This Statutory Instrument has been made in consequence of defects in S.I. 2013/2876 and is being issued free of charge to all known recipients of that Statutory Instrument.

Draft Regulations laid before Parliament under section 13(2) of the European Parliamentary Elections Act 2002, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No. 0000

REPRESENTATION OF THE PEOPLE

The European Parliamentary Elections (Amendment) Regulations 2014

Made - - - - ***

Coming into force in accordance with regulation 1(2)

The Lord President of the Council makes these Regulations in exercise of the powers conferred by sections 6(5) and 7(1) of the European Parliamentary Elections Act 2002(**a**).

The Lord President of the Council has consulted the Electoral Commission in accordance with section 7(1) and (2)(a) of the Political Parties, Elections and Referendums Act 2000(**b**)

In accordance with section 13(2) of the European Parliamentary Elections Act 2002, a draft of these Regulations had been laid before and approved by a resolution of each House of Parliament.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the European Parliamentary Elections (Amendment) Regulations 2014.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations extend to England, Wales, Scotland and Gibraltar.

(4) In these Regulations "the 2004 Regulations" means the European Parliamentary Elections Regulations 2004(**c**).

Amendments to the 2004 Regulations

2. In each of the following provisions in the 2004 Regulations, for "44 and 105 or 45 and 105" substitute "9HE and 105, 9MG and 105 or 44 and 105"—

(**a**) 2002 c.24; section 6(5) was substituted by section 20 of the European Parliament (Representation) Act 2003 (c.7). The powers conferred on the Secretary of State by sections 6(5) and 7(1) were made exercisable concurrently by the Lord President of the Council and the Secretary of State by the Lord President of the Council Order 2010 (S.I. 2010/1837). Sections 6(5) and 7(1) extend to Gibraltar by virtue of section 19 of the European Parliament (Representation) Act 2003.

(**b**) 2000 c.41; section 7(2)(a) was amended by section 15 of and paragraph 8 of Schedule 3 to the European Parliamentary Elections Act 2002.

(**c**) S.I. 2004/293, amended by S.I. 2009/186 and 2013/2876; there are other amending instruments but none is relevant.

(a) regulation 11(b) (combination of polls),

(b) paragraph 23(4) and (5) of Schedule 1 (corresponding number list)(**a**),

(c) paragraph 17(9) of Schedule 2 (general requirements for applications for an absent vote)(**b**),

(d) paragraph 41(b) of Schedule 2 (combination of polls).

3. In regulation 122A of the 2004 Regulations (translations etc. of certain documents)(**c**), in paragraph (6)(a) for "Vote once (X) in one blank box" substitute "Vote only once by putting a cross [X] in the box next to your choice".

4.—(1) Schedule 2 to the 2004 Regulations (absent voting) is amended as follows.

(2) In paragraphs 26(6A) (closing date for applications), 31A(1)(a) (notification of rejected postal voting statement) and 67(4)(d) (lists of rejected postal ballot papers)(**d**) for "returning officer" substitute "local returning officer".

(3) In paragraph 54A (cancellation of postal ballot papers)(**e**), after sub-paragraph (4) insert—

"(5) Rule 2 of Schedule 1 applies to the computation of the period of nineteen days for the purposes of sub-paragraph (1) as it applies to the computation of a period for the purposes of rule 1 of that Schedule."

5.—(1) Schedule 3 to the 2004 Regulations (modification of European Parliamentary Elections Rules for combined polls)(**f**) is amended as follows.

(2) In paragraph 8 of Part 1 (England and Wales)(**g**), in the substituted provision, for "*[*Specify other*] ELECTION/REFERENDUM" to "*[Mark ONE answer to the referendum question]" substitute—

"*[*Specify other*] ELECTION/REFERENDUM

([*Specify colour*] ballot paper)

[Specify voting instructions in accordance with the legislation governing the election or referendum]".

(3) In paragraph 14 of Part 1, renumber the inserted provision as paragraph (7).

(4) In paragraph 24 of Part 1(**h**), in the substituted provision, after paragraph (1C) insert—

"(1D) A postal ballot paper or postal voting statement that reaches the local returning officer or a polling station on or after the close of the poll is treated for the purposes of this rule as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it."

(5) In paragraph 13 of Part 2 (Scotland), renumber the inserted provision as paragraph (7).

(6) In paragraph 23 of Part 2(**i**), in the substituted provision, after paragraph (1B) insert—

"(1C) A postal ballot paper or postal voting statement that reaches the local returning officer or a polling station on or after the close of the poll is treated for the purposes of this rule as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it."

(**a**) Schedule 1 was substituted by S.I. 2009/186.
(**b**) Schedule 2 was substituted by S.I. 2009/186.
(**c**) Regulation 122A was inserted by S.I. 2009/186.
(**d**) These provisions were inserted by S.I. 2013/2876.
(**e**) Paragraph 54A was inserted by S.I. 2013/2876.
(**f**) Schedule 3 was substituted by S.I. 2009/186.
(**g**) Paragraph 8 was substituted by S.I. 2013/2876.
(**h**) Paragraph 24 was amended by S.I. 2013/2876.
(**i**) Paragraph 23 was amended by S.I. 2013/2876.

Signed by authority of the Lord President of the Council

Minister of State
Cabinet Office

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the European Parliamentary Elections Regulations 2004 (S.I. 2004/293).

Regulation 3 amends the 2004 Regulations so that the voting instruction that appears on the enlarged sample copy of the ballot paper displayed in polling compartments is the same as the instruction that appears on the ballot paper itself.

Regulation 4 amends Schedule 2 to the 2004 Regulations so that the calculation of the period of 19 days for the purposes of the provision about cancelling postal ballot papers excludes non-working days.

Regulation 5 amends Schedule 3 to the 2004 Regulations to clarify the voting instructions that are to be displayed in polling compartments when a poll at a European Parliamentary election is combined with another poll. It also ensures that the provisions about returning postal ballot papers after the close of the poll apply when a poll at a European Parliamentary election is combined with another poll.

Regulations 2, 4 and 5 make some minor changes to terminology and numbering.

A full impact assessment has not been produced for this instrument because no impact on the private, voluntary or public sectors is foreseen.

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