



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

1 Election of representatives to the European Assembly.

The representatives of the people of the United Kingdom in the Assembly of the European Communities . . . ^{F1} shall be elected in accordance with this Act.

Status: Point in time view as at 31/07/1996. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the European Assembly Elections Act 1978 (Repealed).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F1 Words repealed by [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), s. 4(3), **Sch.**

2 Number of representatives.

The number of representatives to the Assembly to be elected in the United Kingdom shall be [^{F2}87]; and of those representatives—

- (a) [^{F2}71] shall be elected in England;
- (b) 8 shall be elected in Scotland;
- (c) [^{F2}5] shall be elected in Wales; and
- (d) 3 shall be elected in Northern Ireland.

Textual Amendments

F2 Words in s. 2 substituted (1.5.1994) by [1993 c. 41, s. 1\(1\)](#); S.I. 1994/1089, **art. 2**

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)**

3 Method of election.

[^{F3}European Parliamentary] elections shall be held and conducted in accordance with the provisions of Schedule 1 to this Act (with Schedule 2) under the simple majority system (for Great Britain) and the single transferable vote system (for Northern Ireland).

Textual Amendments

F3 Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), **s. 3(1)(b)(3)**

VALID FROM 16/03/1999

[^{F4}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.]

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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)

Textual Amendments

- F4** 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))

VALID FROM 16/03/1999

[^{F5}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

- F5** 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))

VALID FROM 16/03/1999

[^{F6}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—
 - (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).

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- (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

- F6** 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.

VALID FROM 16/03/1999

[^{F7}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

- F7** 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)

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 [^{F8}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 [^{F9}section 61(2)] of that Act (double voting); and, without prejudice to the generality of the foregoing provision, [^{F10}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

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court) and [F11 section 178] of that Act (prosecutions for offences committed outside the United Kingdom) shall apply accordingly.

Textual Amendments

- F8** Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), ss. 205(2), 206, **Sch. 8 para. 21(a)**
- F9** Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), ss. 205(2), 206, **Sch. 8 para. 21(b)**
- F10** Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), ss. 205(2), 206, **Sch. 8 para. 21(c)**
- F11** 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)

- C10** 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) ^{F12} . . . , before the heading “The Forces” there shall be inserted the following:

“ European Assembly

Representatives to the Assembly of the European Communities.”.

- (2) ^{F13}

Textual Amendments

- F12** 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**
- F13** S. 5(2) repealed by Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55, SIF 72:2), s. 28(2), **Sch. 3**

Modifications etc. (not altering text)

- C11** 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.

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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\(1\)\(a\)\(3\)](#)

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 [^{F14}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 [^{F15}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

- F14** Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(b\)\(3\)](#)
- F15** 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.

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.

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- (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)

- 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)**

Marginal Citations

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

9 Citation etc.

- (1) This Act may be cited as the [^{F16}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

- F16** Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), **s. 3(1)(b)(2)(b)(3)**

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SCHEDULES

SCHEDULE 1

Section 3.

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

[^{F17}European Parliamentary] constituencies

Textual Amendments

F17 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 [^{F18}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 [^{F18}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 [^{F18}European Parliamentary] constituency of Northern Ireland.
- (2) There shall be a total of [^{F19}85][^{F18}European Parliamentary] constituencies, of which—
- (a) [^{F19}71] shall be in England;
 - (b) 8 shall be in Scotland;
 - (c) [^{F19}5n] shall be in Wales;
 - (d) 1 shall be that of Northern Ireland.

