



# European Union Act 2011

## 2011 CHAPTER 12

F1

An Act to make provision about treaties relating to the European Union and decisions made under them, including provision implementing the Protocol signed at Brussels on 23 June 2010 amending the Protocol (No. 36) on transitional provisions annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community; and to make provision about the means by which directly applicable or directly effective European Union law has effect in the United Kingdom. [19th July 2011]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Textual Amendments

- F1 Act repealed (4.7.2018 for the repeal of ss. 1-13, 14(1), 15(1), Sch. 1 and on IP completion day in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\), s. 25\(4\), Sch. 9](#) (with s. 19, Sch. 8 para. 37); S.I. 2018/808, [regs. 3\(i\), 4](#) (with [reg. 8](#)) (as amended by S.I. 2020/74, [reg. 3\(2\)\(3\)](#))

## PART 1

### RESTRICTIONS ON TREATIES AND DECISIONS RELATING TO EU

#### *Introductory*

#### F1 **1 Interpretation of Part 1**

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*Changes to legislation: There are currently no known outstanding effects for the European Union Act 2011. (See end of Document for details)*

**Textual Amendments**

**F1** Act repealed (4.7.2018 for the repeal of ss. 1-13, 14(1), 15(1), Sch. 1 and on IP completion day in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), **Sch. 9** (with s. 19, Sch. 8 para. 37); S.I. 2018/808, **regs. 3(i)**, 4 (with reg. 8) (as amended by S.I. 2020/74, **reg. 3(2)(3)**)

*Restrictions relating to amendments of TEU or TFEU*

**F12 Treaties amending or replacing TEU or TFEU**

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**Textual Amendments**

**F1** Act repealed (4.7.2018 for the repeal of ss. 1-13, 14(1), 15(1), Sch. 1 and on IP completion day in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), **Sch. 9** (with s. 19, Sch. 8 para. 37); S.I. 2018/808, **regs. 3(i)**, 4 (with reg. 8) (as amended by S.I. 2020/74, **reg. 3(2)(3)**)

**F13 Amendment of TFEU under simplified revision procedure**

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**Textual Amendments**

**F1** Act repealed (4.7.2018 for the repeal of ss. 1-13, 14(1), 15(1), Sch. 1 and on IP completion day in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), **Sch. 9** (with s. 19, Sch. 8 para. 37); S.I. 2018/808, **regs. 3(i)**, 4 (with reg. 8) (as amended by S.I. 2020/74, **reg. 3(2)(3)**)

**F14 Cases where treaty or Article 48(6) decision attracts a referendum**

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**Textual Amendments**

**F1** Act repealed (4.7.2018 for the repeal of ss. 1-13, 14(1), 15(1), Sch. 1 and on IP completion day in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), **Sch. 9** (with s. 19, Sch. 8 para. 37); S.I. 2018/808, **regs. 3(i)**, 4 (with reg. 8) (as amended by S.I. 2020/74, **reg. 3(2)(3)**)

**F15 Statement to be laid before Parliament**

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**Textual Amendments**

**F1** Act repealed (4.7.2018 for the repeal of ss. 1-13, 14(1), 15(1), Sch. 1 and on IP completion day in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), **Sch. 9** (with s. 19, Sch. 8 para. 37); S.I. 2018/808, **regs. 3(i)**, 4 (with reg. 8) (as amended by S.I. 2020/74, **reg. 3(2)(3)**)

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*Changes to legislation: There are currently no known outstanding effects for the European Union Act 2011. (See end of Document for details)*

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*Restrictions relating to other decisions under TEU or TFEU*

**F16 Decisions requiring approval by Act and by referendum**

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**Textual Amendments**

- F1** Act repealed (4.7.2018 for the repeal of ss. 1-13, 14(1), 15(1), Sch. 1 and on IP completion day in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\), s. 25\(4\)](#), [Sch. 9](#) (with s. 19, Sch. 8 para. 37); S.I. 2018/808, [regs. 3\(i\)](#), 4 (with reg. 8) (as amended by S.I. 2020/74, [reg. 3\(2\)\(3\)](#))

**F17 Decisions requiring approval by Act**

.....

