



# Allocation of the additional MEP awarded to the UK under the Treaty of Lisbon Recommendation

October 2010

## **The Electoral Commission**

Allocation of the additional MEP awarded to the UK  
under the Treaty of Lisbon

Recommendation

Presented to Parliament pursuant to section 3 of the *European  
Parliament (Representation) Act 2003*

## **Translations and other formats**

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# 1 Recommendation

1.1 On 22 September 2010, the Minister for Political and Constitutional Reform, Mark Harper MP, wrote on behalf of the Lord President of the Council (the Deputy Prime Minister) to the Chair of the Electoral Commission, Jenny Watson, formally requesting that we make a recommendation under Section 3 of the European Parliament (Representation) Act 2003 (EPRA 2003) as to which of the 12 electoral regions for European Parliamentary elections should receive the additional Member of the European Parliament (MEP) seat allocated to the UK under the Treaty of Lisbon. No recommendation was sought on the distribution of the new total of 73 MEPs between electoral regions.<sup>1</sup>

1.2 We were asked to submit our recommendation to the Minister for Political and Constitutional Reform by 22 October 2010.

1.3 In making our recommendation for the distribution of any total number of MEPs we must ensure that:

- each electoral region is allocated at least three MEPs
- the ratio of registered electors to MEPs is as nearly as possible the same in each electoral region

1.4 We have applied the Sainte-Laguë method to allocate the UK's seventy-third MEP seat. This follows previous consultation exercises which have confirmed, including from expert sources, that this enables us to adhere to the statutory criterion to ensure that the ratio of registered electors to MEPs is as nearly as possible the same in each electoral region.

1.5 We recommend that the West Midlands electoral region be allocated the additional seat that was awarded to the UK under the Treaty of Lisbon.

1.6 This change would result in the distribution of UK MEPs as shown in Table 1.

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<sup>1</sup> A copy of the Minister for Political and Constitutional Reform's letter to Jenny Watson, dated 22 September, is attached in Appendix A.

**Table 1: Recommended allocation of additional MEP seat**

Region	Current seats	Recommended allocation of the additional seat	Revised distribution of seats
East Midlands	5		5
Eastern	7		7
London	8		8
North East	3		3
North West	8		8
South East	10		10
South West	6		6
<b>West Midlands</b>	<b>6</b>	<b>1</b>	<b>7</b>
Yorkshire & the Humber	6		6
Wales	4		4
Scotland	6		6
Northern Ireland	3		3
<b>Total</b>	<b>72</b>	<b>1</b>	<b>73</b>

## 2 Background

2.1 UK Members of the European Parliament (MEPs) are elected on a regional basis from 12 electoral regions – Northern Ireland, Scotland, Wales and nine regions in England.<sup>2</sup>

### Treaty of Lisbon

2.2 The Treaty of Lisbon, which entered into force on 1 December 2009, provides for the allocation of 18 additional MEPs to 12 European Union member states. These provisions will result in the UK gaining one additional MEP, increasing its total number to 73.

### UK legislation

2.3 The EPRA 2003 requires us to make a recommendation as to the distribution of a total number of MEPs specified in the notice. That Act, as amended by the Lord President of the Council Order 2010,<sup>3</sup> requires such a recommendation to be made when requested by the Lord President of the Council or the Secretary of State. The recommendation ceases to have effect one year after it is made.

2.4 In making our recommendation for the distribution of any total number of MEPs we must ensure that:

- each electoral region is allocated at least three MEPs
- the ratio of registered electors to MEPs is as nearly as possible the same in each electoral region

2.5 The relevant sections of the EPRA 2003 are attached in Appendix B.

### Choice of method

2.6 In 2003 we conducted a public consultation and obtained independent validation on the method of calculation to use in making recommendations as to the distribution of MEPs among the regions. A number of expert sources confirmed that the Sainte-Laguë method enables us to adhere to the statutory criterion to ensure that the ratio of electors to MEPs is as nearly as possible the

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<sup>2</sup> Since June 2004, Gibraltar has been aligned with the South West region for the purposes of European Parliamentary elections.

<sup>3</sup> The Lord President of the Council Order 2010, SI 2010/1837.

same in each electoral region.<sup>4</sup> The Sainte-Laguë method was therefore used then to distribute 78 MEP seats across the 12 electoral regions of the UK. In our 2003 report we indicated our intention to use this method of calculation to determine future recommendations.