Textual Amendments

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

F19 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)

C14 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)**

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[^{F20}European Parliamentary] elections

Textual Amendments

F20 Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(b\)\(3\)](#)

- 2 (1) The persons entitled to vote as electors at an [^{F21}European Parliamentary] election in any particular [^{F21}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 [^{F21}European Parliamentary] constituency (excluding any person not registered in the register of parliamentary electors at an address within the [^{F21}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 [^{F21}European Parliamentary] constituency (excluding any peer not registered at an address within the [^{F21}European Parliamentary] constituency for the purposes of local government elections).
- (2) In an [^{F21}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 [^{F21}European Parliamentary] elections (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.
- (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 [^{F21}European Parliamentary] elections;

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- (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 [F2226] of the M7 Welsh Language Act [F221993] (power to prescribe Welsh version) shall apply in relation to regulations under this paragraph as it applies in relation to [F22 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.

Subordinate Legislation Made

- P1** Sch. 1 para. 2: for previous exercises of power see Index to Government Orders
 Sch. 1 para. 2: power exercised (G.B.) by S.I. 1991/1243
 Sch. 1 para 2: power exercised (N.I.) by S.I. 1991/1675

Textual Amendments

- F21** Words substituted retrospectively by virtue of European Communities (Amendment) Act 1986 (c. 58, SIF 29:5), s. 3(1)(b)(3)
F22 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)

- C15** Sch. 1 para. 2 modified (S.) by S.I. 1986/1111, regs. 2, 97(1)(3)
C16 Sch. 1 para. 2 modified (E.W.) by S.I. 1986/1081, regs. 2, 99(1)(3)
C17 Power to exclude by regulations conferred (N.I.) by Elections (Northern Ireland) Act 1985 (c. 2, SIF 42), s. 5(3)
C18 Sch. 1 para. 2(1)(a) extended by Representation of the People Act 1985 (c. 50, SIF 42), s. 3(1)
C19 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.

Times of elections

- 3 (1) Each general election of representatives to the Assembly shall be held on a day appointed by order of the Secretary of State.
- (2) Subject to sub-paragraph (4) below, where, an [F23 European Parliamentary] election having been held in any particular [F23 European Parliamentary] constituency, the seat of a representative to the Assembly is or falls vacant, a by-election shall be held to fill the vacancy.
- (3) A by-election in pursuance of sub-paragraph (2) above shall be held on a day appointed by order of the Secretary of State, being a day not later than six months after the occurrence of either of the following events, namely—
- (a) notification of the vacancy by the Assembly under Article 12(2); or
 - (b) declaration of the vacancy by the Secretary of State.

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- (4) A by-election need not be held if the latest date for holding it would fall on or after the relevant Thursday (that is to say the Thursday with which the next period for holding elections to the Assembly in all the member States would begin in accordance with Article 10(2) in the absence of any determination by the Council thereunder).
- (5) A statutory instrument made under this paragraph shall be laid before Parliament after being made.

Textual Amendments

F23 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)

C20 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)

Returning officers, and staff to assist them

- 4 (1) In England and Wales the returning officer for an [F24European Parliamentary] election in any [F24European Parliamentary] constituency shall be the person who is the returning officer for parliamentary elections for such one of the parliamentary constituencies wholly or partly comprised in that [F24European Parliamentary] constituency as may be designated in an order made by the Secretary of State.
- (2) In Scotland the returning officer for an [F24European Parliamentary] election shall be—
 - (a) in the case of an [F24European Parliamentary] constituency wholly situated in one [F25local government] area, the person who under [F26section 41 of the Representation of the People Act 1983] is, or may discharge the functions of, the returning officer at elections of councillors for the council of that [F25local government] area;
 - (b) in the case of an [F24European Parliamentary] constituency situated in more than one [F25local government] area, such person as aforesaid as the Secretary of State may by order direct.
- (3) In Northern Ireland the Chief Electoral Officer shall be the returning officer for every [F24European Parliamentary] election.
- (4) The council of a local government area wholly or partly situated in an [F24European Parliamentary] constituency in England, Wales or Scotland shall place the services of their officers at the disposal of the returning officer for that [F24European Parliamentary] constituency for the purpose of assisting him in the discharge of any functions conferred on him in relation to an [F24European Parliamentary] election in that [F24European Parliamentary] constituency.
- (5) In this paragraph “local government area” means—
 - (a) in England ^{F27}. . . , a district or London borough;

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- [^{F28}(aa) in Wales, a county or county borough;]
- (b) in Scotland, [^{F29}the area of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].

