

EXPLANATORY MEMORANDUM TO
THE REPRESENTATION OF THE PEOPLE (COMBINATION OF POLLS)
(ENGLAND AND WALES) (AMENDMENT) REGULATIONS 2006

2006 No. 3278

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These Regulations make a number of necessary changes to the current arrangements that provide for the effective combination of a parliamentary election with another election or referendum.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 These Regulations make amendments to the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (SI 2004/294). The purpose of the Regulations is to implement changes introduced by the Electoral Administration Act 2006 (c.22) and to revoke provisions that applied to combined elections in June 2004 but are no longer needed..

5. Extent

5.1 These Regulations apply to England and Wales.

6. European Convention on Human Rights

6.1 The Parliamentary Under Secretary of State, Bridget Prentice, MP has made the following statement regarding Human Rights:

In my view the provisions of the Representation of People (Combination of Polls) (England and Wales) (Amendment) Regulations 2006 are compatible with the Convention Rights.

7. Policy background

7.1 Provision for the combination of polls is made in section 15 of the Representation of the People Act 1985 and section 36 of the Representation of the People Act 1983. The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 specified which returning officer would carry out specified functions that apply to each election or referendum where the polls are combined and the functions that may be combined.

7.2 As a result of the changes introduced by the Electoral Administration Act 2006, which received Royal Assent on 11 July 2006, we have reviewed these arrangements to provide for effective combination of polls that take place on or after 3 May 2007.

7.3 In particular, these amendment Regulations make minor and consequential changes to the modifications we have in place to the Parliamentary Elections Rules (Schedule 1 of the Representation of the People Act 1983 and the Representation of the People (England and Wales) Regulations 2001(S.I. 2001/341) to provide for the effective combination of a parliamentary election when it is combined with a poll at another election or referendum. For example:

- Rule 19A (corresponding number list) – ballot papers will no longer need to be attached to a counterfoil, instead returning officers will be required to produce a corresponding number list of ballot papers to be issued to postal voters and postal proxy voters and for use in a polling station. A separate corresponding number list of ballot paper numbers that do not contain the unique identifying marks must be provided to the presiding officer for use at a polling station. These amendment Regulations specify which returning officer is to prepare the corresponding number list where the polls for more than election or referendum are combined; and
- Rule 31A (return of postal ballot papers) and Rule 45 (1B)(d) – introduce a new procedures to be followed on the return of postal ballot papers and at the count for verification of the date of birth and the signature of the elector. These Regulations deal with what is to happen where proceedings on the issue and receipt of postal ballot papers at more than one election or referendum are taken together.

7.4 These amendment Regulations also revoke the modifications that applied to the Combination of Polls Regulations that came into force on 23 March 2004 for the effective combination of European Parliamentary elections, the Greater London Authority elections and other local government elections on 10 June 2004 as they are no longer needed.

7.5 These amendment Regulations also revoke amendments to the forms of declaration of identity that are issued with postal ballot papers under the Representation of the People (England and Wales) Regulations 2001 when polls are combined as a result of changes introduced by the Electoral Administration Act 2006, in particular the form of declaration of identity will be replaced by a postal voting statement as part of the changes the Government is bringing forward in the draft Representation of the People (England and Wales) (Amendment) (No.2) Regulations 2006, which are also subject to parliamentary approval and which were laid before Parliament on 19 October.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

9.1 Any queries about the content of this memorandum should be addressed to: Shashi Langham, Electoral Policy Division Department for Constitutional Affairs, 6.20 Selborne House, 54-60 Victoria Street, London, SW1E 6QW or e-mail: Shashi.Langham@dca.gsi.gov.uk

