
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the eleventh commencement regulations made under the Elections Act 2022 (c. 37) (“the 2022 Act”), and the first commencement regulations made under the Levelling-up and Regeneration Act 2023 (c. 55) (“the 2023 Act”).

Regulation 2 brings into force section 14 of, and Schedule 7 to, the 2022 Act. Section 14 extends the franchise for parliamentary elections in respect of British citizens overseas. Section 14(1) substitutes new sections 1 to 1E for existing sections 1 and 2 of the Representation of the People Act 1985 (c. 50). New section 1A sets the qualification conditions for registration as an overseas elector in respect of a parliamentary constituency. New section 1B provides for the entitlement of British citizens overseas to be registered in a register of parliamentary electors in pursuance of an overseas elector’s declaration. New section 1C sets out the requirements for overseas elector’s declarations. New section 1D makes provision as to the duration of an overseas elector’s entitlement to be registered, including allowing a registered overseas elector to extend the duration of their entitlement by the making of a renewal declaration. New section 1E sets out the requirements for renewal declarations. Part 1 of Schedule 7 to the 2022 Act contains minor and consequential amendments, and Part 2 contains transitional provision linked to the franchise extension.

Regulation 3 specifies a day for the purposes of paragraph 14 of Schedule 7 to the 2022 Act.

Regulation 4 contains a transitional provision which modifies new section 1D(2)(a) of the Representation of the People Act 1985. The effect of this provision is that an overseas elector registered pursuant to an overseas elector’s declaration made at any time before the commencement in full of section 14 of the 2022 Act will be able to make a renewal declaration at any time during the 12 month period of that elector’s entitlement to remain registered as an overseas elector, rather than just within the final 6 months of that period.

Regulation 5 contains an transitional provision which modifies paragraph 3(1B) of Schedule 4 to the Representation of the People Act 2000 (c. 2) in respect of overseas electors who are registered pursuant to an overseas elector’s declaration made at any time before the commencement in full of section 14 of the Act.

Regulation 6 contains a transitional provision relating to overseas electors registered pursuant to an overseas elector’s declaration made at any time before the commencement in full of section 14 of the 2022 Act. It requires registration officers to notify such electors who hold postal vote entitlements which are subject to the transitional provision in paragraph 16 of Schedule 7 to the 2022 Act that the postal vote entitlement is due to expire.

Regulations 7 and 8 bring into force paragraphs 226 to 230 of Schedule 4 to the 2023 Act. These paragraphs make amendments to the 2022 Act, in order to apply Part 5 (disqualification orders) and Part 6 (information to be included with electronic material) of the 2022 Act to combined county authority mayoral elections and to amend the transitional provision in paragraph 12 of Schedule 8 to the 2022 Act relating to the changes made to the candidacy rights of EU citizens.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An impact assessment has been produced in relation to the 2022 Act 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. An impact assessment has been produced in relation to the 2023 Act and

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