EXPLANATORY MEMORANDUM TO

THE PARLIAMENTARY ELECTIONS (WELSH FORMS) (AMENDMENT) ORDER 2023

2023 No. 208

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.

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

2. Purpose of the instrument

2.1 The purpose of this instrument is to remedy a number of minor errors related to the Parliamentary Elections (Welsh Forms) (Amendment) Order 2022 (S.I. 2022/1402) ("the 2022 Order"), including two identified by the Joint Committee on Statutory Instruments.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 The instrument amends both the Parliamentary Elections (Welsh Forms) Order 2007 (S.I. 2007/1014) ("the 2007 Order") and the 2022 Order in order to correct two errors previously reported by the Joint Committee (in respect of the 2022 Order) in the Twenty-Sixth Report of Session 2022-23.

4. Extent and Territorial Application

4.1 The extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is Wales.

5. European Convention on Human Rights

5.1 As the instrument is not subject to parliamentary procedure, no statement is required.

6. Legislative Context

6.1 The 2022 Order made amendments to the 2007 Order, updating a number of the prescribed English/Welsh bilingual forms and Welsh forms of words that are to be used at UK parliamentary elections in Wales.

6.2 A number of minor errors have since been identified in the 2022 Order. This instrument remedies these errors by amending article 6(1) of the 2007 Order, and by replacing the prescribed form of the Welsh and English version of the official proxy poll card in place of the version contained in the 2022 Order.

7. Policy background

What is being done and why?

7.1 The Elections Act 2022 set out a wide range of changes to the electoral system. One of these measures is the new requirement for voters to present photographic identification (from a specified list of documents) in order to vote in person at the polling station – this will fulfil a Government manifesto commitment.

7.2 A number of statutory instruments have been made in order to implement this new requirement. One such instrument was the 2022 Order – which provided a number of updates to English/Welsh bilingual forms and forms of words for use at parliamentary elections held in Wales. These are primarily aimed at providing information to electors regarding the new requirements (for example, updating poll cards to include information on the identity documents that will be accepted at the polling station), but also provide Welsh translations for new statutory questions.

7.3 Two errors have since been identified in the 2022 Order by the Joint Committee on Statutory Instruments – a cross reference in article 6(1) of the 2007 Order which was not updated as part of amendments contained in the 2022 Order, and information relating to postal voting that is present on the English-only version of the parliamentary proxy poll card had been omitted from the English/Welsh version contained in the 2022 Order. In addressing these, further minor errors were identified on the English/Welsh bilingual version of the parliamentary proxy poll card including the omission of some instructions, the omission of a return address, the incorrect inclusion of wording relating to the elector's register number and a missing title related to instructions for anonymous electors. This instrument remedies these errors, as well as correcting a typographical error in article 6(1)(t) of the 2007 Order (which was inserted by the 2022 Order).

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act 2018.

9. Consolidation

9.1 No consolidation will arise from this instrument.

10. Consultation outcome

10.1 Significant consultation has been carried out with a range of stakeholders in the electoral sector on the statutory instruments relating to the new voter identification requirements – including the 2022 Order

10.2 The corrections made by this instrument are minor and no consultation is necessary.

11. Guidance

11.1 No guidance is required for these corrections.

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 as 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 monitoring of this legislation will be conducted as part of monitoring the Elections Act 2022 and subsequent secondary legislation – though this particular instrument only makes minor corrections resulting from the 2022 Order and so is unlikely to be the focus of such monitoring.

14.2 In accordance with section 62 of the Elections Act 2022, the Secretary of State must prepare and publish a report on the operation of the Elections Act 2022, as well as lay a copy of the report before Parliament, between 4 and 5 years after the day on which the Elections Act 2022 was passed. The Government maintains extensive relationships with the electoral sector and will be able to receive feedback from electoral administrators. In addition, the Electoral Commission will be able to provide analysis.

14.3 Additionally, there are separate monitoring and reporting requirements that are specifically related to voter identification. These include data collection measures – on data that must be collected at the polling station to support Government analysis of the impact of these measures. This will feed into the reports that the Secretary of State is required to publish on the effect of the voter identification requirements – as set out under section 59A of the Representation of the People Act 1983.

15. Contact

15.1 Guy Daws at the Department for Levelling Up, Housing and Communities Telephone: 0303 444 0439 or email: guy.daws@levellingup.gov.uk can be contacted with any queries regarding the instrument.

15.2 Gordon Woods, Programme Director, Electoral Integrity Programme, at the Department for Levelling Up, Housing and Communities can confirm that this Explanatory Memorandum meets the required standard.

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