

POLITICAL PARTIES AND ELECTIONS ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Electoral Registration

Section 28: Establishment of corporation sole to be CORE keeper

132. Part 1 of the Electoral Administration Act 2006 (“the 2006 Act”) contains provisions for the establishment, by order made by the Secretary of State, of one or more Co-ordinated On-line Record of Electors (“CORE”) schemes. A CORE scheme will be run by a CORE keeper designated by the Secretary of State and will consolidate into a centralised record electoral registers and related information maintained by the electoral registration officers (“EROs”) in the area covered by the scheme.
133. *Subsection (3)* of section 28 inserts new section 3A into the 2006 Act, which enables the Secretary of State to establish a new corporation sole to be the CORE keeper. It also provides the Secretary of State with the power to establish, by order, a panel for the purpose of advising the corporation on such matters as the corporation may refer to it or which the panel chooses to consider of its own motion. Subsection (3)(h) of the new section enables the order to require the corporation to consult the advisory panel in respect of particular matters or in particular circumstances; these might include, for example, issues relating to data sharing and security policy.
134. New section 3A(3) provides for necessary matters of detail in relation to the corporation and the panel to be set out in the order. New section 3A(4) enables the order to bring the corporation within the remit of the Public Records Act 1958 and Parliamentary Commissioner Act 1967 by adding entries to those Acts. It also enables the order to add entries to the House of Commons Disqualification Act 1975 and Northern Ireland Assembly Disqualification Act 1975 so as to disqualify from election to the House of Commons or Northern Ireland Assembly the office-holder, directors, deputies, other officers or staff of the corporation or members of the panel.
135. Provision is made in new section 3A(5) for the Secretary of State to make payments to the corporation to enable it to fulfil its functions subject to such conditions that the Secretary of State may consider to be appropriate. These may include, for example, a requirement for the corporation not to incur expenditure above a specified threshold without the consent of the Secretary of State or to follow specified procedures in relation to its costs and expenditure.
136. New section 3A(6) specifies that the corporation is not to be regarded as part of the Crown or, therefore, of the Government; it will be a non-departmental public body. The office-holder, directors, deputies, other officers and staff of the corporation and members of the panel will not be servants or agents of the Crown, nor will they have the Crown’s status, immunity or privileges.

*These notes refer to the Political Parties and Elections Act
2009 (c.12) which received Royal Assent on 21 July 2009*

137. *Subsection (4)* of section 28 amends section 6(1) of the 2006 Act to provide that the power to establish the new corporation sole is exercisable by statutory instrument. The order will be subject to the affirmative resolution procedure, thus requiring approval by both Houses of Parliament. *Subsection (4)* also introduces new section 6(6) into the 2006 Act to require the Secretary of State to consult the Information Commissioner and the Electoral Commission before making the order.
138. Section 1(10) of the 2006 Act provides that the person designated as the CORE keeper must be a “public authority”. *Subsection (2)* of section 28 widens this to include a new corporation sole established for the purpose.