EXPLANATORY MEMORANDUM TO

THE REPRESENTATION OF THE PEOPLE (TIMING OF THE CANVASS) (NORTHERN IRELAND) ORDER 2010

2010 No. [DRAFT]

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

2. Description

2.1 The Chief Electoral Officer for Northern Ireland (CEO) is required to conduct a canvass of electors in 2010 unless the Secretary of State provides by Order that this requirement does not apply. This Order makes that provision and follows the CEO's recommendation to the Secretary of State against a canvass being conducted for the purpose of meeting the statutory registration objectives; and the Secretary of State's decision, having considered that recommendation, that the public interest does not require a canvass to be held for that purpose.

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

3.1 None.

4. Legislative background

4.1 Under section 10ZA of the Representation of the People Act 1983 ("the 1983 Act"), the CEO is required to conduct a canvass of electors in 2010 (instead of an annual canvass as registration officers elsewhere in the UK are required to conduct). However, if the CEO makes a recommendation to the Secretary of State on or before 15 April 2010 against a canvass being conducted for the purpose of meeting the relevant registration objectives then the Secretary of State, having considered that recommendation and being satisfied that the public interest does not require a canvass to be held for that purpose, may provide by Order that a canvass is not held.

4.2 Section 10ZA requires a canvass to be held in or before 2016 if one is not conducted in 2010.

4.3 The relevant registration objectives are set out at section 10ZB of the 1983 Act.

5. Territorial Extent and Application

5.1 This instrument extends to Northern Ireland only.

6. European Convention on Human Rights

6.1 The Minister of State for Northern Ireland, Paul Goggins, has made the following statement regarding Human Rights:

'In my view the provisions of the Representation of the People (Timing of the Canvass) (Northern Ireland) Order 2010 are compatible with the Convention rights.'

7. Policy background

7.1 The Chief Electoral Officer wrote to the Secretary of State in October 2009 recommending against the conduct of a canvass in 2010. He indicated that a canvass would not assist him in meeting the registration objectives (which relate to the accuracy and comprehensiveness of the register).

7.2 The Secretary of State considered this recommendation and consulted interested parties on it (see below); and is satisfied that the public interest does not require a 2010 canvass to be held for the purpose of the CEO meeting the registration objectives, and this Order has been brought forward accordingly.

8. Consultation outcome

8.1 The Secretary of State wrote to the Electoral Commission and the leaders of the Northern Ireland political parties in October 2009, asking for their views on the postponement of the 2010 canvass. There were 3 respondents; all of whom agreed that the canvass should be postponed for the reasons provided.

9. Guidance

9.1 This Order is not accompanied by any guidance.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The 1983 Act requires a canvass to be held in or before 2016 if it is not held in 2010. The NIO, Chief Electoral Officer and Electoral

Commission will regularly assess whether a canvass will be required before 2016.

13. Contact

Joanna Fitch, Elections Unit, Northern Ireland Office Tel: 020 7210 0263 or email: Joanna.Fitch@nio.x.gsi.gov.uk can answer any queries regarding the instrument.

Northern Ireland Office
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