

**EXPLANATORY MEMORANDUM TO**  
**THE REPRESENTATION OF THE PEOPLE (ANNUAL CANVASS) (AMENDMENT)**  
**REGULATIONS 2019**

**2019 No. [XXXX]**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Cabinet Office and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

- 2.1 These regulations amend the Representation of the People Act 1983 (“the 1983 Act”), the Representation of the People (England and Wales) Regulations 2001 (“the RPR 2001 E&W”) and the Representation of People (Scotland) Regulations 2001 (“the RPR 2001 S”), and makes provision for testing the national data match process that forms part of the new annual canvass.
- 2.2 These amendments relate to the reform of the annual canvass. The annual canvass, conducted each year by Electoral Registration Officers (“EROs”) between 1 July and 1 December, gathers information on potential additions and changes to, and deletions from, the electoral register.
- 2.3 The changes remove the current requirement to canvass all households in the same way: sending up to three full canvass forms with pre-paid pre-addressed envelopes, with the addition of a household visit where the property has not responded. These changes will allow EROs to better focus their resources on households more likely to have experienced changes in composition, i.e. where additions to or deletions from the register are required. It establishes a mandatory national data matching service (and provides for a one-off test of that service), allowing EROs discretion over the conduct of their annual canvass of the electors on their electoral registers. It sets out the new matched and unmatched property routes, one of which EROs must follow based on the results of their data match step, as well as an exemption process for certain properties.

**3. Matters of special interest to Parliament**

*Matters of special interest to the [Joint Committee on Statutory Instruments]*

- 3.1 None.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 The territorial application of this instrument includes England, Scotland and Wales.

**4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is England, Scotland and Wales in respect of the UK Parliamentary register and the local government register in England.
- 4.2 The Scottish Government and Welsh Government will bring forward their own statutory instruments in respect of the application of these reforms to the local

government registers in Scotland and Wales, insofar as they relate to devolved matters.

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

### **5.1 The Minister for the Constitution has made the following statement regarding Human Rights:**

“In my view the provisions of the Representation of the People (England and Wales) (Annual Canvass) (Amendment) Regulations 2019 are compatible with the Convention rights.”

## **6. Legislative Context**

6.1 These regulations are part of a package of statutory instruments that will ensure the same changes to the annual canvass are introduced across Great Britain. Legislative competence in respect of the UK parliamentary register is reserved.

6.2 Legislative competence in respect of the local government register in Scotland was devolved to the Scottish Parliament by the Scotland Act 2016. That Act also transferred to the Scottish Ministers functions exercisable by a Minister of the Crown in respect of the local government register in Scotland, so far as those functions are exercisable within the Scottish Parliament’s devolved competence. The relevant provisions were commenced in May 2017. Scottish Ministers are taking forward equivalent changes in respect of the local government register in Scotland, with the intention that the changes come into force at around the same time as this instrument, in advance of the start of the 2020 canvass.

6.3 Legislative competence in respect of the local government register in Wales was devolved to the National Assembly for Wales by the Wales Act 2017. The Welsh Ministers (Transfer of Functions) Order 2018 transferred to Welsh Ministers functions exercisable by a Minister of the Crown in respect of the local government register in Wales, so far as those functions are exercisable within the Assembly’s devolved competence. The relevant provisions were commenced in April 2018. The draft Government of Wales Act 2006 (Amendment) Order 2019 separately seeks to make specific provision in relation to the role of Electoral Registration Officers in respect of the local government register in Wales. Welsh Ministers are taking forward equivalent changes to the annual canvass in respect of the local government register in Wales, with the intention that the changes come into force at around the same time as this instrument, in advance of the start of the 2020 canvass.

6.4 The requirement for an annual canvass to take place is set out in Sections 9A of the 1983 Act (*EROs: duty to take necessary steps* and 9D *Maintenance of registers: duty to conduct canvass in Great Britain*).

6.5 Section 9A of the 1983 Act places a duty on EROs to take all the necessary steps to maintain their registers and secure, where reasonably practicable, all persons who are entitled to be registered. They are required to undertake all necessary steps including sending the canvass form and making household visits on one or more occasions.

