

# **POLITICAL PARTIES AND ELECTIONS ACT 2009**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 1: the Electoral Commission**

##### ***Section 7: Political restrictions on Electoral Commissioners and staff***

23. **Section 7** relaxes the restrictions that apply to the political activities of Electoral Commissioners (other than nominated Commissioners) and Electoral Commission staff.
24. *Subsection (1)* of section 7 amends section 3 of the 2000 Act so that a person will only be prohibited from appointment as an Electoral Commissioner if they have engaged in certain political activities within the past five years, rather than the past 10 years as is currently the case.
25. *Subsection (2)* inserts a new paragraph 11A in Schedule 1 to the 2000 Act which reduces the restrictions which currently apply to the political activities of Electoral Commission staff, both on appointment and while they hold office. Sub-paragraph (1) of paragraph 11A specifies that staff cannot be appointed to the Electoral Commission if they have been engaged in certain political activities within the “relevant period”. Sub-paragraph (2) defines this period (which was previously the last 10 years for all staff) as the last five years for the post of chief executive of the Commission and the last 12 months for all other members of staff.
26. Sub-paragraph (3) of the new paragraph 11A provides that the chief executive of the Commission cannot be a member of a registered party. Sub-paragraph (4) provides that the appointment of a member of staff shall be terminated if, after appointment, they become engaged in any of the types of political activity that would have prevented their appointment.
27. Some of the provisions of the new paragraph 11A restate sub-paragraphs (2) and (4) of paragraph 11 of Schedule 1 to the 2000 Act, and these sub-paragraphs are accordingly repealed (in Schedule 7).
28. *Subsection (2)* also inserts a new paragraph 11B in Schedule 1 to the 2000 Act which provides the Chief Executive with the power to designate certain other Commission posts as being subject to a longer restriction period of between two and five years, if he or she reasonably believes that it is necessary to do so in order to maintain public confidence in the effectiveness of the Commission in carrying out their functions. In determining the length of the period to be specified by the designation the Chief Executive is required to take into account the seniority of the post to be designated and the likelihood of the post-holder being required to deal with politically sensitive matters. The Chief Executive is required to consult the Speaker's Committee on the posts that he or she intends to designate. Such a designation would take effect from the

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

day it was received by the Speaker's Committee and expire at the end of three years (unless the Chief Executive gives a cancellation notice in the interim).

29. *Subsection (3) of section 7 excludes all Commission staff dealing with electoral boundary work from the reduced restrictions (from ten years to one) in section 7 of the Act, as the Government envisages that they will eventually transfer to the independent Local Government Boundary Committee to be established by the Local Democracy, Economic Development and Construction Bill. Under these arrangements staff employed by the new Committee will be subject to a ten year restriction that mirrors that currently in the 2000 Act. This is intended to ensure that the level of political restriction on the appointment of boundary staff remains consistent in the intervening period between the commencement of section 7 and the creation of the new Committee.*