
EXPLANATORY NOTE

(This note is not part of the Regulations)

The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2009 amend the European Parliamentary Elections (Northern Ireland) Regulations 2004 (S.I.2004/1267) (“the 2004 Regulations”), which set out in full how European Parliamentary elections are to be conducted. The 2004 Regulations correspond to provisions of the Representation of the People Acts of 1983 and 1985 and regulations made under them, which they apply subject to modification.

The 2009 Regulations apply for the purposes of European Parliamentary elections the changes to electoral procedures made by the Electoral Administration Act 2006 (“the 2006 Act”) and the Northern Ireland (Miscellaneous Provisions) Act 2006 (“the Miscellaneous Provisions Act”). They also apply the amendments made for the purposes of implementing the 2006 Act’s provisions by the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) (“the 2008 Regulations”) and other amendments to subordinate legislation made since the 2004 Regulations were made.

The amendments made to the 2004 Regulations reflect the changes made by the 2006 Act to the Representation of the People Act 1983 (“the 1983 Act”). Regulation 11 of these Regulations amends regulation 16 of the 2004 Regulations to bring the provisions relating to the payments to and by the returning officer at European Parliamentary elections into line with provision made at parliamentary elections by section 29 of the 2006 Act. Regulation 28 amends the 2004 Regulations so that the definition of “election expenses” contained in the 2004 Regulations mirrors that contained in section 90ZA of and Schedule 4A to the 1983 Act (as inserted by section 27 of the 2006 Act). New regulation 111A of the 2004 Regulations, as inserted by regulation 37, makes provision which is equivalent to section 199B of the 1983 Act (translations etc. of certain documents) as inserted by section 36 of the 2006 Act.

Schedule 1 to the Regulations replaces the European Parliamentary elections rules in Schedule 1 to the 2004 Regulations. Those rules apply with modifications and exceptions the Parliamentary elections rules set out in Schedule 1 to the 1983 Act. In particular they make provision for the single transferable vote form of proportional representation in European elections in the Northern Ireland electoral region. The European Parliamentary elections rules as substituted include with modifications the amendments to the Parliamentary elections rules made by the 2006 Act and the Miscellaneous Provisions Act. Particular changes that have been made to reflect these modifications are mentioned below.

The rules reflect new security measures introduced by the 2006 Act. Ballot papers must contain a security marking (the official mark) and a unique identifying mark. Counterfoils on ballot papers are replaced by corresponding number lists.

The rules reflect changes made as to persons who may be admitted to polling stations and the count to observe elections.

Amendments are made in consequence of the provisions in section 13BA of the 1983 Act as inserted by section 6 of the Miscellaneous Provisions Act. Amendments are made to provide for the transmission of information to a presiding officer about alterations to the electoral register taking place on the day of the poll.

The provisions that apply when a candidate dies prior to being returned as an MEP have been changed to reflect changes made to the Parliamentary elections rules made by section 24 of the 2006 Act. These now comprise a new part 6.

Additional provision has been made for the public inspection of certain electoral documents and including the right to inspect or obtain copies of the marked copies of the various electoral registers and lists marked during the election. These provisions reflect similar provisions made in the 2008 Regulations and comprise a new part 7.

Schedule 2 to these Regulations substitutes a new Schedule 2 to the 2004 Regulations (absent voting). Minor changes have been made to this Schedule to reflect the introduction of corresponding number lists and modifications made to the absent voter provisions applying at Parliamentary elections in the 2008 Regulations.

Schedule 3 to these Regulations inserts a new Schedule 5A (election expenses) in the 2004 Regulations. It follows the changes to election expenses detailed above and reflects the changes made to the 1983 Act by section 27 of the 2006 Act.

Schedule 4 to these Regulations substitutes a new Schedule 6 (combined polls) to the 2004 Regulations. Again only minor changes have been made to this Schedule to reflect the changed European Parliamentary elections rules numbering and to make appropriate provision for the introduction of corresponding number lists, late registration and the changes made to provisions on death of candidates.

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