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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the European Parliamentary Elections Act 2002 (c.24) to enable regulations to make provision for vacant seats in Great Britain and Gibraltar to be filled in additional ways in certain circumstances.

Regulation 2(2) inserts subsections (3A) and (3B) into section 5 of the European Parliamentary Elections Act 2002. Subsection (3A) provides that, where the vacant seat was last filled from the party's list or where the previous MEP stood on behalf of a registered party at a by-election, provision may be made allowing the vacancy to be filled by a person nominated by the nominating officer of that party. Where the previous MEP stood on behalf of two or more parties at a by-election, provision may be made allowing the nominating officers of those parties to jointly nominate a person to fill the vacancy. Where the previous MEP was not a member of a registered party when returned in a vacant seat, regulations may provide for a person named in a list of substitutes given by the MEP to fill the vacancy. Further provision is made to allow a seat vacated by an MEP who was returned in the seat by nomination to be subsequently filled by nomination.

The inserted subsection (3B) provides that provision in regulations under subsection (3A) may apply to any seat that is vacant at the time that the regulations come into force, provided that a notice of a by-election has not been published at that time.

Regulation 3 makes changes to the European Parliamentary Elections Regulations 2004 (S.I. 2004/293) consequential upon the amendments made in regulation 2 of this instrument.

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