EXPLANATORY MEMORANDUM TO

THE ELECTIONS (POLICY DEVELOPMENT GRANTS SCHEME) (AMENDMENT) ORDER 2022

2022 No. 26

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Levelling Up, Housing and Communities and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 To amend the Elections (Policy Development Grants Scheme) Order 2006 (the 2006 Order) following recommendation received from the Electoral Commission. The amendments add a political party which is eligible to receive the Policy Development Grant.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is the United Kingdom.

4.2 The territorial application of this instrument is the United Kingdom.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 This Order amends the Policy Development Grants scheme outlined in the schedule to the 2006 order, in line with the recommendation received from the Electoral Commission, as required by s. 12(3) of the Political Parties, Elections and Referendums Act 2000 (PPERA).

6.2 The recommendation was to add Alba to the scheme, as they are now eligible to receive the Policy Development Grant.

6.3 The Electoral Commission is required to administer an annual fund available to political parties who have two or more MPs in the House of Commons who have taken the oath of allegiance and are not disqualified (under s.12 of PPERA).

6.4 The Electoral Commission is required under s.12(5) of PPERA to keep the Policy Development Grants under review and make recommendations to the Secretary of State for appropriate amendments.

6.5 As the Electoral Commission has made a recommendation, the Secretary of State must now make an order giving effect to this recommendation, with any appropriate

modifications (so long as they are approved by the Electoral Commission). In this instance, the order implements the Electoral Commission's recommendation with no modifications.

7. Policy background

What is being done and why?

7.1 The Policy Development Grant Scheme enables the making of policy development grants to certain political parties to assist with the development of policies for inclusion in their manifestos for: parliamentary elections, elections to the Scottish Parliament, the Senedd Cymru, and the Northern Ireland Assembly, local government elections, and local elections in Northern Ireland.

7.2 As of April 2021, Alba now has two MPs in the House of Commons and therefore meets the test set out in section 12 of PPERA. The Electoral Commission has recommended they are now added to the list of parties who can receive the grant from 2022.

7.3 To ensure that Alba receives their share of the grant the Order amends the formula used to calculate each recipient's allocation. This will result in Alba being allocated an equal share of the first £1million available as well as making them eligible for the share of the grant available to parties that contest elections in Scotland only. This replicates the approach already taken to parties contesting elections elsewhere in the UK.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 The Department for Levelling Up, Housing and Communities will consider consolidating the Statutory Instrument for subsequent amendments that implement recommendations of the Electoral Commission.

10. Consultation outcome

10.1 This Order gives effect to a recommendation made by the Electoral Commission on 19th October 2021.

11. Guidance

11.1 The Electoral Commission issues guidance to eligible political parties on the policy development grants scheme.

12. Impact

12.1 There is no impact on business, charities or voluntary bodies.

12.2 There is no impact on the public sector.

12.3 A full Impact Assessment has not been prepared for this instrument because there is no impact on businesses.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 Section 12 of PPERA requires the Electoral Commission to keep the terms of the Policy Development Grant under review and to make recommendations to the Secretary of State or Minister for Department for Levelling Up, Housing and Communities for any variations to the scheme which they consider appropriate.

15. Contact

15.1 Imogen Harris at the Department for Levelling Up, Housing and Communities Telephone: 07749713595 or email: Imogen.Harris@communities.gov.uk can be contacted with any queries regarding the instrument.

15.2 Becca Crosier, Deputy Director for Elections Division, at the Department for Levelling Up, Housing and Communities can confirm that this Explanatory Memorandum meets the required standard.

15.3 Kemi Badenoch, Minister of State at the Department for Levelling Up, Housing and Communities can confirm that this Explanatory Memorandum meets the required standard.