EXPLANATORY MEMORANDUM TO

THE ELECTIONS (POLICY DEVELOPMENT GRANTS SCHEME) (AMENDMENT) ORDER 2015

2015 No. 128

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

2. Purpose of the instrument

2.1 This Order amends the Elections (Policy Development Grants Scheme) Order 2006. As a consequence of the Scottish independence referendum held on the 18 September 2014 and the introduction of individual electoral registration, the annual canvass in Scotland, which would have normally concluded with the publication of revised electoral registers by 1 December 2014, was postponed. The figures for the number of people on the register on 1 December 2014 would, but for this Order, be used to determine the appropriate allocations of policy development grants. This Order therefore amends the relevant date for the calculation and publication by the Electoral Commission of the number of people on the electoral registers in Scotland. Those numbers will be used for the allocation of funds under the scheme.

2.2 Additionally, the UK Independence Party returned its second Member of Parliament following the by-election in Rochester and Strood, held on 20 November 2014. As a consequence of this, the UK Independence Party became eligible for a policy development grant under section 12 of the Political Parties, Elections and Referendums Act 2000. This Order implements the recommendation of the Electoral Commission that the Policy Development Grants Scheme 2006 should be amended to include the UK Independence Party as an eligible party to the scheme.

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

3.1 None.

4. Legislative Context

4.1 This Order amends the Elections (Policy Development Grants Scheme) Order 2006. Under section 12 of the Political Parties, Elections and Referendums Act 2000, the Electoral Commission is charged with administering the policy development grants scheme, as well as keeping the scheme under review.

4.2 The Electoral Commission must keep the Scheme under review, and may make recommendations to the Secretary of State or the Lord President of the Council. The Electoral Commission have recommended that, as a consequence of the postponement of the 2014 annual canvass for Scotland, the relevant dates for calculation and publication of the number of electors on the register in Scotland should be revised for the year ending on 31st March 2016. The Electoral Commission has also recommended that the Scheme be varied to take account of the fact that the UK Independence Party is now an eligible party for the purposes of the Scheme. The Electoral Commission has recommended that the allocation of the UK Independence Party should be determined on the same basis as the Conservatives, Liberal Democrats and Labour parties as each of these parties has a share of the vote in more than one part of the UK.

5. Territorial Extent and Application

5.1 This instrument extends to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As this Order is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Policy development grants were created under the Political Parties, Elections and Referendums Act 2000. They are awarded to help parties in developing policies to include in manifestos for elections. The total grant is £2m per year and is distributed via a formula based on representation and performance at European, national and devolved legislature elections.

7.2 The figures for the number of people on the electoral registers is used to determine the appropriate allocations of policy development grants. As a consequence of the referendum on the independence of Scotland on 18 September 2014 and the introduction of individual electoral registration, the annual canvass in Scotland, which would normally have concluded with the publication of revised electoral registers by 1st December 2014 was postponed and these figures will be published on 2 March 2015. The Electoral Commission recommended a variation to the Scheme accordingly.

7.3 To be eligible for the grant, a party must have at least two sitting Members of the House of Commons who have taken the oath of allegiance provided by the Parliamentary Oaths Act 1866. Following the by-election in Rochester and Strood held on 20 November 2014 the UK Independence Party has become eligible for a policy development grant. The Electoral Commission recommended a variation to the Scheme accordingly.

8. Consultation outcome

8.1 The Order gives effect to a recommendation of the Electoral Commission dated 24th November 2014.

9. Guidance

9.1 The Electoral Commission provides advice on how to it administers policy development grants via its website (http://www.electoralcommission.org.uk).

10. Impact

10.1 A full regulatory impact assessment has not been prepared for this instrument because no, or no significant, impact on the private or voluntary sector is foreseen.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 These are minor amendments and there are no plans to undertake a formal review of their impact.

13. Contact

James Copeland at the Cabinet Office, Tel: 0207 271 2756, email: James.copeland@cabinetoffice.gov.uk can answer any queries regarding the instrument.