EXPLANATORY MEMORANDUM TO

THE EUROPEAN PARLIAMENTARY ELECTIONS (AMENDMENT) REGULATIONS 2014

2014 No. 923

1. 1.1 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 These Regulations make changes to the rules for the administration and conduct of European Parliamentary elections. They clarify and correct a small number of issues arising from the changes made by the European Parliamentary Elections (Amendment) Regulations 2013 (S.I. 2013/2876) (the "2013 Regulations"). The 2013 Regulations updated the rules for European Parliamentary elections in line with changes made for UK Parliamentary elections by the Electoral Registration and Administration Act 2013 (c.6) (the "ERA Act") and associated secondary legislation.

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

3.1 This instrument clarifies and corrects a small number of issues arising from changes made by the 2013 Regulations.

4. Legislative Context

4.1 The instrument amends the European Parliamentary Elections Regulations 2004 (S.I. 2004/293) (the "2004 Regulations") which set out the rules governing the conduct of European Parliamentary elections. The 2004 Regulations were recently amended by the 2013 Regulations.

5. Territorial Extent and Application

5.1 The instrument extends to Great Britain and Gibraltar. The application of particular provisions within Great Britain and Gibraltar is set out in the "Policy Background" section below.

6. European Convention on Human Rights

6.1 Greg Clark, the Minister of State for Cities and the Constitution, has made the following statement regarding Human Rights:

"In my view the provisions of the European Parliamentary Elections (Amendment) Regulations 2014 are compatible with the Convention rights."

7. Policy background

7.1 The instrument makes a small number of changes to the rules for the conduct and administration of European Parliamentary elections following the changes made by the 2013 Regulations. These changes are being made now, in

conjunction with changes to other electoral legislation, so they can have effect at the European Parliamentary elections that take place on 22 May 2014.

7.2 The instrument makes the following changes:

- Ensures that the provision allowing the return of a postal ballot paper or postal voting statement after the close of poll applies when a European Parliamentary election is combined with another poll in England, Wales or Scotland.

- Clarifies that the calculation of 19 days prior to the date of the poll for the purposes of the new provision about cancelling postal ballot papers inserted by regulation 43 of the 2013 Regulations means 19 working days prior to the date of the poll, so that this day is the same day as the deadline for the delivery of candidates' nominations, ensuring that the new provisions will work effectively. The change will apply to England, Wales, Scotland and Gibraltar.

- Brings the wording on the enlarged sample copy of the ballot paper that must appear in every polling station into line with the prescribed wording on the form of the ballot paper to be used at the election. The change applies to England, Wales, Scotland and Gibraltar.

- Makes improvements to the wording on the polling station compartment notice where a European Parliamentary election is combined with another poll in England and Wales.

- Updates references to the legislation governing mayoral elections and referendums.

8. Consultation outcome

8.1 The Electoral Commission has been consulted on this instrument. In addition, we have consulted informally with representatives of the Association of Electoral Administrators and the Society of Local Authority Chief Executives.

8.2 The Electoral Commission's response supported the proposed changes. The Commission suggested a technical change to the wording on the postal voting statement that appears in the 2013 Regulations, which we considered could be better dealt with through guidance rather than a change to the legislation.

9. Guidance

9.1 The Electoral Commission will continue to issue guidance relating to the conduct of elections.

10. Impact

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

10.1 A separate full regulatory impact assessment has not been prepared for this instrument because no significant impacts on the private, public or voluntary sectors are foreseen.

11. Regulating small business

11.1 The legislation does not create new regulatory burdens for small business.

12. Monitoring & review

12.1 The Cabinet Office keeps all electoral legislation under review to ensure it continues to support electors' participation in elections and effective electoral administration. Furthermore, the Law Commission is undertaking a review of electoral legislation. It issued a scoping report on 11 December 2012 and expects to issue a consultation on reforming the law in late 2014.

13. Contact

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