

EXPLANATORY MEMORANDUM TO
THE EUROPEAN UNION REFERENDUM (VOTER REGISTRATION)
REGULATIONS 2016

2016 No. 636

1. Introduction

- 1.1 This explanatory memorandum has been prepared by Cabinet Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 The instrument extends the deadline for registering to vote in Great Britain in the European Union referendum by changing the final date by which Electoral Registration Officers are required to publish alterations to the registers. The instrument amends the European Union Referendum (Conduct) Regulations 2016.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 Disregarding minor or consequential changes, the territorial application of this instrument includes Scotland.

4. Legislative Context

- 4.1 The purpose of this instrument is to extend the deadline for registering to vote in Great Britain in the European Union referendum from the end of Tuesday 7 June to the end of Thursday 9 June 2016.
- 4.2 The deadline for registering to vote ahead of the referendum results from two legislative provisions: section 13B of the Representation of the People Act 1983 (“1983 Act”) (as applied for the purposes of the referendum by paragraphs 4(2) and 5(1) of Schedule 1 to the European Union Referendum (Conduct) Regulations 2016); and regulation 29(4) in each of the Representation of the People (England and Wales) Regulations 2001 (“England and Wales Regulations”) and Representation of the People (Scotland) Regulations 2001 (“Scotland Regulations”).
- 4.3 Section 13B of 1983 Act provides for the publication of notices of alteration to the registers (including to add new electors) in the lead up to the referendum. Under section 13B the fifth day before the date of the referendum (16 June 2016) is the final day that alteration notices effective for the purposes of the referendum (apart from those necessitated by clerical errors or appeals of registration decisions) may be published. Notices published on that day can relate only to applications for registration determined before 16 June 2016. Any applications determined on or after 16 June 2016 will result in alteration notices that are not effective for the purposes of the referendum.

- 4.4 Regulation 29(4) in each of the England and Wales and Scotland Regulations provides that a registration officer may allow an application for registration without a hearing provided that no objection is made within the period of five days beginning with the day following the application. In effect, a registration officer must wait at least five days on receipt of an application before determining that application.
- 4.5 The combined effect of these provisions is that an application for registration must be made by 7 June 2016 in order to result in an alteration notice adding the applicant to the register for the purposes of the referendum. An application made after that date would be determined on or after 16 June 2016 and, under section 13B of the 1983 Act, would not result in an alteration to the register that was effective for the purposes of the referendum.
- 4.6 This instrument shifts the date for publication of final notices of alterations effective for the purposes of the referendum from the fifth day before the poll to 20 June 2016. The effect of this is that applications made up to 9 June 2016 will be determined in time to result in alterations to the register which are effective for the referendum.
- 4.7 The instrument effects the above changes by amending the European Union Referendum (Conduct) Regulations 2016, which applies and modifies section 13B of the 1983 Act for the purposes of the referendum.

5. Extent and Territorial Application

- 5.1 The instrument extends to England and Wales, Scotland and Northern Ireland.
- 5.2 The instrument applies throughout Great Britain.

6. European Convention on Human Rights

- 6.1 The Chancellor of the Duchy of Lancaster has made the following statement regarding Human Rights:

“In my view the provisions of the European Union Referendum (Voter Registration) Regulations 2016 are compatible with the Convention rights.”

7. Policy background

What is being done and why

- 7.1 Due to a temporary outage of the register to vote website on the evening of the registration deadline for the European Referendum of 7 June 2016, some potential applicants were unable to apply to register to vote in Great Britain via the online service.
- 7.2 In order to help ensure that any affected electors are able to participate in the referendum on the United Kingdom’s membership of the European Union the deadline for submitting an application to register to vote will be extended by 48 hours to the end of 9 June 2016. This is achieved by shifting the date for publication of final notices of alterations to the register that are effective for the purposes of the referendum from the fifth day before the poll to 20 June 2016.
- 7.3 So that all applications are subject to proper scrutiny and an equitable opportunity is given to object to an application, the period given for objections to an application remains at five days. These Regulations make no change to any other deadline associated with the referendum.

Consolidation

- 7.4 It is not intended to consolidate the European Union Referendum (Conduct) Regulations 2016.

8. Consultation outcome

- 8.1 The Electoral Commission was consulted on a draft of these regulations.

9. Guidance

- 9.1 The Electoral Commission may provide guidance to Electoral Registration Officers about the effect of this instrument.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 The instrument will impact on the public sector in that it alters deadlines with which Electoral Registration Officers will be required to comply in relation to the European Union referendum. The instrument will have no impact on the public sector beyond the referendum.
- 10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

- 12.1 Under section 5 of the Political Parties, Elections and Referendums Act 2000, the Electoral Commission will, following the European Union referendum, be required to prepare and publish a report on the administration the referendum. The Cabinet Office will consider any findings or recommendations made by the Commission. The Cabinet Office will continue to keep all electoral legislation under review to ensure it continues to support electors' participation in elections and referendums, and effective electoral administration. In addition, the Law Commission is currently undertaking a review of electoral law in the United Kingdom and expects to present its recommendations to Government in 2016.

13. Contact

- 13.1 Scott Richards at the Cabinet Office Telephone: 020 7271 3867 or email: scott.richards@cabinetoffice.gov.uk can answer any queries regarding the instrument.