



# European Parliamentary Elections Act 2002

## 2002 CHAPTER 24

### *Introductory*

#### [<sup>F1</sup>1] **Number of MEPs and electoral regions**

- (1) There shall be [<sup>F2</sup>73] members of the European Parliament (“MEPs”) elected for the United Kingdom.
- (2) For the purposes of electing those MEPs—
  - (a) [<sup>F3</sup>the area of England and Gibraltar is] divided into the nine electoral regions specified in Schedule 1; and
  - (b) Scotland, Wales and Northern Ireland are each single electoral regions.

[<sup>F4</sup>(3) The number of MEPs to be elected for each electoral region is as follows—

---

East Midlands	5
Eastern	7
London	8
North East	3
North West	8
South East	10
South West	6
[ <sup>F5</sup> West Midlands	7]
Yorkshire and the Humber	6
Scotland	6
Wales	4

*Status: Point in time view as at 04/07/2018.*

*Changes to legislation: European Parliamentary Elections Act 2002 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Northern Ireland

3.]]

#### Textual Amendments

- F1** S. 1 substituted (8.5.2003) by [European Parliament \(Representation\) Act 2003 \(c. 7\)](#), **ss. 1**, 28(3)(4)
- F2** Word in [s. 1\(1\)](#) substituted (19.9.2011) by [European Union Act 2011 \(c. 12\)](#), **ss. 16(2)**, 21; S.I. 2011/1985, **art. 2**
- F3** Words in [s. 1\(2\)\(a\)](#) substituted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), **arts. 1(2)**, **3(2)**
- F4** S. 1(3) substituted (18.7.2008) by [The European Parliament \(Number of MEPs and Distribution between Electoral Regions\) \(United Kingdom and Gibraltar\) Order 2008 \(S.I. 2008/1954\)](#), **arts. 1(2)**, **2(3)**
- F5** Words in [s. 1\(3\)](#) substituted (19.9.2011) by [European Union Act 2011 \(c. 12\)](#), **ss. 16(3)**, 21; S.I. 2011/1985, **art. 2**

#### <sup>F6</sup>1A Periodic reviews of distribution of MEPs

.....

#### Textual Amendments

- F6** Act repealed (4.7.2018 for the repeal of [s. 1A](#), [Sch. 1A](#), 31.12.2020 in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), **s. 25(4)**, **Sch. 9** (with [s. 19](#), [Sch. 8 para. 37](#)); S.I. 2018/808, **reg. 3(i)**; S.I. 2020/1622, **reg. 2** (with **reg. 22**); and with further savings in S.I. 2018/1310, **reg. 6** (as amended by S.I. 2019/1389, **regs. 1, 2**)

#### *General elections*

#### 2 Voting system in Great Britain [<sup>F7</sup>and Gibraltar]

- (1) The system of election of MEPs in an electoral region [<sup>F8</sup>other than Northern Ireland] is to be a regional list system.
- (2) The Secretary of State must by regulations—
  - (a) make provision for the nomination of registered parties in relation to an election in such a region, and
  - (b) require a nomination under paragraph (a) to be accompanied by a list of candidates numbering no more than the MEPs to be elected for the region.
- (3) The system of election must comply with the following conditions.
- (4) A vote may be cast for a registered party or an individual candidate named on the ballot paper.
- (5) The first seat is to be allocated to the party or individual candidate with the greatest number of votes.
- (6) The second and subsequent seats are to be allocated in the same way, except that the number of votes given to a party to which one or more seats have already been allocated are to be divided by the number of seats allocated plus one.

*Status: Point in time view as at 04/07/2018.*

*Changes to legislation: European Parliamentary Elections Act 2002 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (7) In allocating the second or any subsequent seat there are to be disregarded any votes given to—
  - (a) a party to which there has already been allocated a number of seats equal to the number of names on the party's list of candidates, and
  - (b) an individual candidate to whom a seat has already been allocated.
- (8) Seats allocated to a party are to be filled by the persons named on the party's list of candidates in the order in which they appear on that list.
- (9) For the purposes of subsection (6) fractions are to be taken into account.
- (10) In this section "registered party" means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

#### **Textual Amendments**

- F7** Words in s. 2 heading inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 3(3)(a)
- F8** Words in s. 2(1) substituted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 3(3)(b)

### **3 Voting system in Northern Ireland**

The system of election of MEPs in Northern Ireland is to 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.

