

**EXPLANATORY MEMORANDUM TO
THE EUROPEAN PARLIAMENARY ELECTIONS (APPOINTED DAY OF POLL)
ORDER 2008**

2008 No. 3102

1. This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 The Order appoints 4th June 2009 as the day of the poll for the next general election of Members of the European Parliament.
3. **Matters of special interest to the Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Context**
 - 4.1 Article 10(2) of the Act annexed to the Council Decision dated 20th September 1976 provides that after the first elections to the European Parliament, all future elections should be held in the period starting on a Thursday and ending on a Sunday in the last year of a five year European Parliament session. The European Parliament has subsequently decided that the next European Parliamentary elections will take place between the 4th and 7th June 2009.
 - 4.2 This Order, along with the European Parliamentary Elections (Amendment) Regulations 2009 and the European Parliament (Disqualification) (United Kingdom and Gibraltar) Order 2009, is one of a number of instruments which prepare for the European Parliamentary election to be held in the United Kingdom and Gibraltar on 4th June 2009.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to the United Kingdom and Gibraltar.
6. **European Convention on Human Rights**
 - 6.1 As the instrument is only required to be laid before Parliament and does not amend primary legislation, no statement is required.
7. **Policy background**
 - *What is being done and why*

7.1 The timing of European Parliamentary elections is fixed by unanimous agreement of all Member States, and covers an agreed four-day period from Thursday to Sunday to accommodate electoral practice across the European Union. This flexible approach across Europe allows the UK to vote on a Thursday whilst other countries vote on other days, albeit in the same poll.

7.2 In June 2008, the European Parliament confirmed that the next European Parliamentary elections would take place between 4th and 7th June 2009. This Order appoints 4th June as the day of poll for the European Parliamentary elections in the UK and Gibraltar.

8. Consultation outcome

8.1 We have not consulted on this Order.

9. Guidance

9.1 The Electoral Commission will prepare and issue guidance to electoral administrators on the conduct of the European Parliamentary elections. No guidance is directly required as a result of this Order.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

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

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 We will work with the Electoral Commission, electoral administrators and other stakeholders to ensure that any overall legislative lessons which are learnt as a result of the 2009 European Parliamentary elections can be applied for future elections.

13. Contact

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