EXPLANATORY MEMORANDUM TO
THE SERVICE VOTERS' REGISTRATION PERIOD (NORTHERN IRELAND) ORDER 2008

2008 No.

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

2. Description

2.1. The draft Order extends the length of the service qualification registration for service personnel and their spouses/civil partners to three years.

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

3.1. There are not any matters that will be of special interest to the Joint Committee on Statutory Instruments.

4. Legislative Background

4.1. Section 15(9) of the Representation of the People Act 1983 (the 1983 Act) as inserted by the Electoral Administration Act 2006 enables the Secretary of State to extend the period for which members of the forces or their spouses/civil partners who have made a service declaration may be registered in the register of electors.

4.2. The Service Voters' Registration Period Order 2006 ("the 2006 Order") extended the duration of a service voter's registration as an elector in Great Britain by amending the period in section 15(2)(a) of the 1983 Act from 12 months to three years. This Order will replicate that change for Northern Ireland.

5. Extent

5.1. This Order applies to Northern Ireland only.

6. European Convention on Human Rights

6.1 Paul Goggins has made the following statement regarding Human Rights:

In my view the provisions of the Service Voters' Registration Period (Northern Ireland) Order 2008 are compatible with the Convention rights.

7. Policy background

7.1. The Electoral Administration Act 2006 received Royal Assent on 11 July 2006 and aims to make progress on the Government's four principles found at the core of a healthy democracy:

(i) Improving Access and Engagement;
(ii) Improving Confidence;
(iii) Extending Openness and Transparency in Party Financing; and,
(iv) Maintaining Professional Delivery of Elections.

Changes relating to the registration of Service personnel

7.2. Prior to 2000 all service personnel who wished to be registered as electors had to register to vote through a service declaration which was valid indefinitely. However, the Government, taking into account the recommendations of the Howarth Working Group amended the Representation of the People Act 1983 so that service personnel could now register as an ordinary elector, in addition to a service declaration that would have to be renewed annually.

7.3. In line with Government's principles and to increase registration amongst service personnel the Electoral Administration Act 2006 included provision that enabled the Secretary of State to make secondary legislation that would extend the length of time for which members of the forces and their spouses/civil partners who had made service declarations remained in the register of electors to (up to) five years. The Government also included provision for the Ministry of Defence to keep a record of electoral registration information from service personnel.

7.4. Having consulted with the Electoral Commission and other interested stakeholders the Government decided to exercise its delegated powers and extend the registration period based on such service qualifications to three years. The 2006 Order made this change for Great Britain. This Order will now bring Northern Ireland into line with the rest of the UK.

8. Impact

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

8.2. The impact on the public sector is primarily to the Chief Electoral Officer for Northern Ireland, who was consulted during the preparation of this Order.

9. Contact

9.1. Martin Adams at the Northern Ireland Office Tel: 020 7210 0263 or email:martin.adams@nio.x.gsi.gov.uk can answer any queries regarding the instrument.

Northern Ireland Office
May 2008