### **4 Date of elections**

The poll at each general election of MEPs is to be held on a day appointed by order of the Secretary of State.

*Vacant seats*

### **5 Filling vacant seats**

- (1) The Secretary of State must by regulations make provision prescribing the procedure to be followed when a seat is or becomes vacant.
- (2) The regulations may—
  - (a) include provision requiring a by-election to be held in specified circumstances (and provision modifying section 2 in its application to by-elections);

---

*Status: Point in time view as at 04/07/2018.*

*Changes to legislation: European Parliamentary Elections Act 2002 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- (b) require a seat last filled from a party's list of candidates to be filled, in specified circumstances, from such a list (without a by-election).
- (3) Where regulations provide for a by-election to be held—
- (a) the poll must take place on a day, appointed by order of the Secretary of State, within such period as may be specified in the regulations, but
  - (b) the regulations may enable the Secretary of State to decline to appoint a day in certain circumstances.
- [<sup>F9</sup>(3A) As regards a seat for an electoral region other than Northern Ireland, the regulations may, in specified circumstances, require it to be filled as follows—
- (a) where the previous MEP filled the seat from a party's list of candidates (whether at a general election of MEPs or under regulations made under subsection (2)(b)), by a person nominated by the nominating officer of that party;
  - (b) where the previous MEP stood on behalf of a registered party when elected (or most recently elected) at a by-election, by a person nominated by the nominating officer of that party;
  - (c) where the previous MEP stood on behalf of two or more registered parties when elected (or most recently elected) at a by-election, by a person jointly nominated by the nominating officers of those parties;
  - (d) where none of paragraphs (a), (b) or (c) apply but the previous MEP gave a notice in accordance with regulations under this Act naming one or more persons as substitutes, by a person so named;
  - (e) where the previous MEP was nominated to the seat by the nominating officer of a registered party in accordance with provision made under paragraph (a) or (b), by a further person so nominated;
  - (f) where the previous MEP was jointly nominated to the seat by the nominating officers of two or more registered parties in accordance with provision made under paragraph (c), by a further person so nominated.
- (3B) Regulations containing provision made under subsection (3A) may specify that the provision has effect in relation to any seat that is vacant at the time the provision comes into force and in respect of which a notice of a by-election has not been published at that time.]
- (4) As regards a seat in Northern Ireland, the regulations may, in specified circumstances, require it to be filled as follows—
- (a) where the previous MEP stood in the name of a registered party when elected (or most recently elected), by a person nominated by the nominating officer of that party;
  - (b) where the previous MEP stood in the names of two or more registered parties when elected (or most recently elected), by a person jointly nominated by the nominating officers of those parties;
  - (c) where paragraph (a) or (b) does not apply but the previous MEP gave a notice in accordance with regulations under this Act naming one or more persons as substitutes, by a person so named.
- [<sup>F10</sup>(5) In this section—
- “nominating officer”, in relation to a registered party, means the person registered in the relevant register as its nominating officer;

*Status: Point in time view as at 04/07/2018.*

*Changes to legislation: European Parliamentary Elections Act 2002 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“the previous MEP”, in relation to a vacancy in the seat of an MEP, means the person who was the MEP immediately before the vacancy arose;

“registered party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000;

“relevant register”, in relation to a registered party, means whichever of the Great Britain register or the Northern Ireland register (in each case within the meaning of that Act) the party is registered in.]

#### Textual Amendments

**F9** S. 5(3A)(3B) inserted (26.1.2018) by [The European Parliamentary Elections Act 2002 \(Amendment\) Regulations 2018 \(S.I. 2018/107\)](#), regs. 1(2), **2(2)**

**F10** S. 5(5) substituted (26.1.2018) by [The European Parliamentary Elections Act 2002 \(Amendment\) Regulations 2018 \(S.I. 2018/107\)](#), regs. 1(2), **2(3)**

### Conduct of elections

## 6 Returning officers

(1) There is to be a returning officer for each electoral region.

