

EXPLANATORY MEMORANDUM TO

THE ELECTORAL REGISTRATION AND ADMINISTRATION ACT 2013 (TRANSITIONAL PROVISIONS) (AMENDMENT) ORDER 2014

2014 No. 449

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 Order amends the Electoral Registration and Administration Act 2013 (Transitional Provisions) Order 2013 (S.I. 2013/ 3197) (“the 2013 Order”), to permit the matching of information on electoral registers from 10 June 2014 rather than 16 June, as part of the change to a system for individual registration of electors. This will allow more time for people either to have their entitlement to be on the register confirmed or to be invited to register before August, improving the likely response rate and increasing the numbers of individually-registered electors.

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

3.1 The 2013 Order was laid before Parliament in July 2013 with the Representation of the People (England and Wales) (Description of Electoral Registers and Amendment) Regulations 2013 and the Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013, in order to provide maximum time for preparation for, and promulgation of guidance on, the new system. After those instruments were laid, work to prepare for the implementation of Individual Electoral Registration (IER), including testing of the new system enabled by the Electoral Registration (Disclosure of Electoral Registers) Regulations 2013, identified likely improvement in response rates from people which would result from bringing forward the start date for matching registers with DWP data. The decision to make a change as a result of that work was made at the beginning of December, shortly before the parliamentary debates on the 2013 Order and Regulations.

3.2 It would have been possible to withdraw and amend the 2013 Order. However, this would have led to further delays in the making of the 2013 Order, and also of the 2013 Regulations, with which the Order was closely linked. Given that an amending Order would deal with a single date in the new system, with every other legislative provision contained in the Regulations and the rest of the 2013 Order, it was considered preferable to proceed with the making of the Regulations and Order, in keeping with the principle of giving people sufficient notice of the details of the new system. It is nevertheless accepted that at the time of the making of the 2013 Order it was known that it would be desirable to amend it (and, in keeping with the same principle, to do so soon after the making of the 2013 Order). The amending Order is therefore being made available free of charge to known recipients of the 2013 Order.

4. Legislative Context

- 4.1 This Order is made under Schedule 5 to the Electoral Registration and Administration Act 2013. Schedule 5 enables secondary legislation to be made to provide for activities required to enable the transition to IER.
- 4.2 This Order amends the 2013 Order.
- 4.3 Under section 11 of the ERA Act, the making of this instrument is subject to the affirmative resolution procedure.
- 4.4 The order-making power is conferred on ‘the Minister’ which under section 25(1) of the ERA Act means the Lord President of the Council or the Secretary of State.

5. Territorial Extent and Application

- 5.1 This instrument extends to Great Britain, as does the 2013 Order. However, it will only apply in England and Wales, since there is a different timetable in Scotland.

6. European Convention on Human Rights

- 6.1 The Minister for Cities and the Constitution has made the following statement regarding Human Rights:

In my view the provisions of the Electoral Registration and Administration Act 2013 (Transitional Provisions)(Amendment) Order 2014 are compatible with the Convention rights.

7. Policy background

- 7.1 The Electoral Registration and Administration Act 2013 amends the Representation of the People Act 1983 to replace the existing household system for registering electors. The 2013 Order sets out the timing and content of activities during the transition to IER in 2014 and 2015, including the matching of entries on electoral registers to ‘confirm’ a majority of existing electors as entitled to remain registered under IER.
- 7.2 The 2013 Order sets 16 June 2014 as the earliest date for the matching of existing electoral registers with data held by the Department for Work and Pensions; individual Electoral Registration Officers (EROs) will send their registers on dates specified by the Lord President of the Council. This date was chosen as the date by which successful pre-IER applications will have been processed and determined for inclusion on the next published monthly update to the electoral register.
- 7.3 This amending Order brings that earliest date forward to 10 June (the first date for IER applications). This will allow the letters sent to ‘confirmed’ electors, invitations to register sent to those whose details do not match, and canvass forms to other properties, to be sent around a week earlier, meaning that approximately 19% (2.1 million) more should be sent before August. Doing

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this, in tandem with a nationwide publicity campaign led by the Electoral Commission, should substantially improve the response rate to this write-out and reduce the chances of electors having moved house before being contacted.

- 7.4 To ensure that the final applicants under the pre-IER ‘rolling registration’ system are included in the data-match, this Order also removes the objections period during the period 2 to 9 June (inclusive). This will allow EROs to determine applications received within this period, before IER applications are received and data-matching starts, allowing them to be included in data-matching. Objections may still be made to these applications following their determination and inclusion on the register; this provision merely removes the period set aside for objection prior to determination, which is only rarely used for lodging objections.

8. Consultation outcome

- 8.1 The Electoral Commission was consulted and raised a technical point about the length of the objections period which was taken on board. The Electoral Commission was supportive of the overall aim of the Order.

9. Guidance

- 9.1 The Electoral Commission will continue to issue guidance to EROs about electoral registration, including covering all aspects of the transition to and operation of IER.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.

11. Regulating small business

- 11.1 The legislation does not apply to small business.

12. Monitoring & review

- 12.1 The Electoral Commission and the Cabinet Office will continue to monitor the completeness and accuracy of the electoral register throughout and after the transition to IER.

13. Contact

Carol Gokce at the Cabinet Office, tel 0207 271 2679: email: Carol.Gokce@cabinet-office@gsi.gov.uk can answer any queries regarding the instrument.