

EXPLANATORY MEMORANDUM TO
THE EUROPEAN PARLIAMENTARY ELECTION PETITION (AMENDMENT) RULES
2014

2014 No. 1129 (L. 23)

1. This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 The purpose of this instrument is to make amended provision in relation to the payment into court of an amount on account of security for costs which is required for an election petition in relation to an election to the European Parliament. The amendment provides for payment now to be sent to the Court Funds Office or the Mayor's and City of London Court in accordance with the Court Funds Rules 2011.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Context**
 - 4.1 This instrument amends the European Parliamentary Election Petition Rules 1979 (S.I. 1979/521) ("the 1979 Rules"). The 1979 Rules were made by the Supreme Court Rule Committee, and the power to make or amend such Rules now rests with the Civil Procedure Rule Committee by virtue of regulation 120 of the European Parliamentary Elections Regulations 2004 (S.I. 2004/293).
 - 4.2 The 1979 Rules were amended by the European Parliamentary Election Petition (Amendment) Rules 2004 (S.I. 2004/1415), following the establishment under section 9 of the European Parliament (Representation) Act 2003 of a combined electoral region including Gibraltar. Those amendments included the substitution for rule 5(4) of the 1979 Rules of a new rule 5(4) on security for costs, including provision extending to Gibraltar. The present Rules, made under the same power, substitute a further new rule 5(4), which similarly contains provision extending to Gibraltar.
5. **Territorial Extent and Application**
 - 5.1 This instrument (like the provision of the 1979 Rules which it amends) extends to England and Wales and Gibraltar.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 The 1979 Rules regulate the presentation and hearing of an election petition to the High Court which questions the declared result of any election to the European Parliament (in respect of an electoral region in England and Wales or the combined region). They make provision for the practice and procedure of the High Court when exercising its jurisdiction under the provisions of Part 4 of the European Parliamentary Elections Regulations 2004 (S.I. 2004/293). Part of that provision is for an amount to be paid into court on account of security for costs for an election petition.
- 7.2 Rule 5(4) of the 1979 Rules (as amended) presently provides that a payment into court on account of security for costs for an election petition is to be deposited at the elections petitions office (where the petition relates to an electoral region other than the combined region), or at the elections petitions office or the Supreme Court Registry of the Gibraltar Supreme Court for onward transmission to the elections petitions office (where the petition relates to the combined region).
- 7.3 The amendment made by these Rules provides that such a payment is now to be sent to the Court Funds Office or to the Mayor's and City of London Court, in accordance with the Court Funds Rules 2011, where the petition relates to an electoral region other than the combined region. It is to be sent to the Court Funds Office or to the Mayor's and City of London Court, or the Supreme Court Registry of the Gibraltar Supreme Court for onward transmission to the Court Funds Office where the petition relates to the combined region.

Consolidation

- 7.4 There are no immediate plans for consolidation of the amended Rules.

8. Consultation outcome

- 8.1 Since the amendment made by the Rules is purely consequential on the Court Funds Rules, it was not considered necessary to undertake consultation.

9. Guidance

- 9.1 These Rules, together with the Rules which they amend, are published on www.legislation.gov.uk.

10. Impact

10.1 A full Impact Assessment has not been produced for these Rules, as no, or no significant, impact on the private, voluntary or public sector is foreseen.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The 1979 Rules will be kept under review.

13. Contact

Jane Wright, Secretary to the Civil Procedure Rule Committee, Tel: 020 3334 3184 or email: Jane.Wright@justice.gsi.gov.uk; can answer any queries regarding the instrument.