(2) For a region in England [<sup>F11</sup>and Wales (including the combined region)], the returning officer is to be a person who—

- (a) is an acting returning officer by virtue of section 28(1) of the Representation of the People Act 1983 (c. 2) [<sup>F12</sup>or is the proper officer of the Greater London Authority for the purposes of section 35(2C) of that Act], and
- (b) is designated for the purposes of this subsection by order of the Secretary of State.

(3) For Scotland the returning officer is to be a person who—

- (a) is a returning officer by virtue of section 25 of that Act, and
- (b) is designated for the purposes of this subsection by order of the Secretary of State.

(4) For Northern Ireland the returning officer is to be the Chief Electoral Officer.

[<sup>F13</sup>(5) The Secretary of State may by regulations confer functions on the returning officers for the electoral regions and on local returning officers.

(5A) For the purposes of subsection (5) “local returning officer” means—

- [<sup>F14</sup>(a) a person who, by virtue of section 35 of the Representation of the People Act 1983, is a returning officer for—
  - (i) elections of councillors of a district or London borough,
  - (ii) elections of councillors of a county in which there are no district councils,
  - (iii) elections to the Council of the Isles of Scilly, or
  - (iv) elections of councillors of a county or county borough in Wales,or who by virtue of section 41 of that Act is a returning officer for elections of councillors for a local authority in Scotland; or]
- (b) the European electoral registration officer for Gibraltar (within the meaning of section 14 of the European Parliament (Representation) Act 2003).]

*Status: Point in time view as at 04/07/2018.*

*Changes to legislation: European Parliamentary Elections Act 2002 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (6) There are to be charged on, and paid out of, the Consolidated Fund—
- (a) charges to which persons on whom functions are conferred under subsection (5) are entitled under regulations under this Act, and
  - (b) any sums required by the Secretary of State for expenditure on the provision of training relating to functions conferred under subsection (5).
- (7) Where functions are conferred on a person under subsection (5) in relation to an electoral region,
- [<sup>F15</sup>(a) in the case of an electoral region other than the combined region, the council of a relevant area falling wholly or partly within that region; and
  - (b) in the case of the combined region, the council of a relevant area falling wholly or partly within that region and the Government of Gibraltar,
- must] place the services of their officers at his disposal for the purpose of assisting him in the discharge of those functions.
- (8) In subsection (7), “relevant area” means—
- (a) a district or London borough in England,
  - (b) a county or county borough in Wales, and
  - (c) a local government area in Scotland.
- [<sup>F16</sup>(9) Where functions are conferred on the proper officer of the Greater London Authority under subsection (5) in relation to the London electoral region, the Authority must place the services of its employees at his disposal for the purpose of assisting him in the discharge of those functions.]

#### Textual Amendments

- F11** Words in s. 6(2) substituted (7.1.2004 for certain purposes, otherwise 5.2.2004) by [European Parliament \(Representation\) Act 2003 \(c. 7\), ss. 20\(2\), 28\(3\)\(4\); S.I. 2004/24, art. 2\(a\)\(i\); S.I. 2004/320, art. 2\(a\)\(i\)](#)
- F12** Words in s. 6(2)(a) inserted (22.1.2013) by [Political Parties and Elections Act 2009 \(c. 12\), ss. 27\(2\), 43\(1\); S.I. 2013/99, art. 2](#)
- F13** S. 6(5)(5A) substituted (7.1.2004 for certain purposes, otherwise 5.2.2004) for s. 6(5) by [European Parliament \(Representation\) Act 2003 \(c. 7\), ss. 20\(3\), 28\(3\)\(4\); S.I. 2004/24, art. 2\(a\)\(i\); S.I. 2004/320, art. 2\(a\)\(i\)](#)
- F14** S. 6(5A)(a) substituted (1.1.2014) by [Political Parties and Elections Act 2009 \(c. 12\), ss. 27\(3\), 43\(1\); S.I. 2013/99, art. 3](#)
- F15** S. 6(7)(a)(b) substituted (7.1.2004 for certain purposes, otherwise 5.2.2004) for words by [European Parliament \(Representation\) Act 2003 \(c. 7\), ss. 20\(3\), 28\(3\)\(4\); S.I. 2004/24, art. 2\(a\)\(i\); S.I. 2004/320, art. 2\(a\)\(i\)](#)
- F16** S. 6(9) inserted (22.1.2013) by [Political Parties and Elections Act 2009 \(c. 12\), ss. 27\(4\), 43\(1\); S.I. 2013/99, art. 2](#)

