



# European Parliament (Representation) Act 2003

## 2003 CHAPTER 7

### PART 1

#### CHANGES IN TOTAL NUMBER OF UNITED KINGDOM MEPS

*Electoral Commission recommendations relating to  
changes in total number of United Kingdom MEPs*

#### **2 References to changes under Community law**

- (1) In this Part “change under Community law” (in relation to a change in the number of MEPs to be elected for the United Kingdom) means a change made by—
  - (a) a treaty provision that is part of the Community Treaties; or
  - (b) any provision of a Council Decision, or of any other instrument, made under a treaty provision that is part of the Community Treaties.
- (2) In this Part a reference to a treaty provision being part of the Community Treaties is to it being, or being included in provisions which are, specified in section 1(2) of the European Communities Act 1972 (c. 68) by virtue of an amendment made by an Act (whether passed before or after this Act).
- (3) In this Part “treaty” includes any international agreement (however described) and a protocol or annex to a treaty or other international agreement.

#### **Commencement Information**

- II** [S. 2](#) wholly in force at 10.3.2004, s. 2 in force for E.W.S.N.I. at Royal Assent, see [s. 28\(3\)](#); [s. 2](#) in force for Gibraltar at 10.3.2004 by [S.I. 2004/700](#), [art. 2\(b\)\(i\)](#)

*Status: Point in time view as at 19/08/2003.*

*Changes to legislation: There are currently no known outstanding effects for the European Parliament (Representation) Act 2003, Cross Heading: Electoral Commission recommendations relating to changes in total number of United Kingdom MEPs. (See end of Document for details)*

### 3 Recommendations by Electoral Commission as to the distribution of United Kingdom MEPs

- (1) The [<sup>F1</sup>Secretary of State] may by notice require the Electoral Commission to make a recommendation to him as to the distribution between the electoral regions of—
  - (a) a total number of MEPs specified in the notice; or
  - (b) if the notice specifies more than one total number of MEPs, each of the total numbers so specified.
- (2) The power to give such a notice is exercisable with a view to the implementation of any change or anticipated change under Community law in the total number of MEPs to be elected for the United Kingdom.
- (3) The Electoral Commission must comply with such a notice within the period specified in the notice.
- (4) In determining what recommendation to make for the distribution of any total number of MEPs, the Electoral Commission must ensure that—
  - (a) each electoral region is allocated at least three MEPs; and
  - (b) the ratio of electors to MEPs is as nearly as possible the same in each electoral region.
- (5) A recommendation under this section—
  - (a) must be published by the Electoral Commission and laid before Parliament by the [<sup>F1</sup>Secretary of State]; and
  - (b) ceases to have effect at the end of the period of one year beginning with the day on which it is made.

#### Textual Amendments

**F1** Words in s. 3 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 15(1)(a)** (with arts. 6, 8)

#### Commencement Information

**I2** [S. 3](#) wholly in force at 10.3.2004, s. 3 in force for E.W.S.N.I. at Royal Assent, see [s. 28\(3\)](#); [s. 3](#) in force for Gibraltar at 10.3.2004 by [S.I. 2004/700](#), **art. 2(b)(i)**

### 4 Section 3: meaning of “elector”

- (1) For the purposes of section 3(4) an elector, in relation to an electoral region, is a person whose name appears on the relevant day in (or in any part of) a relevant register which relates to the region.
- (2) In subsection (1)—
  - “relevant day” means 1st December preceding the day on which the notice under section 3 is given; and
  - “relevant register” has the same meaning as in Schedule 1A to the 2002 Act (periodic reviews).
- (3) In calculating the total number of electors for any electoral region—

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- (a) persons who are registered but have not attained the age of 18 are to be counted as electors;
- (b) a citizen of the European Union (not being a Commonwealth citizen or a citizen of the Republic of Ireland) who is registered only for the purposes of local government elections is to be disregarded; and
- (c) the Electoral Commission may assume that each relevant register is accurate and that names appearing more than once on registers (or parts of registers) which relate to an electoral region are the names of different electors.

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**Commencement Information**

**I3** S. 4 wholly in force at 10.3.2004, s. 4 in force for E.W.S.N.I. at Royal Assent, see s. 28(3); s. 4 in force for Gibraltar at 10.3.2004 by S.I. 2004/700, art. 2(b)(i)

**Status:**

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