EXPLANATORY MEMORANDUM TO

THE POLICE AND CRIME COMMISSIONER ELECTIONS (WELSH FORMS) ORDER 2012

2012 No. [XXXX]

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

2. Purpose of the instrument

2.1 The Police and Crime Commissioner Elections (Welsh Forms) Order ("the Order") prescribes bilingual (English and Welsh) versions of ballot papers to be used in Wales at Police and Crime Commissioner elections on 15 November 2012.

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

3.1 None

4. Legislative Context

4.1 Part 1 of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act") provides for the establishment of a directly elected Police and Crime Commissioner for every police area in England and Wales outside London. This Order is being made in exercise of the powers contained in the 2011 Act and the Welsh Language Act 1993.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 The Home Secretary has made the following statement regarding Human Rights:

In my view the provisions of the Police and Crime Commissioner Elections (Welsh Forms) Order 2012 are compatible with the Convention rights.

7. Policy background

- ***What is being done and why***

7.1 In June 2010, the Government announced its intention to replace police authorities with directly elected Police and Crime Commissioners (PCCs) in England and Wales by 2012.

7.2 PCCs are established under the provisions the 2011 Act, which also includes provisions governing the conduct of elections for such office.

- ***Consolidation***

7.3 English forms have already been prescribed in the Police and Crime Commissioner Elections Order 2012 (S.I. 2012/1917) under the same power in the 2011 Act but, as is usual practice, bilingual forms are being established separately by this Order.

8. Consultation outcome

8.1 We have consulted with Welsh elections administrators and other Welsh speakers.

9. Guidance

9.1 Guidance as to the use of forms will be issued by the Electoral Commission.

10. Impact

10.1 This Order does not apply to businesses, charities or voluntary bodies.

10.2 The impact on the public sector will be that returning officers in Wales will provide bilingual ballot forms for elections of PCCs in Wales, all reasonable costs of which will be met by the Home Office.

10.3 An Impact Assessment has been prepared for the 2011 Act.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Under the provisions of the 2011 Act, the Electoral Commission will publish a report on the conduct of the elections held in November 2012. Legislative provisions will be reviewed if necessary at that point in response to the report.

13. Contact

13.1 Alex Doyle or Neil King at the Home Office (tel: 020 7035 4858 or email: PCCelections@homeoffice.gsi.gov.uk) can answer any queries regarding this instrument.