

EXPLANATORY MEMORANDUM TO
THE ELECTIONS (POLICY DEVELOPMENT GRANTS SCHEME)(AMENDMENT)
ORDER 2017

2017 No. 109

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 To amend the Elections (Policy Development Grants Scheme) Order 2006 following recommendations received from the Electoral Commission. The amendments change the way UK electorate figures, which are used to calculate the distribution of policy development grants under the scheme, are identified.

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 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 The policy development grants scheme is provided for in section 12 of the Political Parties, Elections and Referendums Act 2000 (the 2000 Act). Section 12(2) requires the Electoral Commission to submit recommendations to the Secretary of State or Minister for the Cabinet Office for the terms of a scheme for the making of policy development grants. Section 12(3) requires the Secretary of State or Minister for the Cabinet Office to make an order setting out such a scheme, with any modifications he considers appropriate. The administration of the scheme is set out under the Elections (Policy Development Grants Scheme) Order 2006 (the 2006 Order).
- 4.2 Section 12(5) of the 2000 Act requires the Electoral Commission to keep the terms of the policy development grants scheme under review and make recommendations for any variations which they consider appropriate. Section 12(6) requires the Secretary of State or Minister for the Cabinet Office to make an order giving effect to these recommendations, with any modifications he considers appropriate.
- 4.3 This order will implement the most recent recommendations made by the Electoral Commission.
- 4.4 The 2006 Order has previously been amended, following recommendations from the Electoral Commission, by the Elections (Policy Development Grants Scheme) (Amendment) Order 2014 (S.I. 2014/556), the Elections (Policy Development Grants

Scheme) (Amendment) (No.2) Order 2015 (S.I. 2015/302) and the Elections (Policy Development Grants Scheme) (Amendment) Order 2016 (S.I. 2016/164).

5. Extent and Territorial Application

- 5.1 The extent of this instrument is the United Kingdom.
- 5.2 The territorial application of this instrument is all of the United Kingdom.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

- 7.1 This Order amends the policy development grants scheme in line with recommendations made by the Electoral Commission. Section 12 of the 2000 Act requires the Electoral Commission to keep the terms of the scheme under review and make recommendations to the Secretary of State or Minister for the Cabinet Office for any variations to the scheme which the Commission considers appropriate.
- 7.2 Policy development grants were established by section 12 of the 2000 Act. They are awarded to help parties develop policies to include in manifestos for elections. Parties are eligible for a grant if they have two Members of the House of Commons who have taken the oath of allegiance.
- 7.3 The administration of the scheme is set out under the 2006 Order, as amended in 2014, 2015 and 2016. The 2006 Order sets out the formula used by the Electoral Commission to distribute the grant between eligible parties. This formula takes into account the size of the registered electorate where a party contests certain elections and how many votes the party receives.
- 7.4 The 2006 Order prescribes that the figures for the registered electorate, used in calculating the distribution of the grants, should be taken on 1 December. This date aligns with the publication schedule of the revised electoral register. The Electoral Commission recommended that the scheme be amended so that it is clear which data should be used if, for any reason, the publication date of electorate figures is changed. For example, in 2014/15 the Scottish independence referendum and introduction of Individual Electoral Registration meant publication of the register for Scotland was delayed until March 2015.
- 7.5 This Order implements the recommendations of the Electoral Commission, as required by the 2000 Act. It amends the scheme to require that the electorate figures to be used in the scheme are to be taken from the most recently published register. It also clarifies, in accordance with the Electoral Commission's recommendation, that the register to be used is the register of parliamentary electors.
- 7.6 The amendments in this Order will remove the need to amend or supersede the 2006 Order in any year when the publication date of the electorate figures is changed.

Consolidation

- 7.7 It is the intention of the Cabinet Office to provide a consolidated text to the Electoral Commission and eligible political parties. The Cabinet Office will consider

consolidating the Statutory Instrument for any subsequent amendments that implement recommendations of the Electoral Commission.

8. Consultation outcome

8.1 The Electoral Commission consulted the political parties when it reviewed the scheme in May 2015. This Order gives effect to the recommendation of the Electoral Commission.

9. Guidance

9.1 The Electoral Commission issues guidance to eligible political parties on the Policy Development Grants Scheme.

10. Impact

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

10.2 There is no impact on the public sector.

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 Section 12 of the 2000 Act requires the Electoral Commission to keep the terms of the scheme under review and make recommendations to the Secretary of State or Minister for the Cabinet Office for any variations to the scheme which they consider appropriate.

13. Contact

13.1 Catherine Millington at the Cabinet Office, telephone: 0207 271 3123 or email: catherine.millington@cabinetoffice.gov.uk can answer any queries regarding the instrument.