

EXPLANATORY MEMORANDUM TO
THE REPRESENTATION OF THE PEOPLE (COMBINATION OF POLLS)
(ENGLAND AND WALES) (AMENDMENT) REGULATIONS 2014

2014 No.

1. 1.1 This explanatory memorandum has been prepared by the Cabinet Office and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 This instrument makes a small number of changes to the conduct rules and forms used by voters that apply when the poll at a Parliamentary election is combined with a poll at another election or referendum. The changes are in line with those being made for other polls in other instruments.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 This instrument cannot make provision about the combination of polls at Police and Crime Commissioner (PCC) elections, because the power to make such provision is the order-making power in section 58(1) of the Police Reform and Social Responsibility Act 2011 (c.13). Article 3 of the Police and Crime Commissioner Elections (Amendment) Order 2014, which has been laid in draft alongside this instrument and is to be made under section 58, will apply the changes made by this instrument to PCC elections.
 - 3.2 The powers relied upon to make this instrument include sections 9HE and 44 of the Local Government Act 2000 (c.22). Following the Localism Act 2011 (c.20), section 9HE applies in relation to the election of mayors for local authorities in England, while section 44 is the equivalent for the election of mayors for local authorities in Wales.
4. **Legislative Context**
 - 4.1 The instrument amends the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (S.I. 2004/294) (the “2004 Regulations”) which make modifications to the rules governing the conduct of a Parliamentary election when the poll at a Parliamentary election is taken together with the poll at another election or referendum.
 - 4.2 The instrument is part of a wider package of Statutory Instruments which make various changes to the rules for conducting elections and referendums, and includes the Representation of the People (England and Wales) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3198). The provisions in the instrument are needed to reflect changes that have been or will be made for the conduct of other elections and referendums by, for example, the European Parliamentary Elections (Amendment) Regulations 2013 (2013/2876).

- 4.3 The instrument also makes amendments to cross-references, consequential on the enactment of the Localism Act 2011, the making of the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024) and the making of the Local Authorities (Conduct of Referendums) (England) Regulations 2012 (S.I. 2012/323).

5. Territorial Extent and Application

- 5.1 The instrument applies in England and Wales.

6. European Convention on Human Rights

- 6.1 Greg Clark, the Minister of State for Cities and the Constitution, has made the following statement regarding Human Rights:

“In my view the provisions of the Representation of the People (Combination of Polls) (England and Wales) (Amendment) Regulations 2014 are compatible with the Convention rights.”

7. Policy background

- 7.1 The instrument makes changes to notices and forms used by voters that apply when the poll at a Parliamentary election is combined with a poll at another election or referendum.

- 7.2 These changes are being made now, in conjunction with changes to other electoral legislation, so they can have effect at polls that take place on 22 May 2014 (the scheduled date for European Parliamentary elections and local government elections) and thereafter. The package is designed to improve the accessibility and security of the voting process, and implement a number of recommendations which have been made by (amongst others) the Electoral Commission and the Association of Electoral Administrators (AEA).

- 7.3 This instrument makes the following changes:

- updates the notice that must be displayed in polling station compartments, the guidance for voters, and the form of the declaration to be made by the companion of a voter with disabilities, when a poll at a Parliamentary election is combined with a poll at another election or referendum.
- updates a number of cross-references in light of recent legislation governing mayoral elections and local governance referendums.

8. Consultation outcome

- 8.1 The Electoral Commission has been consulted on the instrument. In addition, we have consulted informally with representatives of the AEA and the Society of Local Authority Chief Executives. The changes to the forms are in line with changes made to forms for other polls in other instruments on which we have consulted interested bodies, in particular, SCOPE, and which were subject to a programme of public user testing.

8.2 The Electoral Commission's response welcomed the Government's approach to the updating of the 2004 Regulations.

9. Guidance

9.1 The Electoral Commission will continue to issue guidance relating to the conduct of elections and referendums.

10. Impact

10.1 A separate full regulatory impact assessment has not been prepared for this instrument because no significant impacts on the private, public or voluntary sectors are foreseen.

11. Regulating small business

11.1 The legislation does not create new regulatory burdens for small business.

12. Monitoring & review

12.1 The Cabinet Office keeps all electoral legislation under review to ensure it continues to support electors' participation in elections and effective electoral administration. Furthermore, the Law Commission is undertaking a review of electoral legislation. It issued a scoping report on 11 December 2012 and expects to issue a consultation on reforming the law in late 2014.

13. Contact

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