

# European Parliamentary elections in Great Britain

# Guidance for candidates and agents

## Part 1 of 6 – Can you stand for election?

March 2019

This document applies only to the 23 May 2019 European Parliamentary elections in Great Britain. Our guidance and resources for all other elections can be accessed from our website at:

<http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent>.

# Contents

Essential information.....	2
Types of candidates.....	2
Qualifications for standing for election .....	3
Additional requirement for candidates who are EU citizens .....	3
Disqualifications.....	3
Can I stand for election in more than one EU country? .....	8
Can I stand for election in more than one UK electoral region? .....	8
Can I stand both as an individual candidate and party list candidate in the same UK electoral region? .....	8
Can I be included on more than one party list? .....	8

# 2

## Essential information

This document contains our guidance on whether or not you can stand for election, whether as an individual candidate or as a candidate included on a party list.

In this document, we use 'you' to refer to the candidate (whether individual or included on a party list). We use 'must' to refer to a specific legal requirement and 'should' for recommended practice.

We have included relevant deadlines throughout this document, but you can find a separate [election timetable](#) setting out all the key dates on our website.

As a result of bank holidays in Gibraltar on 29 April and 1 May 2019, some electoral deadlines in the South West region are different to the deadlines elsewhere in Great Britain. Where this is the case, we have included the South West deadline in brackets alongside the deadline for the rest of Great Britain.

We are here to help, so please contact your local Commission office if you have any questions. See our [Overview document](#) for contact details.

Data protection legislation applies to the processing of all personal data.

Please contact the [Information Commissioner's Office](#) for further information about how the General Data Protection Regulation affects you.

## Types of candidates

1.1 There are two types of candidates at European Parliamentary elections. You may stand either as:

- an individual candidate, or
- if you wish to stand on behalf of a registered party, a candidate named on a party list

1.2 In either case, you must be qualified to stand for election and not be disqualified.

## Qualifications for standing for election

1.3 To be able to stand as a candidate at a European Parliamentary election in Great Britain you must:

- be at least 18 years old on the day of your nomination
- be a British or Irish citizen; an eligible [Commonwealth citizen](#); or a citizen of any other [member state of the European Union](#) resident in the UK or Gibraltar

### Additional requirement for candidates who are EU citizens

1.4 If you are an EU citizen (other than a British, Irish, Maltese or Cypriot citizen), you will be required to make a declaration stating:

- that you are not standing as a candidate at the same European Parliamentary election in any other EU member state, and
- that you have not been disqualified from standing for election in the EU Member State of which you are a national due to a judicial or administrative decision

1.5 Details on the process for making and submitting this declaration are provided in [Part 2a: Standing as an individual candidate](#) and [Part 2b: Standing as a party list candidate and guidance for registered parties submitting party lists](#).

## Disqualifications

1.6 As well as meeting the qualifications for standing for election, you must also not be disqualified from being elected as a Member of the European Parliament (MEP).

1.7 You will be disqualified if:

### An **eligible**

Commonwealth citizen for these purposes is a Commonwealth citizen who either:

- does not need leave to enter or remain in the United Kingdom, or
- has indefinite leave to remain in the United Kingdom, or
- is a resident of Gibraltar and does not, under the law of Gibraltar, require a permit or certificate to enter or remain in Gibraltar (with the exception of entry without a permit or certificate by virtue only of Section 14(1) of the Immigration Control Ordinance) or has a certificate of permanent residence in Gibraltar issued under the Immigration Control Ordinance

# 4

- you are also disqualified from standing for election to the House of Commons (with some exceptions) (**see paragraph 1.9**)
- you are a particular type of bankrupt (**see paragraph 1.12**)
- you are detained in prison for more than a year or are subject to a particular court decision (**see paragraph 1.14**)

1.8 To avoid the risk of challenge, candidates should ensure that they have ceased to hold any disqualifications or disqualifying offices by the time they sign their consent to nomination. Candidates are required to declare in their consent to nomination that, to the best of their knowledge and belief, they are not disqualified from the office of MEP. It is an offence to knowingly make a false declaration.