6.6 Section 9D of the 1983 Act places a duty on EROs to conduct an annual canvass in the area for which they act. The purpose of the canvass is to ascertain the names and addresses of persons entitled to be registered and those who are registered but not entitled to be. The canvass must be conducted according to the relevant regulations and gives the ERO the right to make household visits for the purpose of the canvass.

- 6.7 The canvass process was previously laid out in regulation 32ZA (*Annual Canvass*) and regulation 32ZB (*Steps to be taken by a registration officer where no information in response to an annual canvass form is received in respect of a particular address*) of the RPR 2001 E&W and the RPR 2001 S respectively.
- 6.8 The power to make the changes to the above provisions is found in Section 53 of the 1983 Act - *Power to make regulations as to registration etc* and Schedule 2 to that Act - *Provisions which may be contained in regulations as to registration etc.*, and in Section 7 of the Electoral Registration and Administration Act 2013 (“the ERA 2013”) - *Power to amend or abolish the annual canvass*.
- 6.9 Because of the devolution of powers described in paragraphs 6.1 - 6.3 above these regulations do not amend any provisions in the 1983 Act or the RPR 2001 E&W and the RPR 2001 S so far as those provisions relate to the local government register in Wales or in Scotland. As a result, these regulations make clear on the face of all the amendments which registers they apply to.
- 6.10 The Regulations don't remove existing regulations 32ZA and 32ZB from the 2001 Regulations. Those provisions remain in place, but these Regulations limit their application to the local government register in Wales (in the England and Wales Regulations) and the local government register in Scotland (in the Scotland Regulations). In order to implement the reforms in respect of local elections in Scotland and Wales, the Scottish Government and Welsh Government may subsequently disapply regulations 32ZA and 32ZB in their SIs, and implement the new changes within their legislative competence.
- 6.11 The new canvass process for the parliamentary register (and in the England and Wales Regulations, the local register in England) is now inserted as new regulations 32ZBA to 32ZBF.
- 6.12 In summary, the approach to be taken by the Scottish Government and Welsh Government SIs is likely to be to revoke regulations 32ZA and 32ZB and apply the newly inserted provisions to their respective local registers of electors.

## **7. Policy background**

### *What is being done and why?*

- 7.1 The electoral register lists the names and addresses of everyone who is registered to vote in public elections. The register is used for electoral purposes, such as making sure only eligible people can vote. It is also used for other limited purposes specified in law, such as: detecting crime (e.g. fraud), calling people for jury service, and checking credit applications.
- 7.2 The current canvass is an annual process which gathers information on potential additions to, changes to, and deletions from, the register. Since the introduction of Individual Electoral Registration (“IER”) in 2014, EROs must individually invite potential new electors to apply to register to vote, and verify their identity, before they can be added to the register. This process sits separately to the annual canvass but can, and generally does, occur concurrently.
- 7.3 In its current form, the annual canvass prescribed in legislation focuses on process (e.g. the number of canvass forms to be sent to each household) rather than outcomes (e.g. the accuracy and completeness of the register). It is heavily paper based, inefficient and outdated, leaving little scope for digital innovation.