Textual Amendments

- F24** Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), **s. 3(1)(b)(3)**
- F25** Words in [Sch. 1 para. 4\(2\)](#) substituted (S.) (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), **Sch. 13 para. 110(2)(a)**; [S.I. 1996/323, art. 4\(1\)\(b\)\(c\)](#)
- F26** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), ss. 205(2), 206, **Sch. 8 para. 23**
- F27** Words in [Sch. 1 para. 4\(5\)\(a\)](#) omitted (1.4.1996) by virtue of [1994 c. 19, s. 66\(6\)](#), **Sch. 16 para. 54(1)**; [S.I. 1996/396, art. 4, Sch. 2](#)
- F28** [Sch. 1 para. 4\(5\)\(aa\)](#) inserted (1.4.1996) by [1994 c. 19, s. 66\(6\)](#), **Sch. 16 para. 54(1)**; [S.I. 1996/396, art. 4 Sch. 2](#)
- F29** Words in [Sch. 1 para. 4\(5\)\(b\)](#) substituted (S.) (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), **Sch. 13 para. 110(2)(b)**; [S.I. 1996/323, art. 4\(1\)\(b\)\(c\)](#)

Modifications etc. (not altering text)

- C21** Reference to the returning officer for parliamentary elections to be construed as mentioned in [Representation of the People Act 1983 \(c. 3, SIF 42\)](#), ss. 205, 206, **Sch. 7 para. 11(b)**

Disqualification for office of representative to Assembly

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)**

- 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 representative to the Assembly if—
 - (a) he is disqualified, whether under the ^{M8}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 representative to the Assembly for a particular [^{F30}European Parliamentary] constituency if he is under section 1(2) of the ^{M9}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 [^{F30}European Parliamentary] constituency.
- [^{F31}(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 representative to the

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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.

(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 representative to 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 ^{M10}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 ^{M11}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.

[^{F32}or

- (e) that he is disqualified under section 3 of the Act of Settlement ^{F33}(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.]

(4) If any person disqualified under this paragraph for the office of representative to the Assembly, or for the office of representative to the Assembly for a particular [^{F30}European Parliamentary] constituency, is elected as a representative to the Assembly or as a representative for that constituency, as the case may be, his election shall be void.

(5) If a representative to the Assembly becomes disqualified under this paragraph for the office of representative to the Assembly or for the office of representative to the Assembly for the [^{F30}European Parliamentary] constituency for which he was elected, 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 substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), s. 3(1)(b)(3)

F31 [Sch. 1 para. 5 \(2A\)\(2B\)](#) inserted (17.2.1994) by [S.I. 1994/342, regs. 1\(1\), 3\(1\)](#)

F32 [Sch. 1 para. 5\(3\)\(e\)](#) inserted (17.2.1994) by [S.I. 1994/342, regs. 1\(1\), 3\(2\)](#)

F33 12&13Will. 3 Sch. 2, as amended by Schedule 7 to the [British Nationality Act 1981 \(c. 61\)](#).

Status: Point in time view as at 31/07/1996. This version of this Act contains provisions that are not valid for this point in time.

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

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)**

Marginal Citations

M8 1975 c. 24.

M9 1975 c. 24.

M10 1975 c. 24.

M11 1975 c. 24.

Judicial proceedings as to disqualification under paragraph 5

- 6 (1) Any person who claims that a person purporting to hold office as a representative to the Assembly is disqualified or was disqualified at the time of, or at any time since, his election may apply to the court for a declaration or, as the case may be, declarator to that effect, and the decision of the court on the application 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 £200, 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 [^{F34}European Parliamentary] constituency to which the application relates is in England and Wales, or Scotland, or Northern Ireland; and in this paragraph “disqualified” means disqualified under paragraph 5 above for the office of representative to the Assembly (whether generally or in relation to a particular [^{F34}European Parliamentary] constituency).

