



NOTICE OF APPEAL

Nigel Farage MEP v The President of the European Parliament

On the 2nd. day of March 2010, The President of the European Parliament, Mr. Jerzy Buzek conducted a hearing under Rule 153 of the Rules of Procedure of the European Parliament.

Having heard the Appellant in person the President wrote to the Appellant in the following terms:

In accordance with Rule 153 (3), I therefore regret to inform you that I have decided to impose the following penalty on you in relation to the incident in question which transgresses Rule 9(2) of our Rules of Procedure: forfeiture of your entitlement to daily subsistence allowance for members for a period of ten days.

Grounds of Appeal

1. The President of the European Parliament, in reaching his conclusions, failed to have any or any adequate regard to Rule 9(3) of the said Rules of Procedure which states, *inter alia*:

9.3 The application of this Rule shall in no way detract from the liveliness of parliamentary debates nor undermine Members' freedom of speech.

2. Further and/or in the alternative, the said Rule 9.3 as a matter of law renders, by virtue of the words "shall in no way.....undermine member's freedom of speech", any such exercise of free speech immune from the operation of Rule 9.2.

In particular the use of the word "shall" explicitly gives this sub-rule mandatory effect and being otherwise without qualification takes priority over Rule 9.2.

By reason thereof the President of the European Parliament was acting *ultra vires* in purporting to apply the said Rule 9.2 to Mr. Farage's exercise of his right to free speech.

3. The said finding was therefore wrong in law and/or in the alternative in breach of the Parliament's own Rules of Procedure.

Relief Sought

That The Bureau

(a) declare that The President was wrong to impose the penalty of forfeiture of his entitlement to daily subsistence allowance for members for a period of ten days, and

(b) declare that the said penalty was a breach of the Appellant's right to exercise free speech.

(c) expunge the findings of the President from the record

Signed

Nigel Farage

Given at Brussels on the 3rd. day of March 2010