- 7.4 Pilots of alternative models for conducting the annual canvass were run in 3 local authorities in 2016 and 24 local authorities in 2017. Evaluation of the pilots makes clear that there is merit in enabling EROs to more effectively target their resources towards those properties where the occupiers have changed and the electoral register needs to be updated. A new canvass model has been developed based on the evidence from the pilots, feedback from our consultation and extensive engagement with key stakeholders.
- 7.5 The purpose of the canvass of households under the revised model will be the same as under the current model, that is to find out -
- a. the names and addresses of persons who are entitled to be registered but who are not already registered; and
  - b. those persons who are on the register but who are no longer entitled to be registered at a particular address (normally because they have moved).
- 7.6 The intention is that the legislation governing the reformed annual canvass is less rigidly prescriptive and therefore more flexible than is currently the case. The objectives of canvass reform are:
- a. to make the process simpler and clearer for citizens;
  - b. for EROs to have greater discretion to run a tailored canvass which better suits their local area;
  - c. to reduce the administrative burden on EROs and the financial burden on taxpayers;
  - d. to safeguard the completeness and accuracy of the registers;
  - e. to maintain the security and integrity of the registers;
  - f. to include the capacity for innovation and improvement, with a model that is adaptable to future change.
- 7.7 The new canvass will incorporate a ‘data step’ at the outset of the process. This will inform the ERO, based on the data available to them, which properties are likely to have an unchanged household composition, based on matching their data on registered electors against national Government data and, where relevant, locally held data sources. Where the data the ERO holds on registered electors matches national Government data in another reliable and accurate dataset, the ERO can have some confidence that the details they hold on their register remain accurate.
- 7.8 Based on the outcome of the data match step, the reformed canvass includes three different ways of canvassing properties:
- A: The matched property process:
- This route is for properties where the registered electors have matched against other data, which indicates the household composition is likely to have remained the same since the previous years’ canvass was conducted.
  - EROs are able to send an e-communication (such as email or text message) to those electors registered at the property to confirm who is living at the property.
  - The e-communication requires a response as it is to an individual elector rather than the property.
  - If no response is received or no e-communication is sent (for example because the ERO does not have the relevant contact details) then the ERO is required to

send a paper Canvass Communication A to the property. It will contain all the current elector details held by the ERO at that address. If there are no changes to report at an address, no response is required the resident is not required to respond.

- This route is simpler and cheaper than the current canvass process as it reduces the number of paper communications sent by the ERO.

**B: The unmatched property process.**

- This is for properties where results of the data match indicate that the household composition is likely to have changed since the previous canvass was conducted.
- This is considered the default process and requires the ERO to make at least 3 contacts with the property in order to gain a response from the residents to update their details. If they obtain the information at any stage in the cycle they are able to stop contacting the property.
- A 3 step chasing cycle is similar to the current canvass. However, there are a number of different ways EROs can make contact with the property, including the use of the paper letter, paper canvass form, e-communications, telephone calls and visits to the property.
- The paper canvass form will be similar to the current Household Enquiry Form and will contain all the information the ERO holds on all currently registered electors at the property. It will set out the ways electors can respond, for example via an online service, over the phone or by being returned to the ERO. It requires a response and is sent out with a prepaid pre-addressed envelope.
- EROs are not permitted to close the chasing cycle if this form hasn't been sent as one of the contacts.
- In line with the policy of allowing EROs great discretion over the way they run the canvass in their area, EROs may also choose to send Canvass Communication B (CCB) as one of the contact options. The content of CCB is not prescribed in the legislation and The Electoral Commission is responsible for the design of the canvass reform forms and communications, and it may be that CCB is designed as a letter rather than a form. In this case, EROs may choose to send CCB to try to reduce the number of canvass forms they need to send out, which require the inclusion of a pre-paid envelope, or to encourage electors to complete their response online, increasing cost savings in both scenarios.

**C: The defined property process, new regulation 32ZBF.**

- This is for properties such as care homes and hostels where the required information can be obtained from a responsible person (that is, a person who lawfully holds information on the residents of the property and is legally able to share it) using whichever means the ERO thinks is appropriate. This may include the use of a paper communication, a visit to the property, telephone call or electronic means. The type of properties that may be included within this process are set out in the legislation.

7.9 Under the reformed canvass, every property will still receive a written communication if there has been no response to an individual communication and the ERO has been unable to update the information it holds in respect of that property on the register(s). This is to safeguard the completeness and accuracy of the register. The main

difference under the reformed canvass though, is that the properties where the ERO is satisfied there are no changes to be made, do not need to respond to the paper canvass communication, and will not receive a follow up process

### **Regulation 1**

- 7.10 This regulation covers the citation, commencement, extent and application of the new legislation and will come into force the day after the day on which the statutory instrument is made. Regulations 20 and 21, which provide for a test of the national data matching step, will also come into force on the day after the day on which the statutory instrument is made. All other regulations will come into force on 31st December 2019.