#### Modifications etc. (not altering text)

- C1** S. 6(2) excluded (E.W.) (23.3.2004) by [The Representation of the People \(Combination of Polls\) \(England and Wales\) Regulations 2004 \(S.I. 2004/294\), regs. 1\(1\), 7\(2\)\(a\)](#)
- C2** S. 6(5A) excluded (5.11.2008) [The Local Elections \(Ordinary Day of Elections in 2009\) Order 2008 \(S.I. 2008/2857\), arts. 1\(1\), 7\(3\)\(a\)](#)
- C3** S. 6(5A)(a) excluded (E.W.) (23.3.2004) by [The Representation of the People \(Combination of Polls\) \(England and Wales\) Regulations 2004 \(S.I. 2004/294\), regs. 1\(1\), 7\(5\)\(a\)](#)

*Status: Point in time view as at 04/07/2018.*

*Changes to legislation: European Parliamentary Elections Act 2002 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 7 Regulation-making powers: general

- (1) The Secretary of State may, subject to the provisions of this Act, by regulations make provision as to—
    - (a) the conduct of elections to the European Parliament, and
    - (b) the questioning of such an election and the consequences of irregularities.
  - (2) Regulations under this Act may make provision (including the creation of criminal offences)—
    - (a) about the limitation of election expenses of candidates;
    - (b) for the allocation of seats in the case of an equality of votes;
    - (c) for securing that no person stands for election more than once at a general election (whether by being nominated as a candidate or by being included in a party's list of candidates).
  - (3) Regulations under this Act may apply, with such modifications or exceptions as may be specified in the regulations—
    - (a) any provision of the Representation of the People Acts or of any other enactment relating to parliamentary elections or local government elections, and
    - (b) any provision made under any enactment.
  - (4) Regulations under this Act may 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 elections to the European Parliament.
- [<sup>F17</sup>(4A) Without prejudice to the generality of the power under which they are made, regulations under this Act may make different provision for different electoral regions and, in particular, for the part of the combined region which is in England and Wales and for Gibraltar.]
- (5) Section 26 of the Welsh Language Act 1993 (c. 38) (power to prescribe Welsh version) applies in relation to regulations under this Act as it applies in relation to Acts of Parliament.

### Textual Amendments

**F17** S. 7(4A) inserted (7.1.2004 for certain purposes, otherwise 23.3.2004) by [European Parliament \(Representation\) Act 2003 \(c. 7\), ss. 22, 28\(3\)\(4\); S.I. 2004/24 {art. 2\(a\)\(i\)}; S.I. 2004/1035, art. 2](#)

### *Entitlement to vote*

## 8 Persons entitled to vote

- (1) A person is entitled to vote as an elector at an election to the European Parliament in an electoral region if he is within any of subsections (2) to (5).
- (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—

*Status: Point in time view as at 04/07/2018.*

*Changes to legislation: European Parliamentary Elections Act 2002 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) the address in respect of which he is registered in the relevant register of parliamentary electors is within the electoral region, or
  - (b) his registration in the relevant register of parliamentary electors results from an overseas elector's declaration which specifies an address within the electoral region.
- (3) A person is within this subsection if—
- (a) he is a peer who on the day of the poll would be entitled to vote at a local government election in an electoral area wholly or partly comprised in the electoral region, and
  - (b) the address in respect of which he is registered in the relevant register of local government electors is within the electoral region.
- (4) A person is within this subsection if he is entitled to vote in the electoral region by virtue of section 3 of the Representation of the People Act 1985 (c. 50) (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 the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 (S.I. 2001/1184) (citizens of the European Union other than Commonwealth and Republic of Ireland citizens).
- (6) Subsection (1) has effect subject to any provision of regulations made under this Act 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).

[<sup>F18</sup>(8) The entitlement to vote under this section does not apply to voting in Gibraltar.]

