

EXPLANATORY MEMORANDUM

TITLE:-

EUROPEAN COMMUNITIES

The European Parliamentary Elections (Common Electoral Principles) Regulations 2004 No.1374

LAYING AUTHORITY:-

1. This explanatory memorandum is laid before Parliament by Command of Her Majesty.

RESPONSIBILITY:-

2. The European Parliamentary Elections (Common Electoral Principles) Regulations are the responsibility of the Department for Constitutional Affairs.

DESCRIPTION:-

3. The Regulations will bring UK domestic law fully into line with provisions in Council Decision 2002/772/EC. That Decision amends the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Decision 76/787/ECSC, EEC, Euratom (the 1976 Act). The Council Decision has already been adopted into UK law; and the Regulations to which this memorandum refers up-date references in UK law to articles in the amended 1976 Act.

LEGISLATIVE BACKGROUND:-

4. The Council Decision does not have a large effect on UK legislation. As outlined above, it amends the '1976 Act' - which is a European, not UK, Act - about election of MEPs by direct universal suffrage. The amendments set out in the Decision have the object of ensuring that all MEPs are elected on the basis of principles common to all Member States. For example, it amends article 1 of the 1976 Act to specify that MEPs shall be elected on the basis of proportional representation, but this is already the case in the UK.

5. The main change affecting the UK is that an MEP will not be able to be, in addition, a member of a national parliament. This is however subject to a derogation until 2009 for existing UK MEPs who are already members of the UK Parliament. The Decision also renumbers and consolidates the amended 1976 Act, making it more readable.

6. To adopt the Decision into UK law, an Order was made, designating the Decision as a treaty for the purposes of the European Communities Act 1972. This was the European Communities (Definition of Treaties) (Common Electoral Principles) Order 2004. After debates in both Houses, this was made on 11 February and came into force on the same date as the Decision, 1 April 2004.

7. As a result of that designation, the Council Decision has direct legal effect in the UK. Accordingly, the amended Act 1976 would have the right effect without these Regulations, and they simply amend the cross-references quoted in domestic legislation to reflect the changes made to it.

EXTENT:-

8. Regulations 2 and 4 extend to each part of the UK. Regulation 3 extends to Northern Ireland only.

EUROPEAN CONVENTION ON HUMAN RIGHTS

9. In the view of the Parliamentary Under Secretary of State (Christopher Leslie MP), the provisions of these draft regulations are compatible with the Convention rights (as defined in the Human Rights Act 1998).

POLICY BACKGROUND:-

10. The policy objective of these regulations is to bring the text of domestic legislation fully into line with the amended EU Legislation. This involves changing references in domestic legislation to article numbers under EU legislation (the '1976 Act') so that they agree with the revised article numbers arising from the amendments to that legislation.

11. These small changes will assist those who read the relevant legislation. There is unlikely to be any public, political or media interest.

IMPACT:-

12. There is no impact on business, charities, voluntary bodies or the Exchequer, so no Regulatory Impact Assessment has been undertaken.

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