EXPLANATORY MEMORANDUM TO

THE ENCOURAGING ELECTORAL PARTICIPATION (REIMBURSEMENT OF EXPENSES) (ENGLAND AND WALES) REGULATIONS 2006

2006 No. 2972

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The Regulations make provision concerning the reimbursement of funds used to promote participation in the electoral process.

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

3.1 None.

4. Legislative Background

4.1 These Regulations determine the amount that may be paid to local electoral officers in England and Wales to reimburse them for expenditure incurred in encouraging electoral participation under section 69 of the Electoral Administration Act 2006 (c. 22). Regulation 2 provides that the total fund available annually for reimbursement in England and Wales is £2,500,000.

5. Extent

5.1 These Regulations apply to England and Wales.

6. European Convention on Human Rights

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

7. Policy background

7.1 The Electoral Administration Act 2006 aims to progress the Government's four core 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
(iv) Maintaining Professional Delivery of Elections]

7.2 Section 69 of the Electoral Administration Act 2006 clarifies that electoral registration officers and returning officers ("local electoral officers") must take such steps as they think

appropriate to encourage participation in the electoral process. Previously, there was some confusion as to whether or not an electoral registration officer, or returning officer at an election, had the power actively to encourage people to register and/or vote at that election respectively. This clarification implements a recommendation of the Electoral Commission in their *Voting for change* report of June 2003.

7.3 Section 69 ensures that local electoral officers will be able to undertake promotional activities targeted at electors in their local area, and also compliment the work of the Electoral Commission, who run their own campaigns to increase participation.

7.4 The Secretary of State has the power to reimburse expenditure incurred by local electoral officers in encouraging electoral participation (section 69(4)). However, the amount to be reimbursed must not exceed in any year the amount determined in regulations (section 69(4)).

7.5 These Regulations set that limit, for England and Wales, at £2,500,000. The fund will be administered by the Election Claims Unit and guidance will be issued to electoral administrators that will explain the conditions and process for making a claim on the fund.

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.

9. Contact

9.1 Any queries about the content of this memorandum should be addressed to: Nancy Hey at the Department for Constitutional Affairs, e-mail: nancy.hey@dca.gsi.gov.uk.