

EXPLANATORY MEMORANDUM TO
THE PARLIAMENTARY ELECTIONS (WELSH FORMS) (AMENDMENT)
ORDER 2010

2010 No. 1078

1. This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Order amends the Parliamentary Elections (Welsh Forms) Order 2007 (SI. 2007/1014) (“the 2007 Order”) to reflect, in prescribed Welsh language forms, changes made by, the Political Parties and Elections Act 2009 (“the 2009 Act”). Section 24 of that Act amends the Representation of the People Act 1983 to enable candidates standing for election at a parliamentary election to choose whether or not their home address appears on the ballot paper at the election. Paragraph 8 of Schedule 6 to the 2009 Act makes certain consequential amendments in support of that purpose. This Order ensures that the relevant consequential amendments are carried through for Welsh language purposes.

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

3.1 None

4. Legislative Context

4.1 The Order is made under sections 26(2) and 27(3) and (4) of the Welsh Language Act 1993 and comes into force the day on the day after it is made . The Order amends the 2007 Order, which prescribes Welsh language versions of certain specimen forms or forms of words for use in United Kingdom parliamentary elections held in Wales. The English version of these forms are provided for in the Appendix of Forms to Schedule 1 to the Representation of the People Act 1983 (c.2).

4.2 The English forms were the subject of consequential amendments made by paragraph 8(6) of Schedule 6 to the 2009 Act in order to reflect the effect of the changes made by section 24 of that Act. This Order makes two principal changes to replicate for Welsh language purposes the consequential amendments contained in paragraphs 8(6)(a) and (b) of that Schedule. First, it prescribes words in Welsh for use in the Form of Front of Ballot Paper where a candidate opts to withhold publication of their home address (article 2(2)(a)) and makes a consequential change to article 4(2) of the 2007 Order (article 2(2)(b)). Second, it removes the ‘home

address' column from the form of nomination paper prescribed for Welsh language purposes in Schedule 1 to the 2007 Order (article 2(3)).

4.3 The Order also makes an unrelated minor amendment to ensure the accuracy of the form of words prescribed in Welsh for the word "Independent", originally included in article 4(3) of the 2007 Order.

5. Territorial Extent and Application

5.1 This instrument applies to Wales.

6. European Convention on Human Rights

6.1 As the instrument is only required to be laid before Parliament and does not amend primary legislation, no statement is required.

7. Policy background

- *What is being done and why*

7.1 The Order is necessary to ensure that the changes made by the 2009 Act to the specimen forms of nomination and front of ballot papers are replicated for equivalent forms prescribed for use in United Kingdom parliamentary elections held in Wales.

7.2 Due to the 2007 Order capturing all of the key changes which have been made to forms and forms of words under the Electoral Administration Act 2006 and associated legislation, no further amendments are required.

8. Consultation outcome

8.1 The Electoral Commission in Wales and the Wales Office were consulted on the content and form of the Order. They are content with the Order as drafted.

9. Guidance

9.1 The Electoral Commission will prepare and issue guidance to electoral administrators on the conduct of United Kingdom Parliamentary elections. No guidance is directly required as a result of this Order.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Ministry of Justice will work with the Electoral Commission, electoral administrators and other stakeholders to ensure that any overall legislative lessons which are learnt as a result of the next UK Parliamentary General election can be applied for future elections.

13. Contact

Paul Brunton at the Ministry of Justice Tel: 020 3334 3778 or email: paul.brunton@justice.gsi.gov.uk can answer any queries regarding the instrument.