
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 2(2) of the European Communities Act 1972. They contain provisions enabling nationals of the 10 states which are expected to accede to the European Union on 1st May 2004 who are resident in this country to be registered as local government electors and European Parliamentary electors before this date. They also make arrangements for such persons to exercise the right to vote if the country of which they are a national joins the European Union.

The states in question are the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (“the Accession States”). Nationals of the Accession States do not have the right to vote in European Parliamentary and local government elections before the State in question has acceded to the European Union, but must be entered on the relevant electoral registers before this date if they are to be able to vote in the first elections to be held after 1st May 2004 in accordance with their rights under Council Directives [93/109/EC](#) and [94/80/EC](#). (This does not apply to citizens of the Republics of Malta and Cyprus, who have the right to vote as Commonwealth citizens). These Directives were implemented in the United Kingdom by the European Parliamentary Elections (Changes to the Franchise and Qualifications of Representatives) Regulations 1994(1) and the Local Government Elections (Changes to the Franchise and Qualifications of Representatives) Regulations 1995(2).

With one exception, these regulations apply both primary and secondary legislation with modifications for the purposes of registration of nationals of the Accession States, ensuring that they can exercise the right to vote once they become citizens of the Union on 1st May 2004, and amending the entry of the register appropriately after that date. The exception, regulation 5, makes a lasting amendment to regulation 8 of the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001.

Regulation 2 modifies the Representation of the People Act 1983 to extend the right to be registered in the register of local government electors to nationals of the Accession States, and ensures that the entry on the register for a national of an Accession State will be marked accordingly. It provides that a national of an Accession State is not entitled to vote, and may be prevented from voting if the State in question has not acceded to the European Union, by amendment to section 49 of the 1983 Act. It ensures, by amendments to sections 61 and 62 to that Act, that a national of an Accession State who applies to vote by post or by proxy, or who makes one of the declarations required for registration before being entitled to vote, does not commit an offence in doing so.

Regulations 3 and 4 ensure that the equivalent provisions applying to Northern Ireland are similarly modified by modification of the Electoral Law (Northern Ireland) Act 1962, and the Elected Authorities (Northern Ireland) Act 1989.

Regulation 5 amends Regulation 8 of the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 to provide that documents in relation to citizens of the Union which were previously sent to the Secretary of State should instead be sent to the relevant representative of the Member State concerned. This is intended to be a permanent amendment to those Regulations (in contrast to the modifications made by these Regulations).

(1) S.I.1994/342, partially revoked by S.I. 2001/1184.

(2) S.I. 1995/1948.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 6 and Schedule 1, paragraphs 1 and 2 modify the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 to extend the right to be registered in the register of relevant citizens of the Union entitled to vote at European Parliamentary elections, to nationals of the Accession States, and ensures that the entry on the register for such a national will be marked accordingly. They also provide that a national of an Accession State is not entitled to vote, and can be prevented from voting if the State of which he is a national has not acceded to the European Union. Paragraphs 3 to 8 of Schedule 1, make a number of consequential modifications to the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 (including modifications to Regulation 8 as amended).

Regulation 7 and Schedule 2 to these Regulations make consequential modifications to the Representation of the People (England and Wales) Regulations 2001, the National Assembly for Wales (Representation of the People) Order 2003, the Representation of the People (Scotland) Regulations 2001, the Scottish Parliament (Elections etc.) Order 2002, the Local Elections (Northern Ireland) Order 1985 and the Representation of the People (Northern Ireland) Regulations 2001.