2.7 We undertook a shorter consultation on the method of seat allocation in 2007 following the reduction in the total number of UK MEPs to 72. The responses we received, again including from expert sources, reaffirmed our view that the Sainte-Laguë method should be used.<sup>5</sup> Our 2007 recommendation was therefore based on the application of the Sainte-Laguë method. Our 2003 and 2007 recommendations on the distribution of UK MEPs were laid before Parliament and approved without amendment.

2.8 We remain of the view that the Sainte-Laguë method enables us most closely to adhere to the statutory criterion and have therefore decided to use this method to allocate the UK's seventy-third MEP seat.

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<sup>4</sup> For a detailed explanation and analysis of the Sainte-Laguë method, see The Electoral Commission, [Distribution between electoral regions of UK MEPs: Recommendation](#) (October 2003).

<sup>5</sup> See The Electoral Commission, [Distribution between electoral regions of UK MEPs: Recommendation](#) (July 2007).

## 3 Electorate figures

3.1 The EPRA 2003 specifies that, for the purposes of our calculations in formulating this recommendation, an elector is a person who is eligible and registered to vote in European Parliamentary elections and whose name appears in the electoral register on the 'relevant date'. That date is defined as the 1 December that precedes the day on which the Lord President of the Council, acting through the Minister for Political and Constitutional Reform, directed us to make our recommendation. The direction was dated 22 September 2010.

3.2 We have therefore compiled electorate figures from the 1 December 2009 electoral registers using data provided by the Office for National Statistics (England and Wales), the General Register Office for Scotland, the Electoral Office for Northern Ireland and the Clerk to the House of Assembly of Gibraltar.

3.3 Four local authorities in England and Wales had not supplied the Office for National Statistics with relevant data from their 1 December 2009 registers.<sup>6</sup> We therefore contacted these authorities directly and obtained the relevant data.

3.4 Table 2 shows the electorate figures as of 1 December 2009. As required by the legislation all figures include attainers.<sup>7</sup>

**Table 2: Electorate figures for the 12 UK electoral regions, 1 December 2009<sup>8</sup>**

Region	Electorate
East Midlands	3,333,802
Eastern	4,253,672
London	5,194,584
North East	1,955,704
North West	5,227,523
South East	6,258,080
South West	4,028,245
West Midlands	4,092,997
Yorkshire & the Humber	3,818,849
Wales	2,262,096
Scotland	3,872,375
Northern Ireland	1,163,222
<b>Total</b>	<b>45,461,149</b>

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<sup>6</sup> The local authorities were East Staffordshire, Kensington & Chelsea, Swansea and Wiltshire.

<sup>7</sup> The term 'attainers' refers to 16 and 17-year-olds who will turn 18 during the period in which the electoral register is in force.

<sup>8</sup> The South West figure includes 20,842 electors in Gibraltar, which is aligned with the South West region for the purposes of European Parliamentary elections.

## 4 Method of calculation

4.1 In determining what recommendation to make for the distribution of any total number of MEPs we must ensure that each region is allocated a minimum of three MEPs and that the ratio of registered electors to MEPs is as nearly as possible the same in each electoral region.<sup>9</sup>

### Allocating the seventy-third MEP seat using the Sainte-Laguë method

4.2 On this occasion we have been directed to recommend which electoral region should receive the additional seat that arises for the UK under the Treaty of Lisbon, i.e. the seventy-third seat.

4.3 Table 3 shows the relevant 1 December 2009 electorate figures for each of the UK's 12 electoral regions and the current allocation of the existing 72 MEPs to each region.

4.4 The Sainte-Laguë method takes into account the regional electorate and the number of seats allocated so far when distributing subsequent seats. These figures are also shown in Table 3. The regional electorates are divided by one more than twice the number of seats so far allocated (the divisor). For example, the electorate for the East Midlands (3,333,802) is divided by 11 (twice the five seats allocated so far, plus one), which gives a quotient of 303,073. Starting with the current distribution of the UK's 72 MEPs, the Sainte-Laguë method requires the electoral region with the highest quotient to be allocated the next – in this case, the seventy-third – seat.

4.5 Table 3 shows that the region with the highest Sainte-Laguë quotient is the West Midlands (highlighted in bold).

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<sup>9</sup> We are grateful to Clive Payne, Emeritus Fellow of Nuffield College, Oxford and Fellow of the Royal Statistical Society for his advice on the method of calculation and for validating the calculations included in this chapter.

