
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the provision made in the European Parliamentary Elections (Northern Ireland) Regulations 2004 (“2004 Regulations”) for filling a vacancy arising mid-term in the seat of a member of the European Parliament for the Northern Ireland electoral region. A by-election will no longer always be held when a seat becomes vacant and how the vacancy is filled will depend on whether the previous member of the European Parliament (MEP) stood as an independent, in the name of a registered party, or in the name of two or more registered parties at the time she or he was elected.

Regulation 2 of these Regulations substitutes new regulations 76 to 76I in the 2004 Regulations.

New regulation 76A is an interpretative provision and, in particular, describes the basis on which a an MEP will be taken to have stood as an independent or in the name of a party or parties when she or he was elected.

New regulation 76B describes the steps that must be taken when a vacancy arises in the seat of an MEP. In particular the Secretary of State must notify the Chief Electoral Officer of the vacancy and the Chief Electoral Officer must then determine whether the MEP whose seat is vacant stood as an independent or in the name of a party or parties when she or he was elected.

Where the previous MEP stood in the name of a registered party when she or he was elected, new regulation 76C makes provision for her or his replacement to be nominated by the nominating officer of that party. Where the previous MEP stood in the name of two or more registered parties when she or he was elected, new regulation 76D makes provision for her or his replacement to be nominated jointly by the nominating officers of both or all of those parties. Where a nomination is not made in accordance with the requirements set out in those regulations provision is made for a by-election to be held. By virtue of new regulation 76E, a by-election will also be necessary where the party or parties in whose name the previous MEP stood is or are no longer registered in the Northern Ireland register.

Under new regulation 76F, an MEP who stood as an independent when she or he was elected may provide the Chief Electoral Officer for Northern Ireland with a notice naming up to six “substitutes” ranked in order of preference. These are the people who will be asked to replace the MEP should the MEP’s seat become vacant. Again provision is made for a by-election if none of the substitutes named are able to be returned as an MEP. Similarly a by-election will be necessary where no list of substitutes is provided.

New regulation 76H sets out the circumstances in which a by-election will be held as described above. However no by-election will be held if the latest day for the poll would fall on or after the day on which the next general election of MEPs would be held.

New regulation 76I makes provision for those nominated persons or substitutes who are relevant citizens of the Union (defined in regulation 2 of the 2004 Regulations to mean citizens of other European Union member States other than the Republic of Ireland). When nominated as candidates at a European Parliamentary election such citizens are required to provide a declaration and certificate in line with rule 7 of the European Parliamentary elections rules. This regulation makes provision for the application of that rule with modifications as appropriate to nominees and substitutes.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.