#### Textual Amendments

**F18** S. 8(8) added (7.1.2004 for certain purposes, otherwise 23.3.2004) by [European Parliament \(Representation\) Act 2003 \(c. 7\), ss. 15\(3\), 28\(3\)\(4\)](#); S.I. 2004/24 {art. 2(a)(i)}; S.I. 2004/1035, [art. 2](#)

## 9 Double voting

- (1) A person is guilty of an offence if, on any occasion when elections to the European Parliament are held in all the member states under Article [<sup>F19</sup>10] of the Act annexed to Council Decision 76/787, he votes as an elector more than once in those elections, whether in the United Kingdom or elsewhere.
- (2) Subsection (1) is without prejudice to any enactment relating to voting offences, as applied by regulations under this Act to elections of MEPs held in the United Kingdom [<sup>F20</sup>and Gibraltar].
- (3) The provisions of the Representation of the People Act 1983 (c. 2), as applied by regulations under this Act, have effect in relation to an offence under this section as they have effect in relation to an offence under section 61(2) of that Act (double voting).



*Status: Point in time view as at 04/07/2018.*

*Changes to legislation: European Parliamentary Elections Act 2002 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) In particular, the following provisions of that Act apply—
- (a) section 61(7) (which makes an offence under section 61(2) an illegal practice but allows any incapacity resulting from conviction to be mitigated by the convicting court), and
  - (b) section 178 (prosecutions for offences committed outside the United Kingdom).

#### Textual Amendments

**F19** Words in s. 9(1) substituted (8.6.2004) by [The European Parliamentary Elections \(Common Electoral Principles\) Regulations 2004 \(S.I. 2004/1374\)](#), regs. 1(1), **2(2)**

**F20** Words in s. 9(2) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), **3(4)**

#### *Entitlement to be MEP*

### 10 Disqualification

- (1) A person is disqualified for the office of MEP if—
- (a) he is disqualified for membership of the House of Commons, <sup>F21</sup> . . .
  - (b) <sup>F21</sup> . . . . .
- (2) But a person is not disqualified for the office of MEP under subsection (1)(a) merely because—
- (a) he is a peer,
  - (b) he is a Lord Spiritual,
  - (c) he holds an office mentioned in section 4 of the House of Commons Disqualification Act 1975 (c.24) (stewardship of Chiltern Hundreds etc.), or
  - (d) he holds any of the offices described in Part 2 or 3 of Schedule 1 to that Act which are designated by order by the Secretary of State for the purposes of this section.
- (3) A citizen of the European Union who is resident in the United Kingdom [<sup>F22</sup>or Gibraltar] is not disqualified for the office of MEP under subsection (1)(a) merely because he is disqualified for membership of the House of Commons under section 3 of the Act of Settlement (12&13 Will 3 c.2.) (disqualification of persons, other than [<sup>F23</sup>qualifying Commonwealth citizens] and Republic of Ireland citizens, who are born outside Great Britain and Ireland and the dominions).

[<sup>F24</sup>(3A) A Commonwealth citizen who is resident in Gibraltar and who—

- (a) does not, under the law of Gibraltar, require a permit or certificate to enter or remain there, or
- (b) for the time being has (or is by virtue of any provision of the law of Gibraltar to be treated as having) a certificate of permanent residence issued under the Immigration Control Ordinance,

is not disqualified for the office of MEP under subsection (1)(a) merely because he is disqualified for membership of the House of Commons under section 3 of the Act of Settlement (12&13 Will 3 c. 2) (disqualification of persons, other than qualifying Commonwealth citizens and Republic of Ireland citizens, who are born outside Great Britain and Ireland and the dominions).

