



Number 2 of 2004

**EUROPEAN PARLIAMENT ELECTIONS (AMENDMENT)
ACT 2004**

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[No. 2.]

*European Parliament Elections
(Amendment) Act 2004.*

[2004.]

ACTS REFERRED TO

European Parliament Elections Act 1997

1997, No. 2

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Local Government Act 2001

2001, No. 37



Number 2 of 2004

**EUROPEAN PARLIAMENT ELECTIONS (AMENDMENT)
ACT 2004**

AN ACT TO AMEND THE EUROPEAN PARLIAMENT ELECTIONS ACT 1997 TO GIVE FURTHER EFFECT TO DECISION 76/787/ECSC, EEC, EURATOM¹, TO GIVE EFFECT TO COUNCIL DECISION 2002/772/EC, EURATOM OF 25 JUNE AND 23 SEPTEMBER 2002² AMENDING THE ACT ANNEXED TO THE FIRST-MENTIONED DECISION, TO AMEND THE CONSTITUENCIES FOR WHICH CANDIDATES ARE ELECTED AND THE NUMBER OF MEMBERS TO BE ELECTED FOR SUCH CONSTITUENCIES AND TO PROVIDE FOR RELATED MATTERS. [27th February, 2004]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act “Act of 1997” means European Parliament Elections Act 1997. Definition.

2.—Section 11 of the Act of 1997 is amended—

Amendment of
section 11 of Act of
1997.

(a) in subsection (2)(d), by the substitution of “Member State, or” for “Member State.”,

(b) by the addition of the following paragraphs to subsection (2):

“(e) is a Minister of the Government, or

(f) is a member of the Government of another Member State, or

(g) is a member of the Commission of the European Communities, or

(h) is a Judge, Advocate-General or Registrar of the Court of Justice of the European Communities or the Court of First Instance attached to that Court, or

(i) is a member of the Board of Directors of the European Central Bank, or

(j) is a member of the Court of Auditors of the European Communities, or

¹ O.J. No. L278, 8.10.1976, p.1.

² O.J. No. L283, 21.10.2002, p.1.

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(k) is the Ombudsman of the European Communities, or

(l) is a member of the Economic and Social Committee of the European Community and the European Atomic Energy Community, or

(m) is a member of a committee or other body established pursuant to the Treaties establishing the European Community and the European Atomic Energy Community for the purpose of managing the Communities' funds or performing a permanent direct administrative task, or

(n) is a member of the Board of Directors, Management Committee or the staff of the European Investment Bank, or

(o) is an active official or servant of—

(i) any of the institutions of the European Communities,

(ii) any of the specialised bodies attached to those institutions, or

(iii) the European Central Bank.”,

(c) by the insertion of the following subsection after subsection (4):

“(4A) (a) Subject to paragraph (b), a person who is elected under this Act to be a member of the Parliament or who pursuant to section 19 is to be regarded as having been so elected, and who when so elected, or when he or she commences to be so regarded, is a member of either House of the Oireachtas shall on such election, or, in case the person is to be so regarded, on the day on which he or she commences to be so regarded, cease to be a member of the House of the Oireachtas concerned.

(b) A person who is elected under this Act to be a member of the Parliament in the year 2004 or who after that election is pursuant to section 19 to be regarded as having been so elected, and who when so elected, or when he or she commences to be so regarded, is a member of either House of the Oireachtas, may be a member of the Parliament and the House of the Oireachtas concerned—

- (i) until the dissolution of the Dáil immediately preceding the general election of members of the Dáil next held after the election under this Act in the year 2004, if the person is a member of the Dáil, or
- (ii) until the day before the polling day at the general election of the members of the Seanad next held after the election under this Act in the year 2004, if the person is a member of the Seanad.
- (c) In this subsection ‘member of either House of the Oireachtas’ means a member of the Dáil or Seanad other than—
- (i) a Minister of the Government,
 - (ii) a Minister of State, or
 - (iii) the Chairman or Deputy Chairman of the Dáil or the Chairman or Deputy Chairman of the Seanad.”,

and

- (d) by the substitution of the following subsection for subsection (5):

“(5) If while a person is a member of the European Parliament the person—

- (a) becomes subject to any of the disqualifications referred to in paragraph (a) of subsection (2),
- (b) becomes the holder of an office or the occupier of a position, as the case may be, referred to in paragraph (b), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n) or (o) of subsection (2) or subsection (4), or
- (c) is elected as a member of the Dáil or is elected or nominated as a member of the Seanad,

the person shall thereupon cease to be a member of the Parliament.”.

3.—The Second Schedule to the Act of 1997 is amended by the substitution of the following rule for rule 90: Amendment of Second Schedule to Act of 1997.

“90.—(1) Subject to paragraph (2), on the completion of the counting of the votes the returning officer shall determine and declare the result of the poll and the candidates deemed to be elected shall thereupon stand elected.

(2) The returning officer shall not declare the result of the poll until polling has closed in the Member State whose electors are the last to vote in the relevant election.”.

[No. 2.] *European Parliament Elections (Amendment) Act 2004.* [2004.]

Constituencies and number of members to be elected.

4.—The Act of 1997 is amended as respects European elections held after 1 January 2004 by the substitution of the following Schedule for the Third Schedule:

“THIRD SCHEDULE

Constituencies

Constituency	Area	Number of Members
Dublin	The counties of: Dun Laoghaire-Rathdown, Fingal and South Dublin; and the city of Dublin.	4
East	The counties of: Carlow, Kildare, Kilkenny, Laois, Longford, Louth, Meath, Offaly, Westmeath, Wexford and Wicklow.	3
North-West	The counties of: Cavan, Clare, Donegal, Galway, Leitrim, Mayo, Monaghan, Roscommon and Sligo; and the city of Galway.	3
South	The counties of: Cork, Kerry, Limerick, North Tipperary, South Tipperary and Waterford; and the cities of Cork, Limerick and Waterford.	3

In this Schedule ‘counties’ and ‘cities’ shall be construed in accordance with section 10 of, and Schedule 5 to, the Local Government Act 2001.”.

Adaptation of references.

5.—In the Act of 1997 and every other Act of the Oireachtas and every instrument made under any of those Acts, a reference to a representative in the European Parliament shall be construed as a reference to a member of the European Parliament.

Short title, collective citation and construction.

6.—(1) This Act may be cited as the European Parliament Elections (Amendment) Act 2004.

(2) The European Parliament Elections Acts 1992 to 2002 and this Act may be cited together as the European Parliament Elections Acts 1992 to 2004 and shall be construed together as one.