**Textual Amendments**

- F1** Act repealed (4.7.2018 for the repeal of ss. 1-13, 14(1), 15(1), Sch. 1 and on IP completion day in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\), s. 25\(4\)](#), [Sch. 9](#) (with s. 19, Sch. 8 para. 37); S.I. 2018/808, [regs. 3\(i\)](#), 4 (with reg. 8) (as amended by S.I. 2020/74, [reg. 3\(2\)\(3\)](#))

**F18 Decisions under Article 352 of TFEU**

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**Textual Amendments**

- F1** Act repealed (4.7.2018 for the repeal of ss. 1-13, 14(1), 15(1), Sch. 1 and on IP completion day in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\), s. 25\(4\)](#), [Sch. 9](#) (with s. 19, Sch. 8 para. 37); S.I. 2018/808, [regs. 3\(i\)](#), 4 (with reg. 8) (as amended by S.I. 2020/74, [reg. 3\(2\)\(3\)](#))

**F19 Approval required in connection with Title V of Part 3 of TFEU**

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**Textual Amendments**

- F1** Act repealed (4.7.2018 for the repeal of ss. 1-13, 14(1), 15(1), Sch. 1 and on IP completion day in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\), s. 25\(4\)](#), [Sch. 9](#) (with s. 19, Sch. 8 para. 37); S.I. 2018/808, [regs. 3\(i\)](#), 4 (with reg. 8) (as amended by S.I. 2020/74, [reg. 3\(2\)\(3\)](#))

**F110 Parliamentary control of certain decisions not requiring approval by Act**

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*Changes to legislation: There are currently no known outstanding effects for the European Union Act 2011. (See end of Document for details)*

**Textual Amendments**

**F1** Act repealed (4.7.2018 for the repeal of ss. 1-13, 14(1), 15(1), Sch. 1 and on IP completion day in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 9](#) (with s. 19, Sch. 8 para. 37); S.I. 2018/808, [regs. 3\(i\)](#), 4 (with reg. 8) (as amended by S.I. 2020/74, [reg. 3\(2\)\(3\)](#))

*Further provisions about referendums held in pursuance of section 2, 3 or 6*

**F1 11 Persons entitled to vote in referendum**

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**Textual Amendments**

**F1** Act repealed (4.7.2018 for the repeal of ss. 1-13, 14(1), 15(1), Sch. 1 and on IP completion day in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 9](#) (with s. 19, Sch. 8 para. 37); S.I. 2018/808, [regs. 3\(i\)](#), 4 (with reg. 8) (as amended by S.I. 2020/74, [reg. 3\(2\)\(3\)](#))

**F1 12 Separate questions**

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**Textual Amendments**

**F1** Act repealed (4.7.2018 for the repeal of ss. 1-13, 14(1), 15(1), Sch. 1 and on IP completion day in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 9](#) (with s. 19, Sch. 8 para. 37); S.I. 2018/808, [regs. 3\(i\)](#), 4 (with reg. 8) (as amended by S.I. 2020/74, [reg. 3\(2\)\(3\)](#))

**F1 13 Role of Electoral Commission**

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**Textual Amendments**

**F1** Act repealed (4.7.2018 for the repeal of ss. 1-13, 14(1), 15(1), Sch. 1 and on IP completion day in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 9](#) (with s. 19, Sch. 8 para. 37); S.I. 2018/808, [regs. 3\(i\)](#), 4 (with reg. 8) (as amended by S.I. 2020/74, [reg. 3\(2\)\(3\)](#))

*Supplementary*

**14 Consequential amendments and repeals relating to Part 1**

**F1(1)** .....

(2) In section 23 of the Constitutional Reform and Governance Act 2010 (section 20 of that Act not to apply to certain descriptions of treaties), in subsection (1)—

