

EXPLANATORY MEMORANDUM TO
THE SERVICE VOTERS REGISTRATION PERIOD ORDER 2006

2006 No. 3406

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 The draft Order extends the length of the service qualification registration for service personnel and their spouses/civil partners to three years. It also enables Electoral Registration Officers to send out reminders to service personnel three months prior to the expiration of their service qualification.

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

3.1 There are not any matters that will be of special interest to the Joint Committee on Statutory Instruments.

4. Legislative Background

4.1 The Electoral Administration Act 2006 provides for the Secretary of State to extend service qualifications for service personnel and their spouses/civil partners. This Order will extend service qualifications by amending Section 15(2)(a) of the Representation of the People Act 1983. The Order will also contain a consequential amendment to regulation 25(3) of the Representation of the People Regulations (England and Wales) 2001 and the equivalent regulation 25(3) of the Representation of the People (Scotland) Regulations 2001.

5. Extent

5.1 This Order applies to England, Wales and Scotland.

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 Service Voters' Registration Period Order 2006 are compatible with the Convention Rights.

7. Policy background

7.1 The Electoral Administration Act 2006 received Royal Assent on 11 July 2006 and aims to make progress on the Government's four principles found at the core of a healthy democracy:

- (i) Improving Access and Engagement

- (ii) Improving Confidence
- (iii) Extending Openness and Transparency in Party Financing
- (iv) Maintaining Professional Delivery of Elections

Changes relating to the registration of Service personnel

7.2 Prior to 2000 all service personnel who wished to be registered as electors had to register to vote through a service qualification which was valid indefinitely. However, the Government, taking into account the recommendations of the Howarth Working Group amended the Representation of the People Act 1983 so that service personnel could now register as an ordinary elector, in addition to a service qualification that would have to be renewed annually.

7.3 In line with Government's principles to increase registration amongst service personnel the Electoral Administration Act 2006 included provision that enabled the Secretary of State to make secondary legislation that would extend the length of service qualifications to (up to) five years. The Government also included provision for the Ministry of Defence to keep a record of electoral registration information from service personnel.

7.4 Having consulted with the Electoral Commission, Electoral Registration Officers and other interested stakeholders the Government decided to exercise its delegated powers and extend the registration period based on such service qualifications to three years.

7.5 In addition, the Order makes consequential provision amending the Representation of the People (England and Wales) Regulations 2001 and the Representation of the People (Scotland) Regulations 2001. Electoral Registration Officers are normally to send a reminder to service personnel to renew their service declarations nine months after the service qualification first came into effect. These have been amended to reflect the extension of the length of service qualifications, so that Electoral Registration Officers will now be required to send a reminder three months prior to the expiration of the three year service qualification.

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: Nancy Hey at the Department for Constitutional Affairs, e-mail: nancy.hey@dca.gsi.gov.uk