**Table 3: Electorate figures as of 1 December 2009, current allocation of seats and Sainte-Laguë quotient by region**

Region	Electorate	Current allocation of seats	Sainte-Laguë quotient (highest to lowest)
<b>West Midlands</b>	<b>4,092,997</b>	<b>6</b>	<b>314,846</b>
South West	4,028,245	6	309,865
North West	5,227,523	8	307,501
London	5,194,584	8	305,564
East Midlands	3,333,802	5	303,073
South East	6,258,080	10	298,004
Scotland	3,872,375	6	297,875
Yorkshire & the Humber	3,818,849	6	293,758
Eastern	4,253,672	7	283,578
North East	1,955,704	3	279,386
Wales	2,262,096	4	251,344
Northern Ireland	1,163,222	3	166,175
<b>Total</b>	<b>45,461,149</b>	<b>72</b>	

## Further analysis

### Allocation of all 73 seats using the Sainte-Laguë method

4.6 Although we have been directed to only recommend which region should receive the additional seat that arises for the UK under the Treaty of Lisbon, we have also determined what the outcome would be if the minimum three MEPs were initially allocated to each region, in accordance with the statutory criteria, with the remaining 37 seats then allocated using the Sainte-Laguë method. It is interesting to note that this would produce an identical result, i.e. with the allocation of the UK's current 72 MEPs being consistent with the existing distribution and the seventy-third seat being awarded to the West Midlands. This reinforces the confidence we have in our recommendation that the UK's seventy-third MEP seat should be allocated to the West Midlands region.

### Variation in the ratio of registered electors to MEPs

4.7 In making our recommendation we must ensure that the ratio of registered electors to MEPs is as nearly as possible the same in each electoral region. Based on previous consultations and expert advice we are confident that using the Sainte-Laguë method to allocate the seventy-third seat enables us to meet this criterion.

4.8 As with the previous allocations, we can use the standard deviation from the UK-wide ratio of registered electors per MEP to check that our allocation of the seventy-third seat is in keeping with the statutory requirement to ensure that

the ratio of registered electors to MEPs is as nearly as possible the same in each region.

4.9 If we consider the ratio of registered electors to MEPs we can see that the West Midlands currently has the highest ratio (682,166 registered electors per MEP) and by this measure is the worst represented region. This would suggest that allocating the seat to the West Midlands would best enable us to meet the statutory criterion.

**Table 4: Ratio of registered electors to MEPs in each region**

Region	Electorate	Seats	Electors per MEP	Representation
West Midlands	4,092,997	6	682,166	under-represented
South West	4,028,245	6	671,374	
East Midlands	3,333,802	5	666,760	
North West	5,227,523	8	653,440	within 5%
North East	1,955,704	3	651,901	
London	5,194,584	8	649,323	
Scotland	3,872,375	6	645,396	
Yorkshire & the Humber	3,818,849	6	636,475	
South East	6,258,080	10	625,808	
Eastern	4,253,672	7	607,667	
Wales	2,262,096	4	565,524	over-represented
Northern Ireland	1,163,222	3	387,741	
<b>Total (UK-wide ratio)</b>	<b>45,461,149</b>	<b>72</b>	<b>631,405</b>	

**UK-wide ratio +5% = 662,975**

**UK-wide ratio -5% = 599,835**

4.10 We can confirm that this is the case by calculating the standard deviation, which is a measure of the difference between the ratios for the individual electoral regions and the UK-wide figure.<sup>10</sup>

4.11 The smaller the standard deviation, the more similar the ratios of registered electors to MEPs for each region. Therefore, the allocation that produces the smallest standard deviation is the one that we should recommend.

4.12 By taking the existing allocation of 72 MEPs and then awarding each region the seventy-third seat in turn we can compare all of the different,

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<sup>10</sup> The standard deviation is calculated as follows: the UK-wide ratio of registered electors to MEPs is calculated by dividing the total electorate by the total number of MEPs; similarly, the ratio of registered electors to MEPs is calculated for each of the 12 regions. The variance of each region (the square of the difference between the ratio for the region and the UK-wide ratio) is then calculated and these values are added together and then divided by the number of regions (12) to give a mean variance; the square root of this mean variance is the standard deviation.

available seat allocations and find out which one produces ratios of registered electors to MEPs that are as nearly as possible the same in each region. The results of this exercise are shown in Table 5 below.

