
STATUTORY INSTRUMENTS

2009 No. 186

**The European Parliamentary Elections
(Amendment) Regulations 2009**

Amendments to the 2004 Regulations

3. For paragraph (1) of regulation 2 (interpretation) substitute the following paragraph—
- “(1) Unless the context otherwise requires, in these Regulations—
- “1983 Act” means the Representation of the People Act 1983**(1)**;
- “1985 Act” means the Representation of the People Act 1985**(2)**;
- “1986 (Scotland) Regulations” means the Representation of the People (Scotland) Regulations 1986**(3)**;
- “2000 Act” means the Political Parties, Elections and Referendums Act 2000**(4)**;
- “2001 Franchise Regulations” means the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001**(5)**;
- “2001 Regulations” means the Representation of the People (England and Wales) Regulations 2001**(6)**;
- “2001 (Scotland) Regulations” means the Representation of the People (Scotland) Regulations 2001**(7)**;
- “2002 Act” means the European Parliamentary Elections Act 2002;
- “2003 Act” means the European Parliament (Representation) Act 2003;
- “2004 Act” means the European Parliamentary Elections Act 2004 passed by the Gibraltar Parliament**(8)**;
- “2006 Act” means the Electoral Administration Act 2006**(9)**;
- “anonymous entry” in relation to a register of electors, other than the Gibraltar register, is to be construed in accordance with section 9B of the 1983 Act**(10)** and
- “the record of anonymous entries” means the record prepared in pursuance of

(1) 1983 c.2.

(2) 1985 c.50.

(3) S.I. 1986/1111 (S.93), which was amended by S.I.1990/629, S.I.1991/1728 and S.I.2001/497. Other amendments are not relevant to these Regulations.

(4) 2000 c.41.

(5) S.I. 2001/1184, which was amended by S.I. 2003/1557. Other amendments are not relevant to these Regulations.

(6) S.I. 2001/341, which was amended by S.I.2001/1700, S.I. 2002/881, S.I.2002/1871, S.I. 2006/752, S.I.2006/2910 and S.I.2008/1901. Other amendments are not relevant to these Regulations.

(7) S.I. 2001/497 (S.2), which was amended by S.I. 2001/1749, S.I. 2002/1872, S.I. 2003/3075, S.I. 2004/1771, S.I. 2004/1960, S.I.2006/834, S.I. 2007/925, S.I.2008/305 and S.I. 2008/1901. Other amendments are not relevant to these Regulations.

(8) Gibraltar Act No. 2004-05. The 2004 Act was originally called the European Parliamentary Elections Ordinance 2004. The Gibraltar Constitution Order 2006 means that Gibraltar Ordinances are now referred to as Acts.

(9) 2006 c.22.

(10) Section 9B was inserted into the 1983 Act by section 10(1) of the Electoral Administration Act 2006 (c.22).

regulations made under paragraph 8A of Schedule 2 to the 1983 Act(11); and in relation to the Gibraltar register “anonymous entry” and “the record of anonymous entries” are to be construed in accordance with the equivalent provisions forming part of the law of Gibraltar;

“bank or public holiday” in relation to Gibraltar means a day which is a bank or public holiday under the Banking and Financial Dealings Act(12) and the Interpretation and General Clauses Act(13);

“citizen of the Union” is to be construed in accordance with Article 8 of the Treaty establishing the European Community(14), and “relevant citizen of the Union” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;

“the City” means the City of London;

“Combination of Polls Regulations” means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(15);

“Common Council” means the Common Council of the City;

“completed corresponding number list” means a list prepared under rule 23 of the European Parliamentary elections rules including the parts which are completed in accordance with rules 32(3)(d) and 41(1)(b) of those rules or paragraph 48(1) of Schedule 2;

“disability”, in relation to doing a thing, includes a short term inability to do it;

“dwelling” includes any part of a building where that part is occupied separately as a dwelling;

“election” means a European Parliamentary election;

“elector”, in relation to an election, means any person who has for the time being an entry in a register of electors, but does not include those shown in such a register (or, in the case of a person with an anonymous entry in the register, in the record of anonymous entries) as below voting age on the day fixed for the poll;

“European Parliamentary elections rules” means the rules in Schedule 1 to these Regulations;

“European Parliamentary election petition” means a petition presented in pursuance of Part 4 of these Regulations;

“European Parliamentary overseas elector” means a person falling within section 8(4) of the 2002 Act;

“European Parliamentary overseas elector’s declaration” means a declaration made in pursuance of regulations made under section 3 of the 1985 Act(16);

(11) Paragraph 8A was inserted into Schedule 2 to the 1983 Act by section 10(2) of, and paragraph 15(6) of Schedule 1 to, the Electoral Administration Act 2006 (c.22). The powers in paragraph 8A of Schedule 2 were used to make S.I.2006/2910 which amended S.I.2001/341.

(12) Gibraltar Act No. 1973-20.

(13) Gibraltar Act No. 1962-08.

(14) O.J.L. 278, 08.10.1976, p.21 (Cmnd.3780). Article 8 was substituted by Article 12 of the Lisbon Treaty (Cmnd. 7294, European Communities Series No.13) which was signed by the United Kingdom on 13 December 2007 but which has yet to be ratified.

