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STATUTORY INSTRUMENTS

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**1999 No. 1214**

**The European Parliamentary Elections Regulations 1999**

**PART IV**

**VACANCIES**

**Filling of vacancies from a registered party's list**

**17.**—(1) On receipt of a notice under regulation 16(4) above, the returning officer shall ascertain from the list submitted by the registered party named in the notice (“the relevant list”) the name and address of the person whose name appears highest on that list (“the first choice”), disregarding the name of any person who has been returned as an MEP or who has died.

(2) The returning officer shall take such steps as appear to him to be reasonable to contact the first choice to ask whether he will—

- (a) state in writing that he is willing and able to be returned as an MEP, and
- (b) deliver a certificate signed by or on behalf of the nominating officer of the registered party which submitted the relevant list stating that he may be returned as that party's MEP.

(3) Paragraph (4) below applies where—

- (a) within such period as the returning officer considers reasonable—
  - (i) he decides that the steps he has taken to contact the first choice have been unsuccessful, or
  - (ii) he has not received from the first choice the statement and certificate referred to in paragraph (2) above, or
- (b) the first choice has—
  - (i) stated in writing that he is not willing or able to be returned as an MEP, or
  - (ii) failed to deliver the certificate referred to in paragraph (2)(b) above.

(4) In the circumstances set out in paragraph (3) above, the returning officer shall repeat the procedure required by paragraph (2) above in respect of the person (if any) whose name and address appears next in the relevant list (“the second choice”) or, where paragraph (3)(a) or (b) above applies in respect of that person, in respect of the person (if any) whose name and address appear next highest after the second choice in that list and the returning officer shall continue to repeat the procedure until the seat is filled or the names in the list exhausted.

(5) Where a person whose name appears on the relevant list provides the statement and certificate referred to in paragraph (2) above, the returning officer shall (subject to paragraph (6) below) declare in writing that person to be returned as an MEP.

(6) Where—

- (a) the returning officer has, in accordance with paragraph (4) above, asked a second or other subsequent choice the questions in paragraph (2) above, and
- (b) the person who was previously asked those questions then provides the statement and certificate referred to in paragraph (2),

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that statement and certificate shall have no effect unless and until the circumstances described in subparagraph (a) or (b) of paragraph (3) above apply in respect of the second or other subsequent choice.

(7) The returning officer shall give public notice of a declaration given under paragraph (5) above and send a copy of it to the Secretary of State.

(8) Where the returning officer is unable to fill the seat under this regulation, he shall notify the Secretary of State that he is unable to do so.