

REPLACEMENT CANDIDATES LIST
(Non-party candidate)

IDENTIFYING LETTERS _____ (to be assigned by returning officer)

PLEASE READ NOTES BEFORE COMPLETING FORM

Name of non-party candidate presenting replacement candidates list:

Surname: _____

Other name(s): _____

1. I nominate the person(s) named under, in the order stated (which I have determined), as replacement candidate(s) at the election of members of the European Parliament for the constituency of _____

REPLACEMENT CANDIDATE(S)			CITIZENSHIP/ NATIONALITY	
SURNAME	OTHER NAME(S)	ADDRESS	IRELAND	OTHER EU MEMBER STATE
PLEASE USE BLOCK CAPITALS			TICK AS APPROPRIATE	
1.				
2.				
3.				
4.				

NOTE: If a replacement candidate is a national of an EU Member State other than Ireland the replacement candidates list must be accompanied by a statutory declaration in respect of such replacement candidate - see section 2 of the notes on this form.

2. I have read the notes on this form and declare that-
- (a) each of the person(s) named as a replacement candidate-
 - (i) has consented to the nomination;
 - (ii) is, to the best of my knowledge and belief, eligible for election to the European Parliament,
 - (b) none of the persons named as a replacement candidate-
 - (i) is a replacement candidate at the election in any other constituency;
 - (ii) is a candidate at the election in any other EU Member State, and
 - (c) to the best of my knowledge and belief, the information furnished in the replacement candidates list is correct in all material respects.

NOTE: See section 4 of the notes on this form.

Signature of non-party candidate: _____

Address: _____

Date: _____

I rule that this replacement candidates list is valid (*or* is invalid because _____

_____)

Returning Officer

Date: _____

Notes on FORM EP 5 – Replacement Candidates List [Non-party candidate]

These notes are for guidance only and do not purport to be a definitive statement of the law which is contained in sections 11 and 12 of, and rules 17 to 19 of the Second Schedule to, the European Parliament Elections Act 1997.

1. Nomination of replacement candidates

A person who is not eligible for election to the European Parliament may not be nominated as a replacement candidate (see 4 below).

A non-party candidate may nominate, with their consent, up to four persons to be replacement candidates in the constituency. A person who is a candidate at the election may be nominated as a replacement candidate. If the number of replacement candidates included in the list exceeds four, the returning officer will delete from the list, commencing at the bottom, the number of replacement candidates by which the list exceeds four.

The names of replacement candidates must be listed in the order determined by the non-party candidate.

A person may not be nominated as a replacement candidate for more than one constituency.

A non-party candidate may present one replacement candidates list only at an election.

The completed replacement candidates list, signed by the candidate, must be delivered to the returning officer by the candidate or proposer within the period fixed for receiving nominations in respect of the candidate to whom the replacement list relates.

2. National of an EU Member State other than Ireland

Where a person who is a national of an EU Member State other than Ireland is nominated as a replacement candidate and is not also nominated as a candidate in the constituency, the replacement candidates list must be accompanied by a statutory declaration made by the candidate on Form EP3 (which may be obtained from the returning officer) stating his or her nationality, the date and place of birth, the last address in his or her home Member State, the address in Ireland at which he or she is ordinarily resident, the locality/constituency where he or she was last registered as an elector in the home Member State, that he or she is not a candidate at the election in any other Member State, and that he or she does not stand deprived of the right to stand as a candidate under the law of their home Member State as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies.

If the statutory declaration is not furnished with the replacement candidates list or if it is not properly made out or signed, the returning officer is obliged to delete from the list the name of the person concerned (rule 19 of the Second Schedule).

3. Ruling on replacement candidates list

The returning officer will rule as invalid any list which is not properly made out or signed, if the list is not amended to his/her satisfaction (rule 19 of the Second Schedule).

4. Eligibility for election to the European Parliament

Eligibility for election to the European Parliament is governed by section 11 of the European Parliament Elections Act 1997 (as amended).

5. Withdrawal of replacement candidates list

A replacement candidates list may be withdrawn by notice in writing signed by the candidate and handed to the returning officer by the candidate or the proposer of the candidate not later than the time when the nomination period for candidates who are Irish citizens expires i.e. 12 noon on the 14th day (disregarding any excluded day) after the latest date for the publication of the notice of election. Where, at the latest time for withdrawal of candidature, the candidate is deemed to have withdrawn, the replacement candidates list of that non-party candidate is also deemed to have been withdrawn (*rule 19 of the Second Schedule*).

6. Penalties

A person is liable to a fine or imprisonment or both under the European Parliament Elections Act 1997 for -

- (a) nominating a person as a replacement candidate without the person's consent (*rule 110 of the Second Schedule*),
- (b) making a false declaration that a person is eligible for nomination as a replacement candidate or does not stand validly nominated as either a replacement candidate in any other constituency or as a candidate in any other Member State (*rule 113 of the Second Schedule*).