Textual Amendments

F34 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)

C24 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 31/07/1996. This version of this Act contains provisions that are not valid for this point in time.

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

SCHEDULE 2

Section 3 and Schedule 1, para. 1.

[^{F35}EUROPEAN PARLIAMENTARY] CONSTITUENCIES IN GREAT BRITAIN

Textual Amendments

- F35** 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

[^{F36}1 If—

- (a) an Order in Council has been made under [^{F37}the 1986 Act] giving effect, with or without modifications, to the recommendations contained in a report submitted to the Secretary of State under [^{F38}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 [^{F38}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 [^{F39}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

- F36** [Sch. 2 para. 1](#) substituted by [European Assembly Elections Act 1981 \(c. 8, SIF 42\)](#), s.**1(1)**
- F37** Words substituted by [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), s. 7, [Sch. 3 para. 5\(2\)\(a\)](#)
- F38** Words substituted by [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), s. 7, [Sch. 3 para. 5\(2\)\(b\)](#)
- F39** 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)**

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[^{F40}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 [^{F41}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 [^{F41}European Parliamentary] constituencies in that part of Great Britain in order to give effect to those provisions.

Status: Point in time view as at 31/07/1996. This version of this Act contains provisions that are not valid for this point in time.

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

- F40** Words substituted by [European Assembly Elections Act 1981 \(c. 8, SIF 42\)](#), **s. 1(2)**
- F41** Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), **s. 3(1)(b)(3)**

- ^{F423} If—
- (a) an Order in Council has been made under ^{F43}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 ^{F44}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 one or more of the ^{F45}European Parliamentary] constituencies into which that part of Great Britain is divided;
- the Boundary Commission shall thereupon proceed to consider in what manner the ^{F45}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 ^{F45}European Parliamentary] constituency or constituencies for that purpose.]

Textual Amendments

- F42** [Sch. 2 para. 3](#) substituted by [European Assembly Elections Act 1981 \(c. 8, SIF 42\)](#), **s. 1(3)**
- F43** Words substituted by [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), s. 7, **Sch. 3 para. 5(3)(a)**
- F44** Words substituted by [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), s. 7, **Sch. 3 para. 5(3)(b)**
- F45** Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), **s. 3(1)(b)(3)**

- ^{F464} A supplementary report of a Boundary Commission under this Schedule showing the ^{F47}European Parliamentary] constituencies into which they recommend that any area should be divided shall state, as respects each ^{F47}European Parliamentary] constituency, the name by which they recommend that it should be known.]

Textual Amendments

- F46** [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)**
- F47** 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,

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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 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 [^{F48}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 [^{F48}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 [^{F48}European Parliamentary] constituency) that copies of

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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)

the recommendations are open to inspection at one or more specified places within each parliamentary constituency included in that [^{F48}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.

- [^{F49}(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.]

Textual Amendments

F48 Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), s. **3(1)(b)(3)**

F49 [Sch. 2 para. 5\(3\)](#) inserted by [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), s. **7, Sch. 3 para. 5(5)**

- [^{F50}5A (1) A Boundary Commission may, if they think fit, cause a local inquiry to be held in respect of any [^{F51}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 [^{F51}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 [^{F51}European Parliamentary] constituencies.

- (3) Where a local inquiry was held in respect of the [^{F51}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 [^{F51}European Parliamentary] constituencies affected by the recommendation, and an elector for any of those [^{F51}European Parliamentary] constituencies; and for this purpose “local authority” means—

- (a) in England ^{F52} . . . , the council of a county, London borough or district

[in Wales, the council of a county or county borough;]and
^{F53}(aa)

- (b) in Scotland, [^{F54}a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].]