### **Regulations 2 - 5**

- 7.11 These regulations contain amendments to the 1983 Act which are necessary to ensure it provides for the new canvass requirements, for example in section 9D(4) “design a canvass form” will be substituted for “design canvass forms or communications”.

### **Regulations 6 - 11**

- 7.12 Regulations 6 - 11 amend the RPR 2001 E&W in order to make provision for the new canvass requirements. Regulation 7 extends the definition of the digital service run by Cabinet Office to include the purpose of data matching, alongside the existing purpose of verifying information.
- 7.13 Regulation 8 provides for the removal of the requirement for what is known as the “single occupancy tick box”. This was introduced in 2016 as part of a set of cost-reduction measures ahead of wider canvass reform. Where an elector has indicated that they are the sole occupant of the property, and no other available information suggests otherwise, the ERO can choose to exempt the property from the next canvass (or the current canvass, if one is already underway). The original purpose was to reduce the cost of the annual canvass, as it would enable EROs to exclude a proportion of properties from requirements.
- 7.14 However, in practice many electors were confused by the tick box. We understand that, due to this confusion, there was a high risk of incorrect reporting resulting in many EROs being unwilling to rely on the tickbox information and continuing to send the Household Enquiry Form. Results from our consultation showed that its removal was supported by over 75% of respondents. It is also inconsistent with the intention that every property will receive a canvass communication under the reformed canvass process. Consequently it is being removed. Therefore Regulation 8 makes provision to remove 26 (3) (eb) in relation to UK parliamentary and local government registers in England by making it exclusively relating to Wales. It will be for the Welsh Ministers to decide whether to replicate this in relation to the local government register in Wales.
- 7.15 Regulation 11 inserts into the Representation of the People (England and Wales) Regulations 2001 new regulations 32ZBA, 32ZBB, 32ZBC, 32ZBD, 32ZBE, 32ZBF and 32ZBG after the existing 32ZB.

### **32ZBA Annual Canvass**

- 7.16 This regulation sets out the steps of the new canvass. Firstly EROs must complete the data match which is prescribed in Paragraph (1).

- 7.17 Secondly they then follow the appropriate route for the property. Paragraph (2) makes it clear that the default canvass is the unmatched property route. However, paragraph (3) provides for two other processes (the matched property route and the defined property route) as exceptions, which are described in paragraphs (4) and (5)
- 7.18 Paragraph (6) prevents an ERO from using the matched property route if the ERO has information indicating that only persons under the age of 18 are resident in the property.
- 7.19 Paragraph (7) sets out the information EROs are required to take into account in determining whether to use the matched property route instead of the unmatched property route. These are the data match results and data the ERO holds on pending electors and recent electors. These are detailed fully in 32ZBD
- 7.20 Paragraph (8) makes provision for EROs to take into account any other (usually locally-obtained) data which they have access to when informing their choice of process.

### **32ZBB Annual Canvass Data Matching**

- 7.21 As explained above, the new annual canvass will incorporate a mandatory ‘data match’ at the outset which will allow EROs to match the names and addresses of their registered electors against other data sources. The data match, detailed in paragraphs (1) to (9) involves data matching entries on the electoral register with a national data set held at the Department of Work and Pensions data warehouse.
- 7.22 The ERO is required to send the prescribed information they hold on electors on the UK Parliamentary register and the register of local government electors in England to the Individual Electoral Registration digital service (“IER DS”) which is a Cabinet Office service. It will be for the Welsh and Scottish Governments to decide whether to require EROs to do the same in relation to the local government register in Wales and Scotland. This information is then sent to DWP Data and Analytics for matching against a routinely extracted data set in its data warehouse. The results are then sent back to the IER DS, which in turn discloses the results to the ERO.
- 7.23 While the requirement for EROs to disclose information to the digital service in the first place is the responsibility of the devolved administrations in relation to the local government registers in Wales and Scotland, the remaining provisions, which set out the steps required for the data comparison, including the format and the infrastructure to be used, are reserved. The results of the data match, disclosed to EROs in accordance with paragraph (6) will relate both to the UK Parliamentary register and the local government registers. Where those results relate to the local government registers, any further processing of these results by the Scottish and Welsh EROs is devolved.
- 7.24 Certain properties and electors are exempt from the data match step. These include in sub-paragraphs (7)(a) and (b) recently successfully determined electors (for a period of up to 90 days after determination), and in paragraph (8) special category electors, such as overseas voters and anonymous registrations.
- 7.25 Determined electors are those whose application to register to vote has been successfully determined by the ERO, but will not be added to the register until the next monthly alteration is published. Since they will not appear on the register at the point of the data match, the EROs will not submit their details for matching. In practice, the ERO will have discretion to set their own time period within which

