



European Parliamentary Elections Act 2002

2002 CHAPTER 24

Conduct of elections

6 Returning officers

- (1) There is to be a returning officer for each electoral region.
- (2) For a region in England [^{F1}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), 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.
- [^{F2}(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—
 - (a) a person who is, in relation to parliamentary elections, an acting returning officer (in England and Wales) or a returning officer (in Scotland); or
 - (b) the European electoral registration officer for Gibraltar (within the meaning of section 14 of the European Parliament (Representation) Act 2003).]
 - (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

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- (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,
- [^{F3}(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.

Textual Amendments

- F1** 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\(a\)\(i\)](#)
- F2** 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\(a\)\(i\)](#)
- F3** 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\(a\)\(i\)](#)

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\(5\)\(a\)](#)

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).

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- (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.
- [^{F4}(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

- F4** 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**

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