
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision relating to the postponement of certain elections and referendums in 2020 due to the Covid-19 pandemic (Part 2), and amending the scheme for policy development grants (Part 3).

Part 2 makes provision in connection with the postponement of certain elections and referendums, including elections which were due to be held on 7th May 2020, and local government by-elections and local referendums which were due to take place before 7th April 2020, but which weren't held as a result of the Coronavirus Act 2020 (c. 7).

Chapter 1 of Part 2 makes provision about postal ballots which had already been cast at any relevant by-election or referendum. Regulation 3 provides that any postal ballot cast is not to count for the purposes of the postponed poll which will take place at a later date, and that the postal voter is not prevented from casting another postal ballot at that postponed poll. It also provides that other actions do not need to take place. Regulation 4 deals with how the returning officer (or counting officer in the case of a neighbourhood planning referendum) has to deal with the documentation which may have been created in advance of the poll, including forwarding it to the registration officer. Regulation 5 requires the registration officer to retain the documents for a year before destroying them (subject to a court order). It also makes provision about court orders for access to those documents in respect of a prosecution. Regulation 6 makes equivalent provision (to regulations 3 to 5) for business referendums (which are subject to separate legislation).

Chapter 2 makes provision in relation to people who were candidates, specifically about expenses and donations. Regulation 8 applies to the elections for the Greater London Assembly and the Mayor of London and to by-elections for principal areas. It provides that a person who had become a candidate is no longer a candidate and treated generally as not having been one. The effects of this include that the person is not required to complete certain returns relating to candidate expenses and donations under the Representation of the People Act 1983 (c. 2). Certain donations to regulated donees instead fall to be dealt with under the rules in the Political Parties, Elections and Referendums Act 2000 (c. 41), although the deadlines for complying with those rules are extended. Regulation 9 applies to parish council by-elections and provides that people who were candidates are not treated as candidates and makes related provision.

Chapter 3 deals with the police and crime commissioner elections which did not take place in May 2020. Regulation 10 makes provision ensuring that returning officers can recover costs incurred. Accounts must be submitted to the Minister in accordance with the Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012 (S.I. 2012/2088), as modified by regulation 10(3).

Regulation 11, in Part 3, amends the Policy Development Grants Scheme as set out in the Schedule to the Elections (Policy Development Grants Scheme) Order 2006 (S.I. 2006/602). Regulation 11(2) enables the Electoral Commission to use the most up-to-date electoral registers when attributing amounts between England, Northern Ireland, Scotland and Wales for the purposes of allocating policy development grants to political parties, even where the deadline for publication of revised electoral registers is delayed to 1st February. Regulation 11(3) changes the date by which the Commission must publish (for the purposes of the attribution between England, Northern Ireland, Scotland and Wales) the numbers of people entitled to vote in each of those countries.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.