

EXPLANATORY MEMORANDUM TO
THE ELECTORAL COMMISSION (LIMIT ON PUBLIC AWARENESS
EXPENDITURE) ORDER 2023

2023 No. 807

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 This Order increases the amount that the Electoral Commission may spend on promoting public awareness of current electoral systems in the United Kingdom from £7,500,000 to £17,000,000 for the financial years 2023/24 and 2024/25 and £12,000,000 per financial year thereafter. This is to allow, among other things, for spending relating to additional work created by the new system of voter identification introduced by the Elections Act 2022. The new limits will not apply to the Electoral Commission's spending to promote awareness of devolved elections and referendums.

3. Matters of special interest to Parliament

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, Scotland and Northern Ireland.
- 4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England, Wales, Scotland and Northern Ireland. Article 2 does not apply to expenditure incurred by the Electoral Commission in relation to elections to the Senedd Cymru or Scottish Parliament, or local elections in Scotland or Wales, or to referendums within the legislative competence of the Senedd or Scottish Parliament.

5. European Convention on Human Rights

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

6. Legislative Context

- 6.1 Under section 13(1) of the Political Parties, Elections and Referendums Act 2000, the Electoral Commission are required to promote public awareness of current, and pending, electoral systems in the United Kingdom. Section 13(6) of the Act gives a power to the Secretary of State to set a limit on the amount which the Commission may spend on that function in any financial year, except where devolved Welsh elections and referendums and Scottish local government elections have been carved out by sections 13(8) and (12) of the Act.

6.2 This Order revokes the Electoral Commission (Limit on Public Awareness Expenditure) Order 2014 (S.I. 2014/510) (the “2014 Order”) save for where it relates to the Commission’s devolved Scottish functions to which the 2014 Order originally applied (namely spending relating to Scottish parliamentary elections and devolved Scottish referendums). This means that the £7,500,000 limit set out in the 2014 Order will continue to apply to that expenditure.

7. Policy background

What is being done and why?

7.1 The £7,500,000 limit for the Commission’s spending in relation to promoting awareness of electoral systems has not been reviewed since 2002 (with the exception of a temporary increase in the 2014/15 financial year). The Elections Act 2022 provided for a new requirement for electors to present photographic identification to vote at polling stations at certain elections. The Electoral Commission are responsible for delivering an awareness campaign for the new voter identification requirements, as part of their public awareness activities under section 13(1) of the 2000 Act. This Order increases the limit applying to the Commission’s public awareness activities to £17,000,000 in the 2023/24 and 2024/25 financial years to allow, among other things, for required spending on the ongoing awareness campaign for the new system of voter identification, in particular ahead of the next UK Parliamentary General Election.

7.2 As part of their duty under section 13(1) of the Act, the Commission are also responsible for promoting awareness of other current and pending electoral systems introduced by the Elections Act 2022. This Order increases the Commission’s spending limit to £12,000,000 per financial year from 2025/26 onwards to reflect increasing costs of advertising since 2002 and to cover the potential need for the Commission to promote other and future changes to electoral systems alongside awareness of any planned and unforeseen elections and referendums.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 No consolidation is required as a result of this Order.

10. Consultation outcome

10.1 There has not been a public consultation on this Order as no impact on business or the voluntary sector is foreseen. The Electoral Commission were consulted on the purpose and content of this Order and were satisfied that it would meet the aim of facilitating additional spending undertaken by the Commission to promote public awareness of current electoral systems in the United Kingdom.

11. Guidance

11.1 No guidance has been prepared in respect of this Order.

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.

12.3 A full Impact Assessment has not been prepared for this instrument because no, or no significant, impact on business, charities voluntary bodies or the public sector is foreseen.

13. Regulating small business

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

14. Monitoring & review

14.1 No monitoring or review of this Order is planned.

15. Contact

15.1 Jeanne Delebarre at the Department for Levelling Up, Housing and Communities Telephone: 0303 444 0537 or email: jeanne.delebarre@levellingup.gov.uk can be contacted with any queries regarding the instrument.

15.2 Becca Crosier, Deputy Director for the Elections Division, at the Department for Levelling Up, Housing and Communities can confirm that this Explanatory Memorandum meets the required standard.

15.3 Baroness Scott of Bybrook OBE, Parliamentary Under Secretary of State (Faith and Communities, and Lords Minister) at the Department for Levelling Up, Housing and Communities can confirm that this Explanatory Memorandum meets the required standard.