FOIRM EP5

(Riall 18(1) den Dara Sceideal

a ghabhann leis an Acht um Thoghcháin do Pharlaimint na hEorpa 1997)

**LIOSTA IARRTHÓIRÍ IONAIÐ
(Iarrthóir neamhpháirtí)**

LITREACHA AITHEANTAIS _____ (le sannadh ag an gceann comhairimh)

LÉIGH NA NÓTAÍ LE DO THOIL SULA gCOMHLÁNÓIDH TÚ AN FHOIRM

Ainm an iarrthóra neamhpháirtí a chuireann an liosta iarrthóirí ionaid ar fáil:

Sloinne: _____

Ainm(neacha) eile: _____

1. Déanaim an duine (na daoine) atá ainmnithe thíos a ainmniú, san ord atá luaite (is é sin, an t-ord a chinn mise), mar iarrthóir(í) ionaid sa toghchán do chomhaltaí Parlaimint na hEorpa i dtoghlach
- _____

IARRTHÓIR(Í) IONAIÐ			SAORÁNACHT/ NÁISIÚNTACHT	
SLOINNE	AINM(NEACHA) EILE	SEOLADH	ÉIRE	BALLSTÁT EILE DEN AE
ÚSÁID BLOCLITREACHA LE DO THOIL			CUIR TIC MAR IS CUÍ	
1.				
2.				
3.				
4.				

NÓTA: Más náisiúnach de chuid Ballstáit AE seachas Éire an t-iarrthóir ionaid, ní mór dearbhú reachtúil i leith an iarrthóra ionaid sin a chur ag gabháil le liosta na n-iarrthóirí ionaid – féach roinn 2 de na nótaí faoin bhfoirm seo.

2. Tá na nótaí faoin bhfoirm seo léite agam agus dearbhaím-
- (a) maidir le gach duine de na daoine atá ainmnithe mar iarrthóir ionaid-
- (i) gur thoiligh sé nó sí leis an ainmniúchán a dhéanamh;
- (ii) go bhfuil sé/sí, de réir mar is fearr is eol dom agus mar a chreidim, cáilithe lena thoghadh nó lena toghadh chun Parlaimint na hEorpa,
- (b) maidir le gach duine de na daoine atá ainmnithe mar iarrthóir ionaid-
- (i) nach iarrthóir ionaid é nó í sa toghchán in aon toghlach eile;
- (iii) nach iarrthóir é nó í sa toghchán in aon Bhallstát eile de chuid AE, agus
- (c) de réir mar is fearr is eol dom agus mar a chreidim, go bhfuil an fhaisnéis atá á tabhairt i liosta na n-iarrthóirí ionaid ceart i ngach ponc ábhartha.

NÓTA: Féach roinn 4 de na nótaí faoin bhfoirm seo.

Síniú an iarrthóra neamhpháirtí: _____

Seoladh: _____

Dáta: _____

Rialaím go bhfuil an liosta iarrthóirí ionaid seo bailí (*nó* neamhbhailí mar _____

_____)

Ceann Comhairimh

Dáta: _____

Nótaí faoi FHOIRM EP 5 – Liosta na nIarrthóirí Ionaid [Iarrthóir neamhpháirtí]

Is mar threoir amháin a thugtar na nótaí seo agus ní ceart a mheas gur ráiteas cinnitheach iad ar an dlí a chuimsítear in ailt 11 agus 12 den Acht um Thoghcháin do Pharlaimint na hEorpa 1997 agus i rialacha 17 agus 19 den Dara Sceideal a ghabhann leis an Acht sin.

1. Iarrthóirí ionaid a ainmniú

Ní fhéadfar aon duine nach bhfuil cáilithe lena thoghadh nó lena toghadh chun Parlaimint na hEorpa a ainmniú mar iarrthóir ionaid (féach 4 thíos).

Féadfaidh iarrthóir neamhpháirtí suas go ceathrar a ainmniú chun bheith ina n-iarrthóirí ionaid sa toghlach ach toiliú a fháil uathu. Féadfar duine atá ina iarrthóir nó ina hiarrthóir sa toghchán a ainmniú mar iarrthóir ionaid. Má théann an líon iarrthóirí ionaid a bheidh ar an liosta thar cheathrar, déanfaidh an ceann comhairimh an líon iarrthóirí ionaid de bhreis ar cheathrar a scriosadh ón liosta ón mbun aníos.

Ní mór ainmneacha na n-iarrthóirí ionaid a liostú san ord a chinnfidh an t-iarrthóir neamhpháirtí.