---

*Status: Point in time view as at 04/07/2018.*

*Changes to legislation: European Parliamentary Elections Act 2002 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- (3B) But subsection (3A)(a) does not cause a person to be qualified for the office of MEP if he does not require a permit or certificate to enter Gibraltar by virtue only of section 14(1) of the Immigration Control Ordinance (certain exemptions from requirement of permit or certificate).]
- (4) A person is disqualified for the office of MEP for a particular electoral region if, under section 1(2) of the House of Commons Disqualification Act 1975 (c. 24), he is disqualified for membership of the House of Commons for any parliamentary constituency wholly or partly comprised in that region.
- [<sup>F25</sup>(4A) The Secretary of State may by order [<sup>F26</sup>make such other provision as he thinks appropriate] for persons of a description connected to Gibraltar (including any description of persons who are disqualified for membership of the Gibraltar House of Assembly) to be disqualified from the office of MEP.
- (4B) The Secretary of State must consult the Electoral Commission before making an order under subsection (4A).]
- (5) A person who—
- (a) is a citizen of the European Union, and
  - (b) is not a Commonwealth citizen or a citizen of the Republic of Ireland,
- is disqualified for the office of MEP if he is disqualified for that office through a [<sup>F27</sup>relevant disqualifying decision under the law of the member state of which he is a national.]
- [<sup>F28</sup>(5A) In this section “relevant disqualifying decision” means, in accordance with Article 6(1) of Council [Directive 93/109/EC](#)—
- (a) a judicial decision, or
  - (b) an administrative decision that can be subject to a judicial remedy.]

(6) If a person who is returned as an MEP for an electoral region under section 2, 3 or 5—

    - (a) is disqualified under this section for the office of MEP, or
    - (b) is disqualified under this section for the office of MEP for that region,

his return is void and his seat vacant.

(7) If an MEP becomes disqualified under this section for the office of MEP or for the office of MEP for the electoral region for which he was returned, his seat is to be vacated.

[<sup>F29</sup>(7A) In this section “the Immigration Control Ordinance” means the Gibraltar Ordinance of that name (Ord. 1962 No. 12).

(7B) The Secretary of State may by regulations amend this section if he considers it necessary or expedient to do so in consequence of developments in the law of Gibraltar relating to immigration control.

(7C) Such regulations may—

    - (a) make transitional or saving provision;
    - (b) make provision extending or applying to (or extending or applying only to) Gibraltar or any part of the United Kingdom.]

(8) Subsection (1) is without prejudice to Article [<sup>F30</sup>7(1) and (2)] of the Act annexed to Council Decision 76/787 (incompatibility of office of MEP with certain offices in or connected with [<sup>F31</sup>EU] institutions).

*Status: Point in time view as at 04/07/2018.*

*Changes to legislation: European Parliamentary Elections Act 2002 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

- F21** S. 10(1)(b) and the word "or" preceding it repealed (1.10.2009) by [Constitutional Reform Act 2005](#) (c. 4), ss. 145, 146, 148, [Sch. 17 para. 32](#), [Sch. 18 Pt. 5](#); S.I. 2009/1604, [art. 2\(e\)\(f\)](#)
- F22** Words in s. 10(3) inserted (7.1.2004 for certain purposes, otherwise 5.2.2004) by [European Parliament \(Representation\) Act 2003](#) (c. 7), ss. [21\(1\)\(a\)](#), 28(3)(4); S.I. 2004/24, [art. 2\(a\)\(i\)](#); S.I. 2004/320, [art. 2\(a\)\(i\)](#)
- F23** Words in s. 10(3) substituted (1.1.2007 for E.W.S and 1.7.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), ss. 18, 77, [Sch. 1 para. 41\(2\)](#); S. I. 2006/3412, [art. 3](#), [Sch. 1 para. 14\(bb\)\(ii\)](#) (subject to [art. 6](#)); S.I. 2008/1316, [art. 2\(2\)](#), {4((z)(i))}
- F24** S. 10(3A)(3B) inserted (1.1.2007 for E.W.S and 1.7.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), ss. 18, 77, [Sch. 1 para. 41\(3\)](#); S. I. 2006/3412, [art. 3](#), {[Sch. 1 para. 14\(bb\)\(i\)](#)} (subject to [art. 6](#)); S.I. 2008/1316, [art. 2\(2\)](#), {4((z)(i))}
- F25** S. 10(4A)(4B) inserted (7.1.2004 for certain purposes, otherwise 5.2.2004) by [European Parliament \(Representation\) Act 2003](#) (c. 7), ss. [21\(1\)\(b\)](#), 28(3)(4); S.I. 2004/24, [art. 2\(a\)\(i\)](#); S.I. 2004/320, [art. 2\(a\)\(i\)](#)
- F26** Words in s. 10(4A) substituted (1.1.2007 for E.W.S and 1.7.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), ss. 18, 77, [Sch. 1 para. 41\(4\)](#); S. I. 2006/3412, [art. 3](#), {[Sch. 1 para. 14\(bb\)\(i\)](#)} (subject to [art. 6](#)); S.I. 2008/1316, [art. 2\(2\)](#), {4((z)(i))}
- F27** Words in s. 10(5) substituted (1.1.2014) by [The European Parliamentary Elections \(Amendment\) Regulations 2013](#) (S.I. 2013/2876), regs. 1(2), [3\(1\)](#)
- F28** S. 10(5A) inserted (1.1.2014) by [The European Parliamentary Elections \(Amendment\) Regulations 2013](#) (S.I. 2013/2876), regs. 1(2), [3\(2\)](#)
- F29** S. 10(7A)-(7C) inserted (1.1.2007 for E.W.S and 1.7.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), ss. 18, 77, [Sch. 1 para. 41\(5\)](#); S. I. 2006/3412, [art. 3](#), {[Sch. 1 para. 14\(bb\)\(i\)](#)} (subject to [art. 6](#)); S.I. 2008/1316, [art. 2\(2\)](#), {4((z)(i))}
- F30** Words in s. 10(8) substituted (8.6.2004) by [The European Parliamentary Elections \(Common Electoral Principles\) Regulations 2004](#) (S.I. 2004/1374), regs. 1(1), [2\(3\)](#)
- F31** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011](#) (S.I. 2011/1043), arts. 2, 3, 6 (with [art. 3\(2\)\(3\)](#), [4\(2\)](#), [6\(4\)\(5\)](#))

