

**EXPLANATORY MEMORANDUM TO**  
**THE REPRESENTATION OF THE PEOPLE (NATIONAL ASSEMBLY FOR**  
**WALES) (ACCESS TO ELECTION DOCUMENTS) REGULATIONS 2007**

**2007 No.1368**

**1.** This explanatory memorandum has been prepared by the Wales Office and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 The Regulations make provision for access to, and public inspection of, the following documents retained by electoral registration officers for county and county borough councils in Wales following elections to the National Assembly for Wales:

- a. Marked registers;
- b. Marked postal voters lists;
- c. Marked lists of proxies;
- d. Marked proxy postal voters lists;
- e. Ballot paper accounts;
- f. Statements of rejected ballot papers;
- g. Statements of the result of the verification of ballot paper accounts;
- h. Tendered votes lists;
- i. Lists of voters with disabilities assisted by companions;
- j. Lists of votes marked by the presiding officer;
- k. Statements of the numbers of voters whose votes are marked by the presiding officer;
- l. Lists of persons to whom ballot papers were issued by virtue of an alteration to the register which takes effect on the day of the poll;
- m. Declarations made by the companions of voters with disabilities;
- n. Cancelled postal voting statements;
- o. Completed postal voting statements; and
- p. Statements as to postal ballot papers.

2.2 Where separate documents are held in relation to constituency and regional elections, the same access and inspection regimes will apply in both cases.

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

3.1 None.

**4. Legislative Background**

4.1 The National Assembly for Wales (Representation of the People) Order 2007 [SI 2007 No. 236] changed the arrangements for post-election custody of Assembly election documents. Previously they were forwarded to the Assembly. In future they will be held locally by the relevant electoral registration officer. This is in line with changes made by the Electoral Administration Act 2006 to the arrangements for custody of Parliamentary election documents.

4.2 Section 42 of the Electoral Administration Act 2006 requires relevant registration officers to make relevant election documents available for inspection by members of the public and to supply copies or extracts in circumstances prescribed by regulations. It also empowers the Secretary of State to make regulations which impose conditions in relation to the inspection or supply of such documents.

4.3 Equivalent conditions relating the Parliamentary election documents are imposed by Part 7 of the Representation of the People (England and Wales) Regulations 2001 [SI 2001 No. 341 as amended in this respect by SI 2006 No. 2910]. The effect of the current Regulations is to insert a new Part 8 into the 2001 Regulations, which applies Part 7 - with appropriate modifications - to Assembly election documents. Although it would have been possible to make direct amendments to Part 7, the approach adopted will avoid confusion in the event of a future consolidation of the legislation relating either to Parliamentary or Assembly elections.

## **5. Extent**

5.1 This instrument applies to Wales.

## **6. European Convention on Human Rights**

6.1 The Secretary of State for Wales has made the following statement regarding Human Rights:

In my view the provisions of the Representation of the People (National Assembly for Wales) (Access to Election Documents) Regulations 2007 are compatible with the Convention rights.

## **7. Policy background**

7.1 As a general principle, the Government intends that the rules and procedures for elections to the National Assembly for Wales should be, as nearly as possible, identical to those applying at Parliamentary elections. The purpose of the regulations is to ensure that the arrangements for access to Assembly election documents are consistent with those which will apply to Parliamentary elections on and after 3 May 2007.

## **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**

Susan Olley at the Wales Office Tel: 029 2089 8568 or e-mail: susan.olley@walesoffice.gsi.gov.uk can answer any queries regarding the instrument.