signed by him.

(7) Upon the name and address of an election agent being declared to the Secretary of State, the Secretary of State shall forthwith give public notice of that name and address.

(8) Regulation 10(8) above applies for the purposes of this regulation as it applies for the purposes of that regulation.

(9) In the provisions applied by Schedules 1 and 2 to these Regulations, except sections 67 to 70 of the 1983 Act but including the modifications, any reference to the election agent of a candidate shall, in the case of a registered party to which this regulation applies, be construed as a reference to that party's election agent.

#### **Appointment of sub-agent for registered parties**

**12.**—(1) A national election agent or a person authorised by him may appoint to act in any electoral region one, but not more than one, deputy election agent and in any part of an electoral region one, but not more than one, deputy election agent (referred to in these Regulations and the 1983 Act, as applied by these Regulations, as a sub-agent).

(2) An election agent of a registered party may appoint to act in any part of the electoral region one, but not more than one, deputy election agent (referred to in these Regulations and the 1983 Act, as applied by these Regulations, as a sub-agent).

(3) As regards matters in the area for which there is a sub-agent, the election agent (including the national election agent), may act by the sub-agent and—

(a) anything done for the purposes of the 1983 Act, as applied by these Regulations, by or to the sub-agent in his area shall be deemed to be done by or to the election agent (including the national election agent); and

(b) any act or default of a sub-agent which, if he were the election agent (including the national election agent), would be an illegal practice or other offence against the 1983 Act (as so applied) shall be an illegal practice and offence against that Act (as so applied) committed by the sub-agent and the sub-agent shall be liable to punishment accordingly.

(4) Not later than the second day before the day of the poll (calculated in accordance with section 119 of the 1983 Act<sup>(12)</sup> as applied by these Regulations) the national election agent or a person acting on his behalf or, as the case may be, the election agent shall declare in writing to the returning officer—

(a) the name and address of every sub-agent, and

(b) the area for which he is appointed to act.

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(12) Subsection (2) and (3) of section 119 were substituted by section 19(4) of the 1985 Act.

(5) The appointment of a sub-agent shall not be vacated by the national election agent or, as the case may be, the election agent who appointed him ceasing to be such an agent.

(6) The appointment of a sub-agent may be revoked by whoever is for the time being the national election agent or, as the case may be, election agent.

(7) Where the appointment of a sub-agent is revoked or the sub-agent dies, another sub-agent may be appointed, and the national election agent or a person acting on his behalf or, as the case may be, the election agent shall forthwith declare in writing to the returning officer—

- (a) the name and address of the sub-agent, and
- (b) the area for which he is appointed to act.

(8) On receipt of a declaration under paragraph (4) or (7) above, the returning officer shall forthwith give public notice of the name, address and area so declared.

(9) References in this regulation to an election agent are to the election agent of a registered party.

### **Office of agents of registered parties**

**13.**—(1) Every national election agent, every election agent and every sub-agent of a registered party shall have an office to which all claims, notices, writs, summonses and documents may be sent.

(2) The office of a national election agent shall be in the United Kingdom and shall be—

- (a) declared to the Secretary of State at the same time as the appointment of the agent is declared to him; and
- (b) stated in the public notice of the name of the agent.

(3) The office of the election agent or sub-agent of a registered party shall be within the area for which he is appointed to act and shall be—

- (a) declared to the Secretary of State in the case of an election agent and the returning officer in the case of a sub-agent at the same time as the appointment of the agent is declared to him; and
- (b) stated in the public notice of the name of the agent.

(4) Any claim, notice, writ, summons or document delivered at the address of the national election agent, election agent or sub-agent and addressed to him, shall be deemed to have been served on him and every national election agent, election agent or sub-agent may in respect of any matter connected with the election in which he is acting be sued in any court having jurisdiction at the place where his office is situated.

### **Effect of default in appointment of agents of registered parties**

**14.**—(1) If no person's name and address are given as required by—

- (a) regulation 10 above as the national election agent of a registered party, or
- (b) regulation 11 (where regulation 10 does not apply) as the election agent of a registered party for an electoral region,

by the latest time for delivery of notices of withdrawals, the nominating officer shall be deemed to have named himself as the national election agent or, as the case may be, the election agent and to have revoked any appointment of another person as that agent.

