

**EXPLANATORY MEMORANDUM TO**  
**THE RECALL PETITION (WELSH FORMS) ORDER 2022**  
**2022 No. 1405**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department for Levelling Up, Housing and Communities and is laid before Parliament by command of His Majesty.

**2. Purpose of the instrument**

- 2.1 The purpose of this instrument is to replace and (in some cases) update the Welsh language versions of prescribed forms and forms of words to be used in respect of a recall petition conducted under the Recall of MPs Act 2015 (c, 25) held in a parliamentary constituency in Wales.

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

- 3.1 None.

**4. Extent and Territorial Application**

- 4.1 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.
- 4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is Wales.

**5. European Convention on Human Rights**

- 5.1 As the instrument is not subject to parliamentary procedure (other than a requirement to lay the instrument before each House after making), no statement is required.

**6. Legislative Context**

- 6.1 The instrument replaces the Welsh and Welsh/English versions of prescribed forms set out in Part 2 of Schedule 2 to the Recall of MPs Act 2015 (Recall Petition) Regulations 2016 (S.I. 2016/295), for use in respect of a recall petition under the Recall of MPs Act 2015 held in a parliamentary constituency in Wales.
- 6.2 The powers under which the Welsh and Welsh/English language equivalent forms (section 26(2) of the Welsh Language Act 1993 (c. 38), as applied by section 21(5) of the Recall of MPs Act 2015) mean that those forms should be contained in a separate instrument, rather than as part of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016. Consequently, this instrument replaces the existing provision in those Regulations, and Part 2 of Schedule 2 to those Regulations is revoked by regulation 92(b) of the Voter Identification Regulations 2022 (S.I. 2022/1382).

**7. Policy background**

- 7.1 The Elections Act 2022 will implement a broad range of changes to the running of UK elections including the introduction of voter identification. The Voter

Identification Regulations 2022 apply these changes to the conduct of recall petitions under the Recall of MPs Act 2015, resulting in part in updated prescribed forms.

- 7.2 Among these changes is a new form – the Signing Sheet Refusal List – that petition signing place staff must fill with details of signers who have been refused signing sheets.
- 7.3 Furthermore, a number of existing forms relating to elections must be brought up to date to reflect legislative changes and to inform petition signers of new requirements they need to be aware of.
- 7.4 This instrument provides Welsh language versions of these new and updated forms.
- 7.5 The forms that will be updated in this instrument relating to the new voter identification requirements – are as follows:
  - 7.5.1 Form A (specified signing sheet)
  - 7.5.2 Form D (specified official petition notice for an elector signing in person)
  - 7.5.3 Form F (specified official petition notice for a proxy signing in person)
  - 7.5.4 Form H (specified form of guidance for person signing the petition)
  - 7.5.5 Form J (specified proxy paper)
- 7.6 Other forms included in this Order do not require changes in relation to voter identification and therefore have been retained in their existing form:
  - 7.6.1 Form B (specified corresponding number list for use at a petition signing place)
  - 7.6.2 Form C (specified corresponding number list)
  - 7.6.3 Form E (specified official petition notice for an elector signing by post)
  - 7.6.4 Form G (specified official petition notice for a proxy signing by post)
  - 7.6.5 Form I (specified certificate of employment)
  - 7.6.6 Form K (specified postal petition statement)
  - 7.6.7 Form L (specified statement as to postal petition signing sheets, proxies and additional data)
- 7.7 The new form that this instrument will provide is Form G1 (the new signing sheet refusal list).

## **8. European Union Withdrawal and Future Relationship**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

- 9.1 This instrument does not consolidate existing legislation.

## **10. Consultation outcome**

- 10.1 This instrument updates the Welsh forms in accordance with legislative changes only and therefore a consultation was not required.

## **11. Guidance**

- 11.1 The Government is not providing publicly available guidance on the changes being made by the instrument. The Electoral Commission will be communicating the new voter identification measures to the public and will provide guidance to those delivering elections.

## **12. Impact**

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector. Where impacts were identified, this was outlined in the Impact Assessment which accompanied the primary legislation.
- 12.3 An impact assessment has been produced in relation to the Elections Act 2022.

## **13. Regulating small business**

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

## **14. Monitoring & review**

- 14.1 There are no plans to monitor or review the instrument in isolation.

## **15. Contact**

- 15.1 Yasmin Aytüre at the Department for Levelling Up, Housing and Communities. Telephone: +44 303 444 0564 or email: [Yasmin.ayture@levellingup.gov.uk](mailto:Yasmin.ayture@levellingup.gov.uk) can be contacted with any queries regarding the instrument.
- 15.2 Liz Owen, Deputy Director for the Registration and Franchise Division, at the Department for Levelling Up, Housing and Communities can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Lee Rowley, Parliamentary Under Secretary of State at the Department for Levelling Up, Housing and Communities can confirm that this Explanatory Memorandum meets the required standard.