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## EXPLANATORY NOTE

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

These Regulations make miscellaneous changes to the law governing European Parliamentary elections. In part these changes are made to transpose Council Directive 2013/1/EU of 20th December 2012, which makes amendments to Council [Directive 93/109/EC](#) of 6th December 1993 (laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals).

The majority of the Regulations amend the European Parliamentary Elections Regulations 2004 ([S.I. 2004/293](#)) (the “2004 Regulations”), which have effect in England, Wales, Scotland and Gibraltar. The Regulations also amend the European Parliamentary Elections Act 2002 ([c.24](#)) (the “2002 Act”), which has effect throughout the United Kingdom and in Gibraltar, and the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 ([S.I. 2001/1184](#)) (the “2001 Franchise Regulations”), which have effect throughout the United Kingdom.

Regulation 3 amends the 2002 Act to transpose a change to Council [Directive 93/109/EC](#) made by Council Directive 2013/1/EU about the types of decision that may disqualify a person from standing as a candidate at a European Parliamentary election. The reference to a “criminal law or civil law decision” is replaced with a reference to a “judicial decision or an administrative decision that can be subject to a judicial remedy”.

Regulation 4 amends the 2001 Franchise Regulations to transfer, from the Lord Chancellor to the Lord President of the Council or the Secretary of State, the duty to maintain a list of representatives of other Member States to whom certain information must be sent.

Regulation 5 amends the 2001 Franchise Regulations to apply section 13AB of the Representation of the People Act 1983 ([c.2](#)) to the electoral register created under those Regulations. Section 13AB was inserted by the Electoral Registration and Administration Act 2013 ([c.6](#)) and requires a registration officer to publish updated registers in the period before an election.

Regulations 6(a), 6(c), 8, 18, 34(b), 38 and 40 amend the 2004 Regulations in consequence of the commencement of section 27(3) of the Political Parties and Elections Act 2009 ([c.12](#)), which amended the 2002 Act to change the definition of “local returning officer”.

Regulations 6(b), 12(a), 17, 19 to 21 and 27 to 29 amend the 2004 Regulations to transpose changes to Council [Directive 93/109/EC](#) made by Council Directive 2013/1/EU. The requirement for a declaration to be made by a candidate who is a citizen of another Member State is amended; the requirement for such a candidate to provide a certificate from the Member State of nationality is removed; and changes are made to the time by which nomination documents must be submitted (regulation 19). The Secretary of State is required to notify another Member State that one of its nationals has made a declaration and to ask if that person has been deprived of the right to stand as a candidate in that Member State (regulation 20). If information is received that shows that the candidate has been so deprived, the candidate’s nomination may be declared invalid or the candidate may be removed from the party’s list (regulation 21), or, if the information is received after the publication of the statement of parties and candidates standing nominated, the candidate and votes for the candidate may be disregarded for the purposes of allocating seats (regulation 28).

Regulations 7, 16 and 65 make changes consequential on changes to criminal justice legislation in Gibraltar.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulations 9 and 10 insert a new provision into the 2004 Regulations to allow the fee payable to a returning officer or local returning officer to be reduced because of inadequate performance. A similar change has made for the purposes of Parliamentary elections by section 29A of the Representation of the People Act 1983, as inserted by the Electoral Registration and Administration Act 2013.

Regulation 11 amends the 2004 Regulations and is consequential to the repeal, by the Electoral Registration and Administration Act 2013, of powers to establish a co-ordinated on-line record of electors.

Regulations 12(b) and 13 to 15 amend the maximum amounts of fines that can be imposed in Gibraltar on conviction for certain offences under the 2004 Regulations.

Regulation 17 inserts a new provision into the 2004 Regulations to transpose a change to Council [Directive 93/109/EC](#) made by Council Directive 2013/1/EU. The new provision requires the Secretary of State to respond to a request from another Member State for information about a UK national who is standing as a candidate at a European Parliamentary election in that Member State.

Regulations 22, 31, 55, 56, 59, 60, 63 and 64 and the Schedules replace or amend various forms and notices used by voters at European Parliamentary elections.

Regulations 23, 24, 33, 57 and 61 amend the 2004 Regulations to enable a Police Community Support Officer to enter a polling station in England and Wales on the same terms as a constable. Similar changes were made for the purposes of Parliamentary elections by the Electoral Registration and Administration Act 2013.

Regulations 25, 26(1)(a) and 26(2) amend the 2004 Regulations to allow a voter to vote if he or she is in a polling station or in a queue outside the polling station at 10 p.m. on polling day. A similar change was made for the purposes of Parliamentary elections by the Electoral Registration and Administration Act 2013.

Regulations 26(1)(b), 44 to 48, 49(2)(a), 51(a), 58 and 62 amend the 2004 Regulations so that a local returning officer must check the personal identifiers (date of birth and signature) on every returned postal voting statement against the identifiers held on file.

Regulations 30, 39, 50, 52 and 53 amend the 2004 Regulations to require a registration officer to notify a voter that their vote has been rejected because the personal identifiers on the postal voting statement could not be verified, and to give the registration officer the power to request that the voter provide a fresh signature.

Regulations 32 and 41 amend the 2004 Regulations to repeal obsolete transitional provisions relating to postal and proxy voting.

Regulations 35, 36 and 37(1) amend the 2004 Regulations to allow a voter to apply for a proxy voting arrangement after 5 p.m. on the sixth day before the date of the poll (an emergency proxy vote) on grounds relating to occupation, service or employment.

Regulation 42 amends the 2004 Regulations to require that postal ballot papers must be sent out as soon as it is practicable to do so. Regulations 34(a), 37(2), 43, 49(1), 49(2)(b), 51(b) and 52 make consequential provision and provision for how an application to change an absent voting arrangement will be dealt with when a postal vote has already been sent out.

The amendment to the 2004 Regulations made by regulation 52 also provides for the Statement of Postal Ballot Papers (Form R in Schedule 2 to the 2004 Regulations) to be forwarded by the local returning officer to the registration officer or, in Scotland, retained by the local returning officer on behalf of the returning officer. Regulation 54 amends Form R to reflect other changes made by these Regulations.

A full impact assessment has not been produced for this instrument because no, or no significant, impact on the private, voluntary or public sectors is foreseen other than that set out in the impact assessments which relate to Part 2 of the Electoral Registration and Administration Act 2013.