EXPLANATORY MEMORANDUM TO

THE PARLIAMENTARY ELECTIONS (WELSH FORMS) (AMENDMENT) ORDER 2022

2022 No. 1402

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 in Wales to bring this wording in line with recent legislative changes made to equivalent English language versions.

3. 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 Parliamentary elections held in Wales.

6.2 This is as a result of changes made to the English language equivalent forms. Article 2(3) of and Schedule 1 to, the instrument replace the Welsh form of questions set out in the table in rule 35 of Schedule 1 to the Representation of the People Act 1983 (c. 2) to reflect amendments made to that rule by paragraph 16 of Schedule 1 to the Elections Act 2022 (c. 37); to the Welsh form of declaration to be made by the companion of a voter with disabilities, the English.

7. Policy background

7.1 The Elections Act 2022, which received Royal Assent in April 2022, will implement a broad range of changes to improve the running of UK elections.

7.2 Among these changes is a new form – the Ballot Paper Refusal List – that polling station staff must fill with details of electors who have been refused ballots.

7.3 Furthermore, a number of existing forms relating to elections must be brought up to date to reflect legislative changes and to inform electors of new requirements they need to be aware of. The updates relate to the new voter identification policy, and to the updated requirements for disabled electors' companions.

This instrument provides Welsh language versions of these new and updated forms.

7.4 In addition to the changes resulting from the Elections Act 2022, a number of Welsh language versions of electoral forms have also been identified to contain unnecessary references to European Parliament elections This instrument provides updated versions of those forms.

7.5 The forms that will be updated in this instrument relating to the new voter identification requirements – providing information on the new requirements - are as follows:

7.5.1 A new Welsh form of the questions set out in the table in rule 35 of Schedule 1 to the RPA 1983.

7.5.2 A new Welsh/English form of directions for the guidance of voters in voting – standalone poll

7.5.3 A new Welsh/English form of directions for the guidance of voters in voting – combined poll

7.5.4 A new Welsh/English official poll card

7.5.5 A new Welsh/English official proxy poll card

7.6 The forms that will be updated in this instrument to reflect the new requirements that a disabled voters' companion must fulfil are as follows:

7.6.1 A new Welsh form of declaration by companion of a voter with disabilities – standalone poll

7.6.2 A new Welsh form of declaration by companion of a voter with disabilities – combined poll

7.7 The forms that will be updated in this instrument to remove references to European parliamentary elections are as follows:

7.7.1 A new Welsh/English form of the voting compartment notice for combined polls

7.7.2 A new Welsh form of declaration by companion of a voter with disabilities – combined poll

7.8 The new form that this instrument will provide Welsh translation version for is the new Welsh/English Ballot Paper Refusal List.

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 This instrument does not consolidate existing legislation.

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. Section 9 of the Elections Act requires that the Electoral Commission produce guidance to support Returning Officers to carry out the new policy pertaining to meeting disabled voters' needs in polling stations. The Electoral Commission will also be communicating the new voter identification measures to the public and will provide guidance to those delivering elections.

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. Where impacts were identified, this was outlined in the Impact Assessment which accompanied the primary legislation.

12.3 An impact assessment has been produced in relation to the Elections Act 2022.

13. Regulating small business

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

14. Monitoring & review

14.1 There are no plans to monitor or review the instrument in isolation.

15. Contact

15.1 Yasmin Ayture at the Department for Levelling Up, Housing and Communities. Telephone: +44 303 444 0564 or email: Yasmin.ayture@levellingup.gov.uk can be contacted with any queries regarding the instrument.

15.2 Liz Owen, Deputy Director for the Registration and Franchise Division, at the Department for Levelling Up, Housing and Communities can confirm that this Explanatory Memorandum meets the required standard.

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