EXPLANATORY MEMORANDUM TO

THE EUROPEAN PARLIAMENTARY ELECTIONS (APPOINTED DAY OF POLL) ORDER 2013

2013 No. 2063

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 The Order appoints 22nd May 2014 as the day of the poll for the next general election of Members of the European Parliament in the UK and Gibraltar.

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

3.1 None.

4. Legislative Context

4.1 Article 11(2) of the Act annexed to the Council Decision dated 20th September 1976 provides that after the first elections to the European Parliament, all future elections should be held in the corresponding period starting on a Thursday and ending on a Sunday in the last year of a five year European Parliament session. Accordingly, elections to the European Parliament would ordinarily have been expected to take place in the period 5th to 8th June 2014. However, the Act provides that the period for voting can be moved up to two months before or one month after the scheduled period, if all Member States agree, and after consulting the European Parliament. The Council of the European Union acting unanimously has decided that the next European Parliamentary elections will take place between 22nd and 25th May 2014 instead of the scheduled period of between 5th and 8th June – see Council Decision 2013/299/EU, Euratom. On 16th May 2013, Chloe Smith (Minister for Political and Constitutional Reform, Cabinet Office) submitted an Explanatory Memorandum to the House of Commons European Scrutiny Committee and the House of Lords EU Committee in respect of the draft Council Decision moving the date of the European Elections and both Committees cleared the proposal.

4.2 This Order, along with the draft European Parliamentary Elections (Amendment) Regulations 2013 and the draft European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2013, is one of several instruments which prepare for the European Parliamentary election to be held in the United Kingdom and Gibraltar on 22nd May 2014. Further, the draft Local Elections (Ordinary Day of Local Elections in 2014) Order 2013, which was laid before Parliament in draft on 26th June 2013, will move the ordinary day of election of councillors in England in 2014 so that it is the same as the day of the poll for European Parliamentary elections as set by this Order.

5. Territorial Extent and Application

5.1 This instrument applies to the United Kingdom and Gibraltar.

6. European Convention on Human Rights

6.1 As the instrument is only required to be laid before Parliament and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The timing of European Parliamentary elections covers a four-day period from Thursday to Sunday to accommodate electoral practice across the European Union. This flexible approach across Europe allows the UK to vote on a Thursday in line with usual practice at UK statutory elections, whilst other countries vote on other days, albeit in the same poll.

7.2 The period originally scheduled for the elections in 2014 (between 5th and 8th June) will coincide with Pentecost (Sunday 8th June). This will be an issue for a number of States which will have that weekend as a holiday weekend and there is concern this could impact on electors' availability to vote. This led to discussions between Member States on whether the 2014 elections to the European Parliament should be held earlier in 2014 to avoid a clash with the Pentecost public holiday.

7.3 In June 2013, the Council of the European Union, acting unanimously and after consulting the European Parliament, decided that the next European Parliamentary elections would take place between 22nd and 25th May 2014. This Order appoints 22nd May 2014 as the day of poll for the European Parliamentary elections in the UK and Gibraltar.

8. Consultation outcome

8.1 Whilst we have not consulted formally on this Order, we have had informal discussions with the Electoral Commission, SOLACE and the Association of Electoral Administrators over the proposal to move the date of the European Parliamentary elections. They are supportive of the proposal on the basis that the date of the local elections would be moved so that they and the European Parliamentary elections would take place at the same time and are combined. These organisations believe this would be better for electors and would support increased engagement in the polls.

9. Guidance

9.1 The Electoral Commission will continue to issue guidance relating to the conduct of elections. No guidance is directly required as a result of this Order.

10. Impact

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

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

11. Regulating small business

11.1 The legislation does not apply to 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.

13. Contact

Matt Carey at the Cabinet Office, tel 020 7271 6370: email: matt.carey@cabinet-office.gsi.gov.uk can answer any queries regarding the instrument.