(2) If—

- (a) the person whose name and address have been so given as those of the party's national election agent or, as the case may be, election agent (not being the party's nominating officer) dies, and
- (b) a new appointment is not made on the day of the death or the following day,



the party's nominating officer shall be deemed to have appointed himself as from the time of the death to the office in question.

(3) If the appointment of a party's national election agent or, as the case may be, election agent is revoked without a new appointment being made, the party's nominating officer shall be deemed to have been appointed (or re-appointed) to the office in question.

(4) The deemed appointment of a nominating officer as his party's national election agent or, as the case may be, election agent may be revoked as if it were an actual appointment.

(5) Regulation 10(8) above applies for the purposes of this regulation as it applies for the purposes of that regulation.

(6) Where a party's nominating officer or officer determined under regulation 10(8), as applied by paragraph (5) above, is by virtue of this regulation to be treated as the party's national election agent or, as the case may be, election agent, he shall be deemed to have his office at the address registered under the Registration of Political Parties Act 1998 as the party's headquarters (or, if it has no headquarters, the address to which communications to the party may be sent).

(7) On being satisfied that a party's nominating officer or officer determined under paragraph (5) above is by virtue of this regulation to be treated as—

- (a) the party's national election agent, or
- (b) the party's election agent,

the Secretary of State shall, forthwith proceed to publish the like notice as if that officer's name and address and the address of his office had been duly given to him under regulations 10 and 13 above or, as the case may be, regulations 11 and 13 above.

### **Limitation of election expenses of a registered party**

**15.—**(1) Where a registered party stands for election in more than one electoral region at the same general election of MEPs, no sum shall be paid and no expense shall be incurred by the national election agent of that party, whether before, during or after that general election, on account of or in respect of the conduct or management of the election, in excess of the maximum amount calculated in accordance with paragraph (2) below.

(2) That maximum amount is £45,000 multiplied by the number of MEPs to be returned for each electoral region in which the registered party is included in the statement of parties and individual candidates nominated.

(3) Where a registered party stands for election at an election in only one electoral region, no sum shall be paid and no expense shall be incurred by the election agent of that party, whether before, during or after the election, on account of or in respect of the conduct or management of the election, in excess of the maximum amount calculated in accordance with paragraph (4) below.

(4) That maximum amount is £45,000 multiplied by the number of MEPs to be returned for the electoral region at that election.

(5) The references—

- (a) in paragraph (1) above to sums being paid and expenses being incurred by the national election agent, or
- (b) in paragraph (3) above to sums being paid and expenses being incurred by the election agent,

include sums being paid and expenses being incurred by a sub-agent or a person acting on the written authority of the national election agent or, as the case may be, the election agent or, in each case, a sub-agent.

(6) The maximum amounts under paragraphs (2) and (4) above for a registered party are not required to cover the personal expenses of any candidate on that party's list of candidates.

(7) A national election agent knowingly acting in contravention of paragraph (1) above and an election agent knowingly acting in contravention of paragraph (3) above shall be guilty of an illegal practice.

## PART IV VACANCIES

### **Initial response to vacancies**

**16.**—(1) Subject to paragraphs (2) and (5) below, as soon as practicable after the Secretary of State has—

- (a) received information of a vacancy in the seat of an MEP from the European Parliament under Article 12(2) of the Act referred to in section 8(2)(a) of the 1978 Act, or
- (b) informed the European Parliament under that Article that a vacancy exists,

he shall send a notice in accordance with paragraph (4) below to the returning officer for the electoral region in which the vacancy exists.

(2) Paragraph (1) above does not apply where it appears from the declaration of the result of the election that the person whose seat is now vacant was an individual candidate.

(3) Subject to regulation 19(2) below, a by-election shall be held in the circumstances described in paragraph (2) above to fill the vacancy and the period within which the poll at that election must take place is six months from the occurrence of the event specified in paragraph (1)(a) or (b) above, as the case may be.