**Table 5: The standard deviation in the ratio of registered electors to MEPs for different allocations of the seventy-third seat**

<b>Region awarded seventy-third seat</b>	<b>Standard deviation (lowest to highest)</b>
West Midlands	75,105
South West	76,182
North West	76,696
London	76,998
East Midlands	77,643
South East	77,815
Scotland	78,580
Yorkshire & the Humber	79,343
Eastern	80,537
North East	85,065
Wales	89,215
Northern Ireland	101,952

4.13 The lowest standard deviation (and so the smallest variation in the ratio of registered electors to MEPs) is achieved by allocating the seventy-third seat to the West Midlands.

4.14 We therefore recommend that the West Midlands be allocated the additional seat that was awarded to the UK under the Treaty of Lisbon.

## Issues

### Minimum number of seats per region

4.15 We have previously said that there may be a case for reconsidering the statutory minimum of three MEPs per region. We would again recommend that this is an issue that should be examined by the Government. Any change to this statutory minimum would require an amendment to the EPRA 2003 and would be a matter for Government and, ultimately, Parliament to decide upon.

# Appendix A

## Request pursuant to Section 3 of the European Parliament (Representation) Act 2003



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Jenny Watson  
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The Electoral Commission  
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22<sup>nd</sup> September 2010

*Dear Jenny*

### **DISTRIBUTION OF EXTRA UK MEP SEAT UNDER THE TREATY OF LISBON**

I am writing to notify you that as a result of provisions in the Treaty of Lisbon the UK will gain an additional MEP. The number of UK MEPs will therefore increase from 72 to 73. This letter is my formal request to you under section 3 of the European Parliament (Representation) Act 2003 to make a recommendation on which of the electoral regions of the UK for European Parliamentary elections should receive the additional seat.

I should explain that I am not seeking a recommendation on the appropriate distribution for all of the new total of 73 MEPs across the UK electoral regions. Instead, as above, I seek only your recommendation as to which electoral region should receive the one new seat that arises for the UK under the Treaty of Lisbon.

I should be grateful if you would let me have the recommendation by 22<sup>nd</sup> October 2010. I suggest that Cabinet Office officials liaise with your colleagues in due course over the arrangements for the Commission's report containing the recommendation to be published, which must also be laid before Parliament in accordance with section 3(5) of the 2003 Act.

*Yours sincerely*

*Mark*

**MARK HARPER**

# Appendix B

## Relevant clauses of the European Parliament (Representation) Act 2003

### Part 1

#### **3 Recommendations by Electoral Commission as to the distribution of United Kingdom MEPs**

- (1) The Secretary of State may by notice require the Electoral Commission to make a recommendation to him as to the distribution between the electoral regions of—
  - (a) a total number of MEPs specified in the notice; or
  - (b) if the notice specifies more than one total number of MEPs, each of the total numbers so specified.
- (2) The power to give such a notice is exercisable with a view to the implementation of any change or anticipated change under Community law in the total number of MEPs to be elected for the United Kingdom.
- (3) The Electoral Commission must comply with such a notice within the period specified in the notice.
- (4) In determining what recommendation to make for the distribution of any total number of MEPs, the Electoral Commission must ensure that—
  - (a) each electoral region is allocated at least three MEPs; and
  - (b) the ratio of electors to MEPs is as nearly as possible the same in each electoral region.
- (5) A recommendation under this section—
  - (a) must be published by the Electoral Commission and laid before Parliament by the Secretary of State; and
  - (b) ceases to have effect at the end of the period of one year beginning with the day on which it is made.

#### **4 Section 3: meaning of “elector”**

- (1) For the purposes of section 3(4) an elector, in relation to an electoral region, is a person whose name appears on the relevant day in (or in any part of) a relevant register which relates to the region.
- (2) In subsection (1)—

“relevant day” means 1st December preceding the day on which the notice under section 3 is given; and

“relevant register” has the same meaning as in Schedule 1A to the 2002 Act (periodic reviews).
- (3) In calculating the total number of electors for any electoral region—
  - (a) persons who are registered but have not attained the age of 18 are to be counted as electors;
  - (b) a citizen of the European Union (not being a Commonwealth citizen or a citizen of the Republic of Ireland) who is registered only for the purposes of local government elections is to be disregarded; and
  - (c) the Electoral Commission may assume that each relevant register is accurate and that names appearing more than once on registers (or parts of registers) which relate to an electoral region are the names of different electors.

#### **26A Functions of the Lord President of the Council**

See the Lord President of the Council Order 2010 by virtue of which functions of the Secretary of State under this Act are exercisable concurrently with the Lord President of the Council.

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