**EXPLANATORY MEMORANDUM TO**

**THE EUROPEAN PARLIAMENT (NUMBER OF MEPs AND DISTRIBUTION BETWEEN ELECTORAL REGIONS) (UNITED KINGDOM AND GIBRALTAR) ORDER 2008**

**2008 No. [DRAFT]**

1. This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.

## 2. Description

2.1 This Order amends section 1(1) of the European Parliamentary Elections Act 2002 ("the 2002 Act") to provide for a reduction in the number of United Kingdom MEPs, implementing the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union signed at Luxembourg on 25th April 2005 ("the Luxembourg Treaty"). It also amends section 1(3) of the 2002 Act to specify how the seats allocated to the United Kingdom will be distributed across the electoral regions, implementing the Electoral Commission's recommendation made on 31st July 2007. The amendments do not affect the number or distribution of United Kingdom MEPs during the rest of the current term of the European Parliament.

2.2 This Order revokes the European Parliament (Number of MEPs) (United Kingdom and Gibraltar) Order 2004 (S.I.2004/1245) which makes amendments to section 1(1) and (3) of the 2002 Act that are superseded by this Order.

## 3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

## 4. Legislative Background

4.1 Section 1(1) of the 2002 Act, as amended by the European Parliament (Number of MEPs) (United Kingdom and Gibraltar) Order 2004 (S.I.2004/1245), provides that there shall be 78 MEPs elected for the United Kingdom. For the purpose of electing those MEPs, the United Kingdom is divided into electoral regions and section 1(3) sets out the distribution of MEPs across those regions.

4.2 The Luxembourg Treaty reduces the United Kingdom's total allocation of MEP seats from 78 to 72, with effect from the start of the 2009-2014 term. The United Kingdom ratified the Treaty on 5th April 2006 and the Treaty entered into force on 1st January 2007.

4.3 Section 3(1) of the European Parliament (Representation) Act 2003 ("the 2003 Act"), as amended by the Secretary of State for Constitutional Affairs Order 2003 (S.I.2003/1887), provides that the Secretary of State may require the Electoral Commission to make a recommendation as to the distribution between electoral regions of the total number of MEPs for the United Kingdom. When determining what recommendation to make, the Electoral Commission is required by section 3(4) to ensure that each electoral region is allocated at least three MEPs and that the ratio of electors to MEPs is as nearly as possible the same in each electoral region. By virtue of section 5(2) of the 2003 Act, an amendment to the

distribution of MEPs across the electoral regions must give effect to the distribution recommended by the Electoral Commission under section 3.

## 5. Territorial Extent and Application

5.1 This Order applies to the United Kingdom and Gibraltar. By virtue of the European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I.2004/366), Gibraltar is combined with the South West electoral region for the purposes of European Parliamentary elections.

## 6. European Convention on Human Rights

6.1 The Lord Chancellor and Secretary of State for Justice, Jack Straw, MP, has made the following statement regarding Human Rights:

"In my view the provisions of the draft European Parliament (Number of MEPs and Distribution between Electoral Regions) (United Kingdom and Gibraltar) Order 2008 are compatible with the Convention Rights."

## 7. Policy background

7.1 This Order implements the provisions of the Luxembourg Treaty.

7.2 The Electoral Commission was directed to make a recommendation as to the distribution of the reduced number of MEPs between the electoral regions on 27th January 2007. Its recommendation was made on 31st July 2007 and was laid before Parliament on 26th November 2007.

7.3 The Electoral Commission recommended that six electoral regions should each lose one MEP, namely: East Midlands, London, North West, South West, West Midlands and Scotland. The impact of the change is illustrated in the table below:

**Table 1: Recommended distribution of MEP seats from 2009**

| **Region** | **Current MEP numbers per region** | **Proposed MEP numbers per region** |
|---|---|---|
| East Midlands | 6 | 5 |
| Eastern | 7 | 7 |
| London | 9 | 8 |
| North East | 3 | 3 |
| North West | 9 | 8 |
| South East | 10 | 10 |
| South West | 7 | 6 |
| West Midlands | 7 | 6 |
| Yorkshire & the Humber | 6 | 6 |
| Wales | 4 | 4 |
| Scotland | 7 | 6 |
| Northern Ireland | 3 | 3 |
| **Total** | **78** | **72** |

7.4 This Order implements the Electoral Commission's recommendation without modification. The changes will take effect from the next general election of MEPs scheduled to take place in June 2009.

7.5 The Secretary of State has consulted the Electoral Commission in preparing this Order in accordance with section 5(7) of the 2003 Act.

**8. Impact**

8.1 An Impact Assessment has not been prepared for this Order as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is minimal.

**9. Contact**

9.1 Any queries about the content of this memorandum should be addressed to: Ada Young, Electoral Policy Division, Ministry of Justice, e-mail: ada.young@justice.gsi.gov.uk, telephone 020 7210 8244.