(a) omit paragraph (a),

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- (b) in paragraph (b), for “founding Treaties” substitute “ Treaty establishing European Atomic Energy Community ”, and
  - (c) at the end insert—
    - “(c) a treaty that is subject to a requirement imposed by Part 1 of the European Union Act 2011 (restrictions on treaties and decisions relating to EU).”
- (3) The following enactments (which are superseded by the provisions of this Part) are repealed—
- (a) section 2 of the European Communities (Amendment) Act 1993,
  - (b) section 1(2) and (3) of the European Communities (Amendment) Act 2002,
  - (c) section 12 of the European Parliamentary Elections Act 2002, and
  - (d) section 6 of the European Union (Amendment) Act 2008.

#### Textual Amendments

- F1** Act repealed (4.7.2018 for the repeal of ss. 1-13, 14(1), 15(1), Sch. 1 and on IP completion day in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 9](#) (with s. 19, Sch. 8 para. 37); [S.I. 2018/808](#), [regs. 3\(i\)](#), 4 (with [reg. 8](#)) (as amended by [S.I. 2020/74](#), [reg. 3\(2\)\(3\)](#))

#### Commencement Information

- II** S. 14 in force at 19.8.2011 by [S.I. 2011/1984](#), [art. 2](#)

## PART 2

### IMPLEMENTATION OF TRANSITIONAL PROTOCOL ON MEPS

#### 15 Protocol on MEPs: approval, and addition to list of treaties

<sup>F1</sup>(1) .....

- (2) In section 1(2) of the European Communities Act 1972, in the definition of “the Treaties”, after paragraph (s) insert—

“and

- (t) the Protocol amending the Protocol (No. 36) on transitional provisions annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community, signed at Brussels on 23 June 2010.”.

#### Textual Amendments

- F1** Act repealed (4.7.2018 for the repeal of ss. 1-13, 14(1), 15(1), Sch. 1 and on IP completion day in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 9](#) (with s. 19, Sch. 8 para. 37); [S.I. 2018/808](#), [regs. 3\(i\)](#), 4 (with [reg. 8](#)) (as amended by [S.I. 2020/74](#), [reg. 3\(2\)\(3\)](#))

*Changes to legislation: There are currently no known outstanding effects  
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## 16 Number of MEPs and electoral regions

- (1) Section 1 of the European Parliamentary Elections Act 2002 is amended as follows.
- (2) In subsection (1) (number of members of the European Parliament) for “72” substitute “73”.
- (3) In subsection (3) (electoral regions) for the entry relating to the West Midlands substitute—

“West Midlands	7”
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### Commencement Information

**I2** [S. 16](#) in force at 19.9.2011 by [S.I. 2011/1985](#), [art. 2](#)

## 17 Election of additional MEP

- (1) The additional seat allocated to the West Midlands electoral region by virtue of section 16 is to be filled by applying subsections (5) to (9) of section 2 of the 2002 Act (voting system in Great Britain and Gibraltar) to the results of the poll at the general election of members of the European Parliament held on 4 June 2009, as if the seat had been allocated to the region at that date.
- (2) Subsection (1) is subject to Schedule 2 which makes further provision about the filling of the additional seat.
- (3) This section and Schedule 2—
  - (a) cease to have effect on the date appointed under section 4 of the 2002 Act as the date of the poll at the next general election of members of the European Parliament after the passing of this Act, and
  - (b) do not affect the procedure to be followed in accordance with regulations made under section 5 of the 2002 Act if, after being filled in accordance with this section and Schedule 2, the additional seat subsequently becomes vacant before that date.
- (4) In this section and in Schedule 2 “the 2002 Act” means the European Parliamentary Elections Act 2002.

### Commencement Information

**I3** [S. 17](#) in force at 19.9.2011 by [S.I. 2011/1985](#), [art. 2](#)

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*Changes to legislation: There are currently no known outstanding effects for the European Union Act 2011. (See end of Document for details)*

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## **PART 3**

### **GENERAL**

#### *Status of EU law*

#### **18 Status of EU law dependent on continuing statutory basis**

Directly applicable or directly effective EU law (that is, the rights, powers, liabilities, obligations, restrictions, remedies and procedures referred to in section 2(1) of the European Communities Act 1972) falls to be recognised and available in law in the United Kingdom only by virtue of that Act or where it is required to be recognised and available in law by virtue of any other Act.

