EXPLANATORY MEMORANDUM TO

THE EUROPEAN PARLIAMENTARY ELECTIONS (NORTHERN IRELAND) (AMENDMENT) (No. 2) REGULATIONS 2013

2013 No. [XXXX]

1. This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations make further amendments to the European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2004 (the "2004 Regulations") in preparation for European Parliamentary elections in 2014. The amendments are being made to facilitate combination of the European Parliamentary election poll with the local election poll in Northern Ireland on the same date.

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

3.1 None.

4. Legislative Context

4.1 If the polls at a local election and a European Parliamentary election in Northern Ireland are held on the same day, they must be combined (section 15, Representation of the People Act 1985). There are existing provisions in Schedule 6 to the 2004 Regulations which make changes to the European Parliamentary elections rules when a European Parliamentary election is combined with a local or parliamentary election. These Regulations update and add to those provisions.

4.2 The draft Local Elections (Northern Ireland) Order 2013, which has been laid before Parliament alongside these Regulations, will also make changes to facilitate the combination of polls.

4.3 These Regulations also make a general change to the European Parliamentary elections rules, which will bring the deadlines for notification of polling and counting agents into line with those for other elections in Northern Ireland, including local elections. Other updating changes are included in the European Parliamentary Elections (Northern Ireland) Regulations 2013, which were laid before Parliament on 18 July 2013.

5. Territorial Extent and Application

5.1 This instrument extends to Northern Ireland only.

6. European Convention on Human Rights

6.1 Theresa Villiers, the Secretary of State for the Northern Ireland Office, has made the following statement regarding Human Rights:

"In my view the provisions of the European Parliamentary Elections (Northern Ireland) (Amendment) (No. 2) Regulations 2013 are compatible with the Convention rights".

7. Policy background

7.1 On 14 June 2013, the Council of the European Union decided to bring forward the period of the next scheduled European Parliamentary elections to 22-25 May 2014. The election will be held in the United Kingdom on 22 May 2014. The draft Local Elections (Northern Ireland) Order 2013, when made, will change the date of the next scheduled local election in Northern Ireland to 22 May 2014. This will allow the local election poll to be combined with the European Parliamentary election poll. These Regulations make additional amendments to the European Parliamentary elections rules to facilitate this combination of polls.

7.2 The Regulations make the following changes:

- Candidates at the European Parliamentary election will be permitted to notify the appointment of polling and counting agents to the returning officer on the fifth day, rather than the second day, before the poll.

- Currently, specified individuals associated with the European Parliamentary election are entitled to attend the verification and count processes, to ensure the process is transparent. These Regulations amend this provision in the case of combined elections to allow persons who are entitled to attend the verification and count of another election to attend the verification process for the European Parliamentary election. This is intended to ensure that any combined election procedures can be properly observed by those who oversee both elections.

- These Regulations allow for ballot papers which the voter placed in the wrong ballot box at a combined election to be taken out and placed in the ballot box for the correct election. This is intended to ensure that all valid votes will still be counted.

- In response to a recommendation made by the Electoral Commission, the Regulations also allow for the title of the election

to be printed on the top of the ballot paper when elections are combined.

8. Consultation outcome

8.1 The Electoral Commission has been consulted on these Regulations as required by sections 7(1) and (2)(a) and (e) of the Political Parties, Elections and Referendums Act 2000 (c.41). In addition, the Chief Electoral Officer for Northern Ireland and his office, the Northern Ireland Local Government Association, the Department of Environment (Northern Ireland) and Northern Ireland political parties have been consulted.

8.2 The Electoral Commission was satisfied with the Regulations, but made drafting suggestions which have been incorporated. The Chief Electoral Officer was also satisfied but suggested the updating change which is now in Regulation 2.

9. Guidance

9.1 The Electoral Commission will continue to prepare and issue guidance relating to the conduct of elections.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies. An impact assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Northern Ireland Office will keep the Regulations under review. The Government will work with the Electoral Commission, which has a statutory duty to report on the running of the European Parliamentary elections, the Chief Electoral Officer for Northern Ireland and other stakeholders to ensure that any legislative lessons which are learnt in 2014 can be applied for future elections.

13. Contact

13.1 Karen McNeill, Senior Elections Policy Officer, at the Northern Ireland Office Tel: 020 7210 6545 or email: karen.mcneill@nio.x.gsi.gov.uk can answer any queries regarding the instrument.

Northern Ireland Office
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