
STATUTORY INSTRUMENTS

1999 No. 1214

The European Parliamentary Elections Regulations 1999

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 agent 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⁽¹⁾ 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.

(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,

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

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.