## Being disqualified from standing for election to the House of Commons

1.9 You are disqualified from being elected as an MEP if you are also disqualified from standing for election to the House of Commons. The only exception to this is if you are disqualified from standing for election to the House of Commons because you:

- are a peer (but you will be disqualified from the office of MEP if you are a Law Lord)
- are a Lord Spiritual
- hold an office mentioned in Section 4 of the House of Commons Disqualification Act 1975 (as amended)
- hold any offices described in Part 2 or 3 of Schedule 1 to that Act which are designated by order of the Secretary of State for the purposes of this section

1.10 However, a person who holds any other post or office listed in the House of Commons Disqualification Act 1975 (as amended) is disqualified from being an MEP. The following are examples of posts that are subject to the disqualification:

- judges
- civil servants
- members of the armed forces

- members of a police force
- members of a foreign legislature

1.11 If you hold a ceremonial office in a particular area as listed in Schedule 1, Part 4 of the House of Commons Disqualification Act 1975 (as amended) – for example, if you are a sheriff – you will be disqualified for election to a particular UK Parliamentary constituency. Where this is the case, you will be disqualified from the office of MEP for the region in which the constituency is partly or wholly situated. However, you can stand for election in any other electoral region that does not contain any part of the constituency.

## Bankruptcy

1.12 Bankruptcy in itself is not a disqualification. You are only disqualified if:

- you are currently subject to a bankruptcy restrictions order or debt relief restrictions order made by a court in England or Wales, or a bankruptcy restrictions order made by a court in Northern Ireland, or
- your estate has been sequestrated by a court in Scotland and you have not been discharged, or
- you are bankrupt under the law of Gibraltar

1.13 If a person has been adjudged bankrupt by a court in England, Wales or Northern Ireland, or are subject to an interim bankruptcy restrictions order, they are not disqualified on that basis, as long as they are not also currently subject to any of the particular bankruptcy disqualifications listed above.

## Imprisonment and court decisions

1.14 You are disqualified under the Representation of the People Act if you have been convicted of an offence and have been sentenced to be imprisoned or detained for more than a year and are detained anywhere in the UK, Ireland, the Channel Islands, the Isle of Man or Gibraltar, or are unlawfully at large.

# 6

1.15 The nomination of a person disqualified on that basis is void, and the Regional Returning Officer will reject the nomination paper.

1.16 You are also disqualified under the Representation of the People Act 1983 (as amended), if you have been convicted or have been reported guilty of a corrupt or illegal electoral practice or of an offence relating to donations. The disqualification for an illegal practice begins from the date a person has been reported guilty by an election court or convicted and lasts for three years. The disqualification for a corrupt practice begins from the date a person has been reported guilty by an election court or convicted and lasts for five years.

1.1 You will also be disqualified for offences under the Audit Commission Act 1998; are disqualified for election as an Elected Member of the Parliament of Gibraltar by virtue of section 36 of the Parliament Act; or, as an EU citizen, other than an Irish, British or other Commonwealth citizen, you have been disqualified from being an MEP by a judicial or administrative decision under the law of the member state of which you are a national. Incompatible offices

1.17 Being a Member of the UK Parliament is incompatible with being an MEP (this includes being a member of the House of Lords. Life peers automatically have their rights to sit and vote in the House of Lords suspended upon election as an MEP for as long as they hold that office).

1.18 There are also a number of public offices or posts in EU bodies and in Gibraltar which are incompatible with being an MEP.

The full range of disqualifications and incompatibilities is complex and if you are in any doubt about whether you are disqualified, you must do everything you can to check that you are not disqualified before submitting your nomination papers.

You must be sure that you are not disqualified as you will be asked to sign the consent to nomination to confirm that you are not disqualified.

It is a criminal offence to make a false statement as to your qualification for being elected, so if you are in any doubt, you should consult the legislation and, if necessary, take your own independent legal advice.

The Regional Returning Officer will be able to provide general advice based on this guidance but will not be able to tell you whether or not you are disqualified.

# 8

## Can I stand for election in more than one EU country?

1.19 No. You are not allowed to stand for election in more than one EU country at the same election.

## Can I stand for election in more than one UK electoral region?

1.20 No. You would be committing an offence if you consented to being nominated, whether as an individual candidate or a party list candidate, in more than one electoral region.

## Can I stand both as an individual candidate and party list candidate in the same UK electoral region?

1.21 No. You would be committing an offence if you consented to being nominated as an individual candidate and a party list candidate.

## Can I be included on more than one party list?

1.22 No. You would be committing an offence if you consented to being included on more than one party list, whether within the same electoral region or in more than one electoral region.