## 11 Judicial determination of disqualification

- (1) Any person may apply to the appropriate court for a declaration or (in Scotland) declarator that a person who purports to be an MEP for a particular electoral region—
  - (a) is disqualified under section 10 (whether generally or for that region), or
  - (b) was so disqualified at the time when, or at some time since, he was returned as an MEP under section 2, 3 or 5.
- (2) For the purposes of subsection (1), the appropriate court is—
  - (a) the High Court, if the electoral region concerned is [<sup>F32</sup>an electoral region in England and Wales or the combined region] ,
  - (b) the Court of Session, if the electoral region concerned is Scotland, or
  - (c) the High Court of Justice in Northern Ireland, if the electoral region concerned is Northern Ireland.
- (3) The decision of the court on an application under this section is final.
- (4) On an application under this section—
  - (a) the person in respect of whom the application is made is to be the respondent or (in Scotland) the defender, and

*Status: Point in time view as at 04/07/2018.*

*Changes to legislation: European Parliamentary Elections Act 2002 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) the applicant must give such security for the costs or expenses of the proceedings, not exceeding £5000, as the court may direct.
- (5) The Secretary of State may by order
- [<sup>F33</sup>(a)] substitute another figure for the figure in subsection (4)(b).  
[<sup>F34</sup>; and
- (b) prescribe a different figure for applications where the electoral region concerned is the combined region.]
- (6) No declaration or declarator is to be made under this section 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.
- (7) Any declaration or declarator made by the court on an application under this section must be certified in writing to the Secretary of State immediately by the court.

#### Textual Amendments

- F32** Words in s. 11(2) substituted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 3(5)
- F33** S. 11(5): "(a)" inserted (7.1.2004 for certain purposes, otherwise 5.2.2004) by [European Parliament \(Representation\) Act 2003 \(c. 7\)](#), ss. 21(2), 28(3)(4); S.I. 2004/24, art. 2(a)(i); S.I. 2004/320, art. 2(a)(i)
- F34** S. 11(5)(b) and word inserted (7.1.2004 for certain purposes, otherwise 5.2.2004) by [European Parliament \(Representation\) Act 2003 \(c. 7\)](#), ss. 21(2), 28(3)(4); S.I. 2004/24, art. 2(a)(i); S.I. 2004/320, art. 2(a)(i)

#### *European Parliament*

### <sup>F35</sup>12 Ratification of treaties

.....

