
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the fifth commencement regulations made under the Elections Act 2022 (c. 37) (“the Act”).

Regulation 2(a) brings into force section 9 of the Act from 29th December 2022. Section 9 makes provision that replaces the current requirement for returning officers to provide polling stations with a device for voters with sight loss with a new requirement to provide each polling station with such equipment as is reasonable to enable, or make it easier, for voters with disabilities (including, but not limited to, sight loss) to vote. Section 9 amends the criteria governing who can act in the role of ‘companion’ to a person with a disability for the purposes of voting, by enabling anyone who is aged 18 or over to act in that capacity, irrespective of their relationship to the person who is voting. Section 9 also amends the form of the declaration to be made by the companion of a voter with disabilities. Section 9 also amends section 5 of the Political Parties, Elections and Referendums Act 2000 (c. 41) to require the Electoral Commission to include in their report on the administration of certain elections a description of the steps taken by returning officers to assist persons with disabilities to vote.

Regulation 2(b) and (c) brings into force certain paragraphs of Schedule 6 to the Act which make similar provision in relation to local elections in Northern Ireland and elections to the Northern Ireland Assembly as that made by section 9 of the Act in relation to parliamentary elections.

Regulation 3 provides that the amendments made by section 9 of the Act to the conduct rules for parliamentary elections in Schedule 1 to the Representation of the People Act 1983 (c. 2), or by Schedule 6 to the Act to the conduct rules for local elections in Schedule 5 to the Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.)) or to the conduct rules for elections to the Northern Ireland Assembly in Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599) do not apply in respect of an election where the day of poll for the election is on or before 3rd May 2023.

An impact assessment has been produced in relation to the Elections Act 2022 and copies can be obtained at <https://bills.parliament.uk/publications/44886/documents/1304> or from the Department for Levelling Up, Housing and Communities at 2 Marsham Street, London, SW1P 4DF.