(4) The notice referred to in paragraph (1) above shall—

- (a) state that a vacancy exists, and
- (b) set out the name of the person who had been returned in the seat which is vacant, together with the name of the registered party on whose list his name was included.

(5) Paragraph (1) above shall not apply where the event referred to in sub-paragraph (a) or (b) of that paragraph occurred less than six months before the Thursday of the period of the next general election of MEPs.

(6) For the purpose of paragraph (5) above and regulation 19(1) below, the period of the next general election of MEPs is that during which the next general election would take place in accordance with Article 10(2) of the Act referred to in section 8(2)(a) of the 1978 Act.

### **Filling of vacancies from a registered party's list**

**17.**—(1) On receipt of a notice under regulation 16(4) above, the returning officer shall ascertain from the list submitted by the registered party named in the notice (“the relevant list”) the name and address of the person whose name appears highest on that list (“the first choice”), disregarding the name of any person who has been returned as an MEP or who has died.

(2) The returning officer shall take such steps as appear to him to be reasonable to contact the first choice to ask whether he will—

- (a) state in writing that he is willing and able to be returned as an MEP, and
- (b) deliver a certificate signed by or on behalf of the nominating officer of the registered party which submitted the relevant list stating that he may be returned as that party's MEP.

(3) Paragraph (4) below applies where—

- (a) within such period as the returning officer considers reasonable—

- (i) he decides that the steps he has taken to contact the first choice have been unsuccessful, or
  - (ii) he has not received from the first choice the statement and certificate referred to in paragraph (2) above, or
- (b) the first choice has—
- (i) stated in writing that he is not willing or able to be returned as an MEP, or
  - (ii) failed to deliver the certificate referred to in paragraph (2)(b) above.

(4) In the circumstances set out in paragraph (3) above, the returning officer shall repeat the procedure required by paragraph (2) above in respect of the person (if any) whose name and address appears next in the relevant list (“the second choice”) or, where paragraph (3)(a) or (b) above applies in respect of that person, in respect of the person (if any) whose name and address appear next highest after the second choice in that list and the returning officer shall continue to repeat the procedure until the seat is filled or the names in the list exhausted.

(5) Where a person whose name appears on the relevant list provides the statement and certificate referred to in paragraph (2) above, the returning officer shall (subject to paragraph (6) below) declare in writing that person to be returned as an MEP.

(6) Where—

- (a) the returning officer has, in accordance with paragraph (4) above, asked a second or other subsequent choice the questions in paragraph (2) above, and
- (b) the person who was previously asked those questions then provides the statement and certificate referred to in paragraph (2),

that statement and certificate shall have no effect unless and until the circumstances described in subparagraph (a) or (b) of paragraph (3) above apply in respect of the second or other subsequent choice.

(7) The returning officer shall give public notice of a declaration given under paragraph (5) above and send a copy of it to the Secretary of State.

(8) Where the returning officer is unable to fill the seat under this regulation, he shall notify the Secretary of State that he is unable to do so.

#### **By-election to fill certain vacancies**

**18.—**(1) Subject to regulation 19(2) below, where the Secretary of State has received a notice from a returning officer under regulation 17(8) above, a by-election shall be held to fill that vacancy.

(2) The period within which the poll at any by-election which is required to be held under paragraph (1) above must take place is six months from the date on which the Secretary of State receives the notice referred to in that paragraph.

#### **When a by-election is not needed**

**19.—**(1) The circumstances in which this regulation applies are where the latest date for the poll for a by-election would fall on or after the Thursday of the period of the next general election of MEPs (within the meaning of regulation 16(6) above).

(2) In the circumstances in which this regulation applies, regulations 16(3) and 18(1) above shall not apply and the Secretary of State shall not appoint a day for the poll for a by-election.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## PART V

### REVOCATIONS

#### **Revocations**

**20.** The instruments listed in column 1 of Schedule 5 to these Regulations (which have the references listed in column 2) are hereby revoked to the extent indicated in column 3 of that Schedule.

Home Office

23rd April 1999

*Jack Straw*  
One of Her Majesty's Principal Secretaries of  
State