EXPLANATORY MEMORANDUM TO

PARLIAMENTARY ELECTIONS (WELSH FORMS) ORDER 2007

2007 No. 1014

LOCAL ELECTIONS (PRINCIPAL AREAS) (WELSH FORMS) ORDER 2007

2007 No. 1015

LOCAL ELECTIONS (COMMUNITIES) (WELSH FORMS) ORDER 2007

2007 No. 1013

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

This explanatory memorandum covers the:
- the Parliamentary Elections (Welsh Forms) Order 2007
- the Local Elections (Principal Areas) (Welsh Forms) Order 2007; and
- The Local Elections (Communities) (Welsh Forms) Order 2007;

which are collectively referred to below as the "Welsh forms Orders".

2. Description

2.1 The Welsh forms Orders prescribe the versions of certain prescribed forms and forms of words translated into Welsh, which will be used at parliamentary, principal area council and community council elections in Wales. The versions of the forms and forms of words in English can be found in the enactments specified in the Orders.

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

3.1 In accordance with section 27(3) of the Welsh Language Act 1993 (c. 38) the Welsh forms Orders are laid after being made but are not subject to any further parliamentary procedure. As was the case with the Parliamentary Elections (Welsh Forms) Order 2005 (S.I. 2005/1105), article 1 of each Order states that they will come into force on the 27th March 2007, being the day after they are laid.

3.2 In this instance it has not been possible to leave a greater period between the laying of these Orders and their commencement. The forms prescribed in these Orders may be required at any local government or parliamentary by-elections, held alongside the elections to the National Assembly for Wales on the 3rd May 2007. The notice of election for any local government by-elections occurring on the 3rd May 2007 will be published on the 27th March 2007 and many of the forms in the Orders would need to be used or printed by returning officers shortly after that date.

3.3 In order to compile these Orders a large number of forms needed to be translated into Welsh and that work could not begin until after the English versions of those forms were settled. While we were not able to lay the Welsh forms Orders at an earlier juncture, because their effect is limited to prescribing translated versions of forms or forms of words which

have already been prescribed for use at elections by other enactments (and have themselves been open to scrutiny) we hope the JCSI will not consider this to be an undue imposition on parliament's opportunity to scrutinise these Orders.

4. Legislative Background

4.1 The Welsh forms Orders are made and laid under powers found at sections 26(2) and 27(3) and (4) of the Welsh Language Act 1993. In the case of the Local Elections (Principal Areas) (Welsh Forms) Order 2007 and the Local Elections (Communities) (Welsh Forms) Order 2007, the power in section 26(2) is extended by section 22 of the Representation of the People Act 1985 so as to enable the those Orders to be made under section 26(2).

4.2 The Orders replace and revoke a number of existing instruments that had set out the Welsh versions of forms to be used at elections in Wales. Those Orders are:

- the Parliamentary Elections (Welsh Forms) Order 2005;
- the Parliamentary Elections (Welsh Forms) (Amendment) Order 2005;
- the Local Elections (Principal Areas) (Welsh Forms) Order 1987;
- the Elections (Welsh Forms) Order 1995;
- the Elections (Welsh Forms) Order 2001;
- the Local Elections (Principal Areas) (Welsh Forms) Order 2004;
- the Local Elections (Communities) (Welsh Forms) Order 1987;
- the Local Elections (Communities) (Welsh Forms) Order 2004.

5. Extent

5.1 These Orders apply to Wales.

6. European Convention on Human Rights

6.1 As the instruments are not subject to any parliamentary procedure and do not amend primary legislation, no statement is required.

7. Policy background

7.1 Electoral legislation prescribes a range of forms and forms of words to be used in elections covering various aspects of the electoral process, for example, nomination of candidates, postal voting, voting at polling stations.

7.2 Under provisions in the Welsh Language Act 1993, various statutory instruments have been made setting out Welsh versions, and versions partly in Welsh and partly in English, of these forms and form of words, for use at elections in Wales. As a result of provisions in the Electoral Administration Act 2006, changes have been made to a number of existing electoral forms, and some new ones have been created. The Welsh forms Orders provide translations of these forms, and ensure that the Welsh versions are in line with the current English versions. Examples of forms in the Orders are:

- Form of back of the ballot paper - the wording has been amended to reflect that in future ballot papers will have a number and other unique identifying mark printed on the back of them;
- Postal Voting Statement - this is a new form and replaces the Declaration of Identity. At an election, postal voters must complete and return the Postal Voting Statement with their postal ballot paper. Under the new absent voting personal identifiers provisions, the postal

voter must include their date of birth and signature on the Postal Voting Statement. Unlike the Declaration of Identity, it does not have to be witnessed;

- Form of nomination paper - the form has been amended to take account of changes made under the Electoral Administration Act 2006. For example, it now provides for the use of commonly used names by candidates;
- Official poll card - we have expanded the information that is included in the poll card that is issued to electors at an election, for example, information is now included about how to apply for a postal vote. A poll card will now be issued to postal voters who will be advised what to do if they wish to change their postal vote arrangements;
- Corresponding Number List - the Corresponding Number List is a new form and replaces the current requirement for the ballot paper to be attached to a counterfoil, which is designed to assist with the printing of ballot papers. The Corresponding Number List will contain the numbers of the ballot papers to be issued at the election, and the number of the elector will be inserted beside the number of the ballot paper that is issued to that elector.

7.2 The Welsh versions of the forms were translated by the Department's Welsh Language Unit.

7.3 The Electoral Commission in Wales and Wales Office were consulted on the Orders. They checked the translated text of the forms, and made a number of helpful suggestions which we took into account in the final versions of the forms. They are content with the Welsh forms contained in these Orders.

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: Peter Richardson at the Department for Constitutional Affairs, e-mail: Peter.Richardson@dca.gsi.gov.uk