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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)

Textual Amendments

- F50** Sch. 2 para. 5A inserted by Parliamentary Constituencies Act 1986 (c. 56, SIF 42), s. 7, **Sch. 3 para. 5(6)**
- F51** Words substituted retrospectively by virtue of European Communities (Amendment) Act 1986 (c. 58, SIF 29:5), **s. 3(1)(b)(3)**
- F52** 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))
- F53** 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))
- F54** 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)**

- 6 Section 250(2) and (3) of the ^{M12}Local Government Act 1972 or, as the case may be, section 210(4) and (5) of the ^{M13}Local Government (Scotland) Act 1973 (attendance of witnesses at inquiries) shall apply in relation to an inquiry held in pursuance of [^{F55}paragraph 5A] above.

Textual Amendments

- F55** Words substituted by Parliamentary Constituencies Act 1986 (c. 56, SIF 42), s. 7, **Sch. 3 para. 5(7)**

Marginal Citations

- M12** 1972 c. 70.
M13 1973 c. 65.

- 7 Nothing in [^{F56}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

- F56** 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 [^{F57}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 [^{F58}European Parliamentary] election, but shall not affect any earlier election.
- (2) The validity of an [^{F58}European Parliamentary] election held in an [^{F58}European Parliamentary] constituency consisting of an area determined by an Order in Council made under [^{F57}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.

Status: Point in time view as at 31/07/1996. This version of this Act contains provisions that are not valid for this point in time.

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 by [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), s. 7, **Sch. 3 para. 5(9)**
- F58** 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)

- C25** 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)**

PART II

Modifications etc. (not altering text)

- C26** [Sch. 2 Pt. II](#) extended (with modifications) (5.11.1993) by [1993 c. 41, s. 2\(4\)](#)

Division of Great Britain into [^{F59}European Parliamentary] Constituencies

Textual Amendments

- F59** 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 [^{F60}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 [^{F60}European Parliamentary] constituency and partly in another.

Textual Amendments

- F60** 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 [^{F61}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

- F61** Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), **s. 3(1)(b)(3)**

Status: Point in time view as at 31/07/1996. This version of this Act contains provisions that are not valid for this point in time.

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 III

Modifications etc. (not altering text)

C27 Sch. 2 Pt. III extended (with modifications) (5.11.1993) by 1993 c. 41, s. 2(4)

Interpretation

11 In this Schedule—

[^{F62}“the 1986 Act” means the Parliamentary Constituencies Act 1986];

“Boundary Commission” means a Boundary Commission [^{F63}provided for by the 1986 Act] other than the Boundary Commission for Northern Ireland.

Textual Amendments

F62 Words substituted by Parliamentary Constituencies Act 1986 (c. 56, SIF 42), s. 7, Sch. 3 para. 5(10)(a)

F63 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 [^{F64}European Parliamentary] constituencies specified for that part in paragraph 1(2) of Schedule 1 to this Act;

“electorate” means—

- (a) in relation to an [^{F64}European Parliamentary] constituency, the number of persons whose names appear on the relevant registers for that [^{F64}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;

[^{F65}“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 [^{F66}paragraph 4A above]];

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

- (a) in relation to an [^{F64}European Parliamentary] constituency, the registers of parliamentary electors to be used at an [^{F64}European Parliamentary] election in that [^{F64}European Parliamentary] constituency;
- (b) in relation to that part of Great Britain, the registers of parliamentary electors for the parliamentary constituencies in that part.

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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)

Textual Amendments

- F64** Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(b\)\(3\)](#)
- F65** Definition substituted by [European Assembly Elections Act 1981 \(c. 8, SIF 42\)](#), [s. 1\(5\)](#)
- F66** Words substituted by [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), s. 7, [Sch. 3 para. 5\(11\)](#)

Modifications etc. (not altering text)

- C28** 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 31/07/1996. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation:

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