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STATUTORY INSTRUMENTS

2024 No. 95

REPRESENTATION OF THE PEOPLE, WALES

**The Parliamentary Elections and Recall Petition (Welsh Forms)
(Amendment) Order 2024**

Made - - - - at 10.55 a.m. on 29th January 2024

Laid before Parliament at 3.00 p.m. on 29th January 2024

Coming into force 30th January 2024

The Secretary of State makes the following Order in exercise of the powers conferred by section 26(2) of the Welsh Language Act 1993(a), as applied by section 22 of the Representation of the People Act 1985(b) and section 21(5) of the Recall of MPs Act 2015(c).

Citation, commencement and extent

1.—(1) This Order may be cited as the Parliamentary Elections and Recall Petition (Welsh Forms) (Amendment) Order 2024 and comes into force on 30th January 2024.

(2) This Order extends to England and Wales.

Amendment of the Parliamentary Elections and Recall Petition (Welsh Forms) (Amendment) Order 2023

2.—(1) Schedule 1 to the Parliamentary Elections and Recall Petition (Welsh Forms) (Amendment) Order 2023 (transitional and savings provisions)(d) is amended as follows.

(2) In Part 1 (provisions related to parliamentary elections), in paragraph 3 (poll card forms for certain parliamentary elections), after sub-paragraph (2) insert—

“(3) Sub-paragraph (4) applies in respect of a parliamentary election for which—

(a) the notice of election is published in accordance with rule 5 of Schedule 1 to the Representation of the People Act 1983(e) on or after 31st January 2024, and

(b) the date of poll stated in that notice is on or before 1st May 2024.

(4) Form 6 (official postal poll card) and Form 8 (official proxy postal poll card) in Schedule 2 to the 2007 Order apply as if, on the back of the form—

(a) 1993 c. 38. See section 26(4) for the meaning of “the appropriate Minister”.

(b) 1985 c. 50. Section 22 was substituted by section 35(5) of the Welsh Language Act 1993.

(c) 2015 c. 25.

(d) S.I. 2023/1137.

(e) 1983 c. 2. Rule 5 was amended by Part 1 of Schedule 2 and paragraph 74 of Schedule 4 to the Representation of the People Act 1985 (c. 50), by paragraph 10 of Schedule 6 to the Representation of the People Act 2000 (c. 2) and by section 19(3) of the Electoral Administration Act 2006 (c. 22).

- (a) for the text in English which begins with “vote as a proxy at this election” and ends with “grandchild” there were substituted—

“(in the case of a proxy appointed on or after 31st October 2023), vote as a proxy on behalf of more than four electors, of which no more than two may be on behalf of other domestic electors (a domestic elector is one who is not an overseas or service elector)”;

- (b) for the text in Welsh which begins with “i bleidleisio fel dirprwy” and ends with “neu wyres” there were substituted—

“(Yn achos dirprwy a benodwyd ar neu ar ôl 31 Hydref 2023), pleidleisio fel dirprwy ar ran mwy na phedwar etholwr, na all mwy na day ohonynt fod ar ran etholwyr domestig eraill (etholwr domestig yw un and yw’n etholwr dramor nac yn etholwr sy’n gwasanaethu yn y lluoedd arfog)”.

(3) In Part 3 (provisions relating to recall petitions), in paragraph 6 (official petition notice forms for certain recall petitions), after sub-paragraph (4) insert—

“(5) Sub-paragraphs (6) and (7) apply only in the case of a recall petition for which—

- (a) the Speaker’s notice is given in accordance with section 5(1) of the Recall of MPs Act 2015 on or after 31st January 2024, and
- (b) the date for the beginning of the signing period for that petition is on or before 1st May 2024.

(6) Form E (official petition notice for an elector who may sign the petition by post) in Part 1 of the Schedule to the 2022 Order applies as if, on the final page of the form—

- (a) for the text in English that begins with “Sign the petition as a proxy for more than two people” and ends with “grandchild” there were substituted—

“(In the case of a proxy appointed on or after 31st October 2023), sign the petition as a proxy on behalf of more than four people, of which no more than two may be on behalf of other domestic electors (a domestic elector is one who is not an overseas or service elector)”;

- (b) for the text in Welsh that begins with “Llofnodi’r ddeiseb fel dirprwy ar ran mwy” and ends with “neu wyres iddynt” there were substituted—

“(Yn achos dirprwy a benodwyd ar neu ar ôl 31 Hydref 2023), llofnodwch y ddeiseb fel dirprwy ar ran mwy na phedwar etholwr, na all mwy na day ohonynt fod ar ran etholwyr domestig eraill (etholwr domestig yw un and yw’n etholwr dramor nac yn etholwr sy’n gwasanaethu yn y lluoedd arfog)”.

(7) Form G (official petition notice for a proxy who may sign the petition by post) in Part 1 of the Schedule to the 2022 Order applies as if, on the fourth page of the form—

- (a) for the text in English that begins with “Sign the petition as a proxy for more than two people” and ends with “grandchild” there were substituted—

“(In the case of a proxy appointed on or after 31st October 2023), sign the petition as a proxy on behalf of more than four people, of which no more than two may be on behalf of other domestic electors (a domestic elector is one who is not an overseas or service elector)”;

- (b) for the text in Welsh that begins with “Llofnodi’r ddeiseb fel dirprwy ar ran mwy” and ends with “neu wyres iddynt” there were substituted—

“(Yn achos dirprwy a benodwyd ar neu ar ôl 31 Hydref 2023), llofnodwch y ddeiseb fel dirprwy ar ran mwy na phedwar etholwr, na all mwy na day ohonynt fod ar ran etholwyr domestig eraill (etholwr domestig yw un and yw’n etholwr dramor nac yn etholwr sy’n gwasanaethu yn y lluoedd arfog)”.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

Simon Hoare

Parliamentary Under Secretary of State

At 10.55 a.m. on 29th January 2024 Department for Levelling Up, Housing and Communities

EXPLANATORY NOTE

(This note is not part of the Order)

This Order corrects errors in Schedule 1 to the Parliamentary Elections and Recall Petition (Welsh Forms) (Amendment) Order 2023 (S.I. 2023/1137). This Order amends the transitional provisions in that Schedule to provide for additional modifications of the postal poll card and proxy postal poll card to be used for parliamentary elections in Wales for which (a) the notice of election is published on or after 31st January 2024 and (b) the date of poll is on or before 1st May 2024. Additional modifications are also added for the equivalent petition notices to be used for certain recall petitions in Wales under the Recall of MPs Act 2015 (c. 25) within the same period. The modifications provide for the correct description of criminal offences under section 61(3B) of the Representation of the People Act 1983 (c. 2) (and equivalent legislation) to be included on those poll cards and notices.

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.

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