EXPLANATORY MEMORANDUM TO

THE PARLIAMENTARY ELECTIONS AND RECALL PETITION (WELSH FORMS) (AMENDMENT) ORDER 2023

2023 No. 1137

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Levelling Up, Housing and Communities and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

2.1 The purpose of this instrument is to update the Welsh language versions of certain prescribed forms and forms of words to be used at UK Parliamentary elections and recall of MP petitions in Wales to bring the forms and forms of words in line with recent legislative changes made to equivalent English language versions.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

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

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

5. European Convention on Human Rights

5.1 As the instrument is not subject to parliamentary procedure (other than a requirement to lay the instrument before each House after making), no statement is required.

6. Legislative Context

6.1 The instrument replaces a number of Welsh and Welsh/English versions of prescribed forms set out in the Parliamentary Elections (Welsh Forms) Order 2007 (S.I. 2007/1014) for use at UK Parliamentary elections held in Wales, and in the Recall Petition (Welsh Forms) Order 2022 (S.I. 2022/1405) for use at recall of MP petitions held in Wales in accordance with the Recall of MPs Act 2015.

6.2 This is as a result of changes made to the English language equivalent forms by the Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023.

6.3 The instrument includes transitional provisions (mirroring those in the Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023) to reflect that the changes to forms relating to the appointment of proxies come into force on 31st October 2023 and the remaining new questions and forms under the proxy voting measure come into force on 31st January 2024. For polls or petitions

held before 31st January 2024 or are ongoing on that date, existing rules will apply to proxies who are voting/signing in these polls/petitions.

7. Policy background

What is being done and why?

7.1 The Elections Act 2022 ("the 2022 Act") makes a broad range of changes to improve the running of elections and to strengthen the integrity of the electoral system.

7.2 The 2022 Act also includes a measure to strengthen the integrity of proxy voting. The measure implements a recommendation made in Sir Eric (now Lord) Pickles' report on electoral fraud, entitled Securing the Ballot ("the Pickles Report"), which was published in August 2016. The 2022 Act limits the number of electors for whom an individual may act as a proxy to four, of which no more than two can be 'domestic' electors (domestic electors are not overseas or service electors). The 2022 Act also made changes to the questions that may be put to proxies when voting in a polling station at UK Parliamentary elections to ensure that the new limit is observed.

7.3 A number of existing forms and forms of words relating to elections and other polls must be brought up to date to reflect the changes concerning proxy voting and to inform electors of new requirements they need to be aware of. This instrument provides Welsh language versions of these updated forms and forms of words.

7.4 The forms and forms of words that will be updated in this instrument are as follows:

7.5 A new Welsh version of the statutory questions set out in the table in rule 35 of Schedule 1 to the Representation of the People Act 1983 for use in polling stations at UK Parliamentary elections.

7.6 A new Welsh/English official poll card and official proxy poll card, and proxy paper, for use at UK Parliamentary elections in Wales.

7.7 A new Welsh/English official petition notice for an elector who may sign the petition in person and official petition notice for a proxy who may sign the petition in person, and proxy paper, for use at recall of MP petitions in Wales.

7.8 Under the instrument, the changes to forms relating to the appointment of proxies come into force on 31st October 2023 with the remaining new questions and forms under the proxy voting measure come into force on 31st January 2024. The instrument includes transitional provisions which make the necessary changes to the existing Welsh version of the questions to persons voting as a proxy at UK Parliamentary elections, and the information on Welsh/English poll cards/petition notices to reflect that the existing proxy voting requirements will still be applicable at UK Parliamentary elections/recall of MP petitions held before 31st January 2024, and those already underway on that date, in relation to proxies appointed under the rules in place prior to 31st October 2023 who are voting/signing in these polls.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 No consolidation will arise from this instrument.

10. Consultation outcome

10.1 This instrument updates the Welsh forms in accordance with legislative changes only and therefore a consultation was not required.

11. Guidance

11.1 The Government is not providing publicly available guidance on the changes being made by the instrument. The Electoral Commission issues guidance to electoral administrators relating to the administration and conduct of elections, and will update the guidance as necessary in advance of future polls in light of the changes set out in this instrument.

12. Impact

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

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

12.3 A full Impact Assessment has not been prepared for this instrument because no, or no significant, impact on the private, voluntary or public sectors is foreseen.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The approach to monitoring of this legislation is that the Electoral Commission will produce reports on the administration and conduct of elections and the Department for Levelling Up, Housing and Communities will consider any findings or recommendations made by the Electoral Commission about the changes in this instrument that will apply at those polls.

14.2 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.

15. Contact

15.1 Peter Richardson at the Department for Levelling Up, Housing and Communities Telephone: 0303 444 0488 or email: peter.richardson@levellingup.gov.uk can be contacted with any queries regarding the instrument.

15.2 Becca Crosier, Deputy Director for the Elections Division, at the Department for Levelling Up, Housing and Communities can confirm that this Explanatory Memorandum meets the required standard.

15.3 Jacob Young, Parliamentary Under Secretary of State at the Department for Levelling Up, Housing and Communities can confirm that this Explanatory Memorandum meets the required standard.