Ní fhéadfar duine a ainmniú mar iarrthóir ionaid do níos mó ná toghlach amháin.

Ní fhéadfaidh iarrthóir neamhpháirtí ach liosta iarrthóirí ionaid amháin a chur ar fáil i dtoghchán.

Ní mór don iarrthóir nó don mholtóir an liosta iarrthóirí ionaid comhlánaithe, agus é sínithe ag an iarrthóir, a sheachadadh ar an gceann comhairimh laistigh den tréimhse atá socraithe chun ainmniúcháin a ghlacadh i leith an iarrthóra lena mbaineann an liosta iarrthóirí ionaid.

2. Náisiúnach de Ballstát AE seachas Éire

Más rud go ndéantar duine ar náisiúnach de Bhallstát AE seachas Éire é nó í a ainmniú mar iarrthóir ionaid, agus nach n-ainmnítear mar iarrthóir é nó í sa toghlach freisin, ní mór dearbhú reachtúil a chur ag gabháil leis an liosta iarrthóirí ionaid, is é sin le rá, dearbhú reachtúil arna dhéanamh ag an iarrthóir ar Fhoirm EP3 (ar foirm í atá ar fáil ón gceann comhairimh) ina luaitear a náisiúntacht, an dáta breithe agus an áit bhreithe, an seoladh is déanaí a bhí aige ina Bhallstát baile nó ina Ballstát baile, an seoladh in Éirinn ag a bhfuil gnáthchónaí air nó uirthi, an ceantar/toghlach inar cláraíodh go deireanach é nó í mar thoghthóir sa Bhallstát baile agus á rá nach iarrthóir é nó í sa toghchán in aon Bhallstát eile agus nach bhfuil an ceart chun seasamh mar iarrthóir ceilte air nó uirthi faoi dhlí a Bhallstáit baile nó a Ballstáit baile mar thoradh ar chinneadh breithiúnach aonair nó ar chinneadh riaracháin a d'fhéadfadh a bheith faoi réir leigheasanna breithiúnacha.

Más rud é nach gcuirtear an dearbhú reachtúil ar fáil in éineacht leis an liosta iarrthóirí ionaid nó más rud é nach bhfuil sé déanta amach i gceart nó sínithe, tá sé d'oibleagáid ar an gceann comhairimh ainm an duine lena mbaineann a scriosadh ón liosta (riail 19 den Dara Sceideal).

3. Rialú ar liosta iarrthóirí ionaid

Rialóidh an ceann comhairimh go bhfuil aon liosta nach bhfuil déanta amach i gceart nó sínithe neamhbhailí más rud é nach ndéantar an liosta a leasú chun a shástachta nó chun a sástachta (riail 19 den Dara Sceideal).

4. Cáilitheacht maidir le Toghadh do Pharlaimint na hEorpa

Tá cáilitheacht maidir le toghadh do Pharlaimint na hEorpa faoi rialú ag alt 11 den Acht um Thoghcháin do Pharlaimint na hEorpa (Leasú), 1997.

5. Liosta iarrthóirí ionaid a tharraingt siar

Féadfar liosta iarrthóirí ionaid a tharraingt siar trí fhógra i scríbhinn a bheidh sínithe ag an iarrthóir agus a thabharfaidh an t-iarrthóir nó moltóir an iarrthóra don cheann comhairimh tráth nach déanaí ná an t-am a dtéann an tréimhse ainmniúcháin d'iarrthóirí ar saoránaigh Éireannacha iad in éag i.e. 12 meán lae ar an 14ú lá (gan aon lá eisiata a áireamh) tar éis an dáta is déanaí chun an fógra toghcháin a fhoilsiú. Más rud é, ag an tráth is déanaí chun iarrthóireacht a tharraingt siar, go meastar go bhfuil an t-iarrthóir tar éis tarraingt siar, meastar liosta iarrthóirí ionaid an iarrthóra neamhpháirtí sin a bheith tarraingthe siar freisin (*riail 19 den Dara Sceideal*).

6. Pionóis

Dlífear fíneáil nó príosúnacht, nó iad araon, a chur ar dhuine faoin Acht um Thoghcháin do Pharlaimint na hEorpa 1997 mar gheall ar na nithe seo a leanas-

- (a) Duine a ainmniú mar iarrthóir ionaid gan toiliú an duine sin a fháil (*riail 110 den Dara Sceideal*),
- (b) dearbhú bréagach a dhéanamh á rá go bhfuil duine cáilithe lena ainmniú nó lena hainmniú mar iarrthóir ionaid nó nach bhfuil sé nó sí ainmnithe go bailí mar iarrthóir ionaid in aon toghlach eile nó mar iarrthóir in aon Bhallstát eile de chuid an AE (*riail 113 den Dara Sceideal*).