(15) S.I. 2004/294 as amended by S.I.2006/3278 and S.I.2007/1025.

(16) Section 3 was substituted by Schedule 2 to the Representation of the People Act 2000 (c.2). The Representation of the People (England and Wales) Regulations 2001 (S.I.2001/341) and the Representation of the People (Scotland) Regulations 2001 (S.I.2001/497) were made under this provision.

“Gibraltar elector”, in relation to an election, means any person who has for the time being an entry in the Gibraltar register, but does not include those shown in such a register as below voting age on the day fixed for the poll;

“legal incapacity” includes (in addition to any incapacity by virtue of any subsisting provision of the common law) any disqualification imposed by these Regulations or by any Act;

“legal process” means a claim form, application, notice, writ, summons or other process;

“list” means a list of candidates submitted by a registered party to accompany its nomination for election;

“local counting area” means any of the following—

- (a) a parliamentary constituency wholly or partly comprised in an electoral region in England, or in Wales, or
- (b) a local government area in Scotland, or
- (c) Gibraltar;

“the list of proxies” has, in relation to any election, the meaning given by paragraph 5(3) of Schedule 2 to these Regulations;

“mayoral election” means an election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007⁽¹⁷⁾;

“marked register” is the copy of a register of electors marked in accordance with rule 41(1)(c) of the European Parliamentary elections rules;

“marked copy of the postal voters list or the proxy postal voters list” is the copy of that list marked as mentioned in paragraph 60 of Schedule 2 to these Regulations for the purposes of rule 35 of the European Parliamentary elections rules;

“national election agent” means the person appointed under regulation 33;

“nominating officer” means the person registered under the 2000 Act as the officer with responsibility for the matters referred to in section 24(3) of that Act in respect of a registered party;

“overseas elector” means a person falling within section 8(2)(b) of the 2002 Act or in relation to Gibraltar, a person falling within section 16(2) of the 2003 Act;

“overseas elector’s declaration” has the meaning given by section 2 of the 1985 Act or, in relation to Gibraltar, paragraph 15 of Schedule 4 to these Regulations;

“postal voters list” means the list of persons kept in pursuance of paragraph 5(2) of Schedule 2 to these Regulations (persons whose applications to vote by post have been granted);

“the proxy postal voters list” means the list of persons kept in pursuance of paragraph 7(8) of Schedule 2 to these Regulations (persons whose applications to vote by post as proxy have been granted);

“proper officer” in England and Wales means a proper officer within the meaning of section 270(3) and (4) of the Local Government Act 1972⁽¹⁸⁾, or in Scotland, section 235(3) of the Local Government etc. (Scotland) Act 1973⁽¹⁹⁾;

⁽¹⁷⁾ S.I. 2007/1024.

⁽¹⁸⁾ 1972 c.70.

⁽¹⁹⁾ 1973 c.65.

“referendum” means a referendum conducted under the Local Authorities (Conduct of Referendums) (England) Regulations 2007(20);

“register of electors” means any part of—

- (a) a register of parliamentary or, in the case of peers, local government electors,
- (b) a register under section 3 of the 1985 Act,
- (c) a register under regulation 5 of the 2001 Franchise Regulations, and
- (d) the Gibraltar register(21),

in force within an electoral region at the time of a European Parliamentary election in that region;

“registered party “ means a party registered under Part 2 of the 2000 Act;

“registration officer” means an officer appointed under section 8 of the 1983 Act(22) or, in relation to Gibraltar, the European electoral registration officer for Gibraltar(23);

“relevant registration officer” (except where otherwise provided) means—

- (a) the registration officer of the local authority in whose area the election is held; or
- (b) if the local counting area comprises any part of the area of more than one local authority, the registration officer of the local authority in whose area the greater or greatest (as the case may be) number of electors are registered to vote at European Parliamentary elections; or
- (c) in relation to the City of London, the registration officer for the London borough of Westminster; or
- (d) in relation to the Scottish electoral region, the returning officer designated under section 6(3) of the 2002 Act; or
- (e) the European electoral registration officer for Gibraltar as regards documents issued for use in Gibraltar;

“service voter” means a person who has made a service declaration and is registered or entitled to be registered in pursuance of it;

“sub-agent” has the meaning given by regulation 35(1) in relation to registered parties under Part 2 of the 2000 Act or regulation 39(1) in relation to individual candidates;

“universal postal service provider” means a universal service provider within the meaning of the Postal Services Act 2000(24) and, in relation to Gibraltar, such person or persons with the right to exercise the functions of a universal service provider within the meaning of Council Directive No.97/67/EC(25); and

“voter” means a person voting at an election and includes a person voting as proxy and, except in the European Parliamentary elections rules, a person voting by proxy; and

“vote” (whether noun or verb) is to be construed accordingly, except that in those rules any reference to an elector voting or an elector’s vote is to include a reference to an elector voting by proxy or an elector’s vote given by proxy.”

(20) S.I. 2007/2089.

(21) See section 14(1) of the European Parliament (Representation) Act 2003 (c.7).

(22) Section 8 was amended by Schedules 16 and 18 to the Local Government (Wales) Act 1994 (c.19) and Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c.39).

(23) See section 14(2) of the European Parliament (Representation) Act 2003 (c.7).

(24) 2000 c.26.

(25) O.J.L. 15/14, 21.1.98.