#### Textual Amendments

- F35** S. 12 repealed (19.8.2011) by [European Union Act 2011 \(c. 12\)](#), ss. 14(3)(c), 21; S.I. 2011/1984, art. 2

#### *Supplementary*

### 13 Regulations and orders

- (1) Regulations and orders made under this Act must be made by statutory instrument.
- (2) No regulations may be made under this Act unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House of Parliament.
- (3) A statutory instrument containing an order under—
- (a) section 10(2)(d) or 11(5), <sup>F36</sup>...

*Status: Point in time view as at 04/07/2018.*

*Changes to legislation: European Parliamentary Elections Act 2002 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) <sup>F36</sup> .....

is subject to annulment in pursuance of a resolution of either House of Parliament.

[<sup>F37</sup>(3A) An order under section 10(4A) may not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

(3B) Subsection (3A) does not apply if it appears to the [<sup>F38</sup>Secretary of State] that by reason of urgency the order should be made without being approved in draft.

(3C) Where an order is made without being approved in draft, by virtue of subsection (3A)

- (a) it must be laid before Parliament after being made; and
- (b) if it is not approved by a resolution of each House of Parliament within the period of 40 days after the date on which it is made, the order shall cease to have effect at the end of that period.]

(4) A statutory instrument containing an order under section 4 or 5(3) is to be laid before Parliament after being made.

#### Textual Amendments

**F36** S. 13(3)(b) and the preceding word "or" inserted (8.5.2003) by [European Parliament \(Representation\) Act 2003 \(c. 7\), ss. 8\(2\), 28\(3\)](#)

**F37** S. 13(3A)-(3C) inserted (7.1.2004 for certain purposes, otherwise 5.2.2004) by [European Parliament \(Representation\) Act 2003 \(c. 7\), ss. 21\(3\), 28\(3\)\(4\)](#); S.I. 2004/24, [art. 2\(a\)\(i\)](#); S.I. 2004/320, [art. 2\(a\)\(i\)](#)

**F38** Words "in the inserted section 13(3B)" substituted (19.8.2003) by virtue of [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), arts. 1(2), 9, [Sch. 2 para. 15\(1\)\(b\)](#)

## 14 Transitional provisions

Schedule 2 (transitional provisions) has effect.

## 15 Consequential amendments

Schedule 3 (consequential amendments) has effect.

## 16 Repeals and revocation

The enactments and instrument specified in Schedule 4 are repealed or revoked to the extent specified.

### *General*

## 16A Functions of the Lord Chancellor

<sup>F39</sup> .....

*Status: Point in time view as at 04/07/2018.*

*Changes to legislation: European Parliamentary Elections Act 2002 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

- F39** S. 16A repealed (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), arts. 1(2), 9, **Sch. 2 para. 14**

### [<sup>F40</sup>16B Functions of the Minister for the Cabinet Office

See the Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016, by virtue of which functions of the Secretary of State under this Act are exercisable concurrently with the Minister for the Cabinet Office.]

#### Textual Amendments

- F40** S. 16B substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 16** (with art. 12)

## 17 Interpretation

In this Act—

“enactment” includes an enactment contained in—

- (a) an Act of the Parliament of Northern Ireland,
- (b) an Order in Council made under the Northern Ireland (Temporary Provisions) Act 1972 (c. 22), or
- (c) a Measure of the Northern Ireland Assembly;

“the Act annexed to Council Decision 76/787” is the Act concerning the election of MEPs annexed to Council Decision [76/787/EEC](#), EEC, Euratom of 20th September 1976;

“citizen of the European Union” is to be determined in accordance with Article 17.1 of the Treaty establishing the European Community.

[<sup>F41</sup>“combined region” means the electoral region which includes Gibraltar.]

#### Textual Amendments

- F41** Words in s. 17 inserted (7.1.2004 for certain purposes, otherwise 5.2.2004) for words by [European Parliament \(Representation\) Act 2003 \(c. 7\)](#), **ss. 20(5), 28(3)(4)**; [S.I. 2004/24](#), **art. 2(a)(i)**; [S.I. 2004/320](#), **art. 2(a)(i)**

## 18 Short title and commencement

- (1) This Act may be cited as the European Parliamentary Elections Act 2002.
- (2) This Act comes into force at the end of the period of 3 months beginning with the day on which it is passed.

**Status:**

Point in time view as at 04/07/2018.

**Changes to legislation:**

European Parliamentary Elections Act 2002 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.