#### *Final provisions*

#### **19 Financial provisions**

- (1) There is to be paid out of money provided by Parliament any increase attributable to this Act in the sums payable under any other Act out of money so provided.
- (2) There is to be charged on and paid out of the Consolidated Fund any increase attributable to this Act in the sums charged on and paid out of that Fund under any other Act.

#### **20 Extent**

- (1) This Act extends to the whole of the United Kingdom.
- (2) Part 2 (and this section and sections 21 and 22 so far as relating to that Part) extend also to Gibraltar.

#### **21 Commencement**

- (1) The following provisions come into force on the day on which this Act is passed—
  - (a) section 15;
  - (b) this Part.
- (2) The other provisions of this Act come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (3) Different days may be appointed for different purposes.

#### **22 Short title**

This Act may be cited as the European Union Act 2011.

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*Changes to legislation: There are currently no known outstanding effects  
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## SCHEDULES

### SCHEDULE 1

Sections 4 and 6

#### TREATY PROVISIONS WHERE AMENDMENT REMOVING NEED FOR UNANIMITY, CONSENSUS OR COMMON ACCORD WOULD ATTRACT REFERENDUM

F1 . . .

### SCHEDULE 2

Section 17

#### ELECTION OF ADDITIONAL MEP

##### *Interpretation*

1 In this Schedule—

“list of candidates”, in relation to a registered party, means the list of candidates that accompanied the party's nomination paper for the general election of members of the European Parliament held on 4 June 2009, in accordance with rules 6 and 7 of the European Parliamentary elections rules in Schedule 1 to the European Parliamentary Elections Regulations 2004 (S.I. 2004/293);

“MEP” means a Member of the European Parliament;

“nominating officer”, in relation to a registered party, has the meaning given by section 5(5) of the 2002 Act;

“registered party” has the meaning given by section 2(10) of the 2002 Act.

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#### **Commencement Information**

**I4** [Sch. 2 para. 1](#) in force at 19.9.2011 by [S.I. 2011/1985](#), [art. 2](#)

##### *Allocation to a registered party*

2 (1) The returning officer for the West Midlands electoral region must ascertain the registered party to which the additional seat provided for by section 16 falls to be allocated in accordance with section 17(1).

(2) In the following provisions, that registered party is referred to as “the qualifying party”.

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#### **Commencement Information**

**I5** [Sch. 2 para. 2](#) in force at 19.9.2011 by [S.I. 2011/1985](#), [art. 2](#)



*Changes to legislation: There are currently no known outstanding effects for the European Union Act 2011. (See end of Document for details)*

- 3
- (1) The returning officer must ascertain from the qualifying party's list of candidates the name and address of the person whose name appears highest on that list (“the first choice”), disregarding the name of any person who has been returned as an MEP or who has died.
  - (2) The returning officer must take such steps as the returning officer considers reasonable to contact the first choice to ask whether he or she will—
    - (a) state in writing that he or she is willing and able to be returned as an MEP, and
    - (b) deliver a certificate, signed by or on behalf of the nominating officer of the qualifying party, stating that he or she may be returned as that party's MEP.

**Commencement Information**

**I6** Sch. 2 para. 3 in force at 19.9.2011 by S.I. 2011/1985, art. 2

- 4
- (1) This paragraph applies where—
    - (a) within such period as the returning officer considers reasonable, the returning officer decides that steps taken to contact the first choice have been unsuccessful,
    - (b) the first choice has not provided to the returning officer, within such period as the returning officer considers reasonable, the statement and certificate referred to in paragraph 3(2), or
    - (c) the first choice has provided to the returning officer a statement in writing that he or she is not willing or able to be returned as an MEP.
  - (2) The returning officer must ascertain from the qualifying party's list of candidates the name and address of the person whose name appears next in the qualifying party's list of candidates (“the subsequent choice”), disregarding the name of any person who has died.
  - (3) The returning officer must take such steps as the returning officer considers reasonable to contact the subsequent choice to ask the question in paragraph 3(2) (a) and (b).

