EXPLANATORY MEMORANDUM TO

THE PARLIAMENTARY ELECTIONS AND RECALL PETITION (WELSH FORMS) (AMENDMENT) ORDER 2024

2024 No. 1273

1. Introduction

1.1 This explanatory memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Rushanara Ali, Parliamentary Under Secretary of State for Homelessness and Democracy at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

2.2 Nisha Satkunarajah, Deputy Director for Elections Policy Division at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Claerwyn Hamilton-Wilkes (Claerwyn.hamilton-wilkes@communities.gov.uk) at the Ministry of Housing, Communities and Local Government, can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The Voter Identification (Amendment of List of Specified Documents) Regulations 2024 amend the list of accepted forms of photographic identification for the purposes of voting in person by adding the Ministry of Defence Form 100 (HM Armed Forces Veteran Card) ("the Veteran Card") to this list

4.2 Holders of the Veteran Card will be able to use it to prove their identity when voting in person at a polling station.

4.3 Those Regulations also update prescribed poll cards and petition notices forms for a number of election and referendum types and for recall petitions in Great Britain under the Recall of MPs Act 2015, as a consequence of the changes to the list.

4.4 This Order contains updated bilingual (English and Welsh language) prescribed forms of the amended Official Poll Card (to be sent to an elector voting in person) and the form of the Official Proxy Poll Card (to be sent to an appointed proxy voting in person) for parliamentary elections, and equivalent recall petition Notices, in Wales.

Where does the legislation extend to, and apply?

4.5 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.6 The territorial application of this instrument (that is, where the instrument produces a practical effect) is Wales.

5. Policy Context

What is being done and why?

5.1 The Elections Act 2022 amended the parliamentary election rules set out in Schedule 1 to the Representation of the People Act 1983 to introduce the requirement for voters to show photographic identification when voting in person in a polling station.

5.2 The list of accepted forms of photographic identification is set out in rule 37 of Schedule 1 of that Act and includes passports, driving licences, various concessionary travel cards, blue badges and the Ministry of Defence Form 90 (Defence Identity Card).

5.3 The Veteran Card was formally launched in January 2024. It is available to all veterans (estimated to be around 2 million people in the UK), free of charge. The majority of veterans apply online, where identity checks are carried out via GOV.UK One Login and are cross verified by the Ministry of Defence, ensuring a high level of security.

5.4 Including the Veteran Card in the list of accepted voter ID supports service leavers who left before 2018 and were not permitted to keep their Defence Identity Card, which is already in the list of accepted documents.

5.5 The inclusion of the Veteran Card fulfils one of the current Government's manifesto commitments

5.6 As a result of this addition to the list of accepted forms of identification, prescribed forms of poll cards issued to electors ahead of elections and referendums (and equivalent notices for recall petitions) need to be updated, as each prescribed form includes the list of accepted forms of identification.

6. Legislative and Legal Context

How has the law changed?

6.1 The Elections Act 2022 amended the parliamentary election rules as set out in Schedule 1 to the Representation of the People Act 1983. Rule 37 of those rules was amended to include a list of acceptable photographic identification for the purposes of voting in person in a polling station at a parliamentary election.

6.2 This instrument reflects those changes to the parliamentary elections rules in the forms of photographic identification that are acceptable when voting in polling stations at parliamentary elections, or when signing in person at a petition signing place at recall petitions, in Wales. It does this by updating the prescribed form of poll cards for electors and proxies voting in person at parliamentary elections and equivalent notices for recall petitions in Wales. Each of these prescribed forms contain the full list of accepted identity documents.

Why was this approach taken to change the law?

6.3 Rule 37(1Q) of Schedule 1 to the Representation of the People Act 1983 gives the Secretary of State the power to amend the list to add or remove different forms of identification that can be used in parliamentary elections, or to vary existing list entries, and that list is reflected in local poll rules and forms. As the list and the prescribed forms are set out in legislation, it is not possible to make the necessary changes without legislation.

7. Consultation

7.1 The Electoral Commission were consulted on the Affirmative Regulations and no substantial policy objections were raised. They also agreed to wording changes made to the associated forms.

8. Applicable Guidance

8.1 The Electoral Commission issues guidance to electoral administrators relating to the administration and conduct of elections, referendums and recall petitions, and to candidates standing at elections. They will update the guidance as necessary in advance of future polls to reflect the changes set out in this instrument.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because there is no or no significant impact resulting from the changes.

Impact on businesses, charities and voluntary bodies

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

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The Electoral Commission will produce reports on the administration and conduct of elections, and the Ministry of Housing, Communities and Local Government will consider any findings or recommendations made by the Electoral Commission about the changes in these instruments that will apply at those polls.

10.2 In accordance with section 62 of the 2022 Act, the Secretary of State must prepare and publish a report on the operation of the 2022 Act, as well as lay a copy of the report before Parliament, between 4 and 5 years after the day on which the 2022 Act was passed.

10.3 The Ministry of Housing, Communities and Local Government will continue to keep all electoral legislation under consideration to ensure it continues to support electors' participation in elections and effective electoral administration.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 The instrument was made on 3rd December 2024, was laid before Parliament on 4th December 2024 and came into force that day. As a result of the Interpretation Act 1978, the instrument therefore came into force before it was laid.

11.2 On 28th January 2025, the Ministry of Housing, Communities and Local Government notified both the Speaker of the House of Commons and the Lords Speaker in accordance with the proviso in section 4(1) of the Statutory Instruments Act 1946, explaining that the timing of laying and coming into force of the instrument was intended to align with the coming into force of the Voter Identification (Amendment of List of Specified Documents) Regulations 2024 (SI 2024 No 1275), to which the instrument relates. The Ministry of Housing, Communities and Local Government regrets that this resulted in this instrument coming into force shortly before it was laid before Parliament and also acknowledges the delay in complying with the proviso in section 4(1) of the Statutory Instruments Act 1946.

12. European Convention on Human Rights

12.1 Rushanara Ali, Parliamentary Under Secretary of State for Homelessness and Democracy at the Ministry of Housing, Communities and Local Government has made the following statement regarding Human Rights:

"In my view the provisions of The Parliamentary Elections and Recall Petition (Welsh Forms) (Amendment) Order 2024 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").