**Commencement Information**

**I7** Sch. 2 para. 4 in force at 19.9.2011 by S.I. 2011/1985, art. 2

- 5
- (1) This paragraph applies where—
    - (a) within such period as the returning officer considers reasonable, the returning officer decides that the steps taken to contact the subsequent choice have been unsuccessful,
    - (b) the subsequent choice has not provided to the returning officer, within such period as the returning officer considers reasonable, the statement and certificate referred to in paragraph 3(2), or
    - (c) the subsequent choice has provided to the returning officer a statement in writing that he or she is not willing or able to be returned as an MEP.
  - (2) The returning officer must repeat the procedure under paragraph 4(2) and (3) until—
    - (a) the seat is filled, or
    - (b) there are no more names on the qualifying party's list of candidates.

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*Changes to legislation: There are currently no known outstanding effects for the European Union Act 2011. (See end of Document for details)*

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**Commencement Information**

**I8** Sch. 2 para. 5 in force at 19.9.2011 by S.I. 2011/1985, art. 2

- 6 Where—
- (a) the returning officer has, in accordance with this Schedule, asked a subsequent choice the questions in paragraphs 3(2)(a) and (b), and
  - (b) a person who was previously asked those questions (“the prior choice”) then provides the statement and certificate referred to in that paragraph,
- the statement and certificate provided by the prior choice are to have no effect unless and until any of the circumstances described in paragraph 5(1)(a), (b) or (c) apply in respect of the subsequent choice.

**Commencement Information**

**I9** Sch. 2 para. 6 in force at 19.9.2011 by S.I. 2011/1985, art. 2

- 7 (1) Where, on being asked under paragraphs 3 to 5 by the returning officer, a person whose name appears on the qualifying party's list of candidates provides the statement and certificate referred to in paragraph 3(2)(a) and (b), the returning officer must—
- (a) declare in writing that person to be returned as an MEP, and
  - (b) prepare a statement containing the information specified in subparagraph (2).
- (2) The statement must specify—
- (a) the total number of valid votes (as notified to the returning officer) given to each registered party at the general election of members of the European Parliament held on 4 June 2009, and
  - (b) the number of votes which each party to which a seat has been allocated had after the application of subsections (5) to (9) of section 2 of the 2002 Act (including that section as applied by section 17(1)) at any stage when a seat was allocated to the party.
- (3) The returning officer must—
- (a) give public notice of a declaration given and a statement prepared under this paragraph, and
  - (b) send a copy of the notice and statement to the Secretary of State.

**Commencement Information**

**I10** Sch. 2 para. 7 in force at 19.9.2011 by S.I. 2011/1985, art. 2

*By-election if seat not filled from qualifying party's list of candidates*

- 8 (1) This paragraph applies where the additional seat cannot be filled in accordance with paragraphs 3 to 7.
- (2) The returning officer must notify the Secretary of State that the seat cannot be filled in accordance with paragraphs 3 to 7.

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*Changes to legislation: There are currently no known outstanding effects  
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- (3) A by-election is to be held to fill the seat.
- (4) The by-election is to take place on a day specified by order of the Secretary of State.
- (5) The by-election is to be conducted in accordance with regulations made under the 2002 Act.

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**Commencement Information**

**I11** Sch. 2 para. 8 in force at 19.9.2011 by S.I. 2011/1985, art. 2

- 9 (1) An order under paragraph 8(4) is to be made by statutory instrument.
- (2) A statutory instrument containing such an order is to be laid before Parliament after being made.

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**Commencement Information**

**I12** Sch. 2 para. 9 in force at 19.9.2011 by S.I. 2011/1985, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the European Union Act 2011.