recently successfully determined electors are excluded. They will be able to set the time period from zero up to 90 days.

**32ZBC *Processing of information in connection with annual canvass data matching***

- 7.26 Paragraph (1) makes clear that the results of the data match may only be used for registration purposes or if requested for legal proceedings, and paragraph (2) details a new criminal offence for misuse of data shared under the new data matching step. This offence is very similar to the one already in place in respect of misuse of data transferred during the data verification step for registration (e.g. at paragraph (6) of regulation 29ZB of the RPR 2001).
- 7.27 Paragraph (3) sets out that the Minister for the Cabinet Office may impose requirements on any ERO or person who discloses information to the Cabinet Office as part of the data match step.
- 7.28 These requirements may cover the processing of data, including the transfer, storage and security of that information. Paragraph (4) clarifies that these requirements for the processing of data may be in respect of both the UK parliamentary register and the local government register in England.
- 7.29 Paragraph (5) sets out that where the Minister for the Cabinet Office imposes requirements on the processing of information for the national data match step, this must have been done before the data match step is due to commence.

**32ZBD *Annual Canvass for properties where it may be necessary to make any addition to, or deletion from, an electoral register and steps to be taken where no response is received***

- 7.30 Paragraphs (1) to (9) set out the unmatched property route, described in paragraph 7.8 (B) above.
- 7.31 Guidance on the various options available to EROs as part of the unmatched properties route will be provided by the Electoral Commission in their *Guidance for Electoral Administrators*. This will cover the option to use electronic communications such as emails and text messages to try and increase response rates and close the cycle using less expensive and more innovative methods than the canvass form alone.

**32ZBE *Annual canvass for properties where the registration officer is satisfied that it is not necessary to make any deletion from an electoral register and has no reason to believe that any additions to an electoral register may be required***

- 7.32 Paragraph (1) makes provision for the ERO to use the matched canvass process described in paragraph 7.8 (A) above. This is set out in Paragraphs (2) - (6) of the regulation.
- 7.33 Paragraph (7) sets out that the ERO must change the method of canvassing a property from the matched property process to the unmatched property process if they have reason to believe that there may be changes that need to be captured. This is intended to cover situations where the ERO has become aware of a probable change to the register but has not received sufficient information to allow them to proceed with the normal additions or deletions processes.

**32ZBF *Annual canvass for certain properties***

- 7.34 Some types of residential address are less suited to traditional canvassing methods as described in paragraph 7.8 (C) above and so 32ZBF sets out this alternative process

for certain properties. Properties eligible for this process will be identified at the start of the canvass process.

- 7.35 Paragraph (1) makes provision for this separate process – making clear that the ERO is only able to follow this process where they have been able to identify a responsible person at a property that falls within the scope of properties listed at paragraph (2).
- 7.36 Sub-paragraphs (2)(a) to (e) list specific types of property suitable for this process.
- 7.37 Properties with these types of characteristics could include army barracks, hospital staff accommodation or a religious community. The requirement at the end of sub-paragraph (2)(f) is that the ERO must reasonably believe that using this exception process is more likely to enable them to fulfil the purpose of the annual canvass than either of the two other canvass processes.
- 7.38 Paragraph (3) makes clear that an ordinary block of flats, unless it falls under the definition of a house in multiple occupation (an HMO) under section 254 of the Housing Act 2004 and therefore within sub-paragraph 2(c), would not be eligible for this process. This is to avoid this route being used too broadly for properties which should properly be canvassed using either of the two other canvass processes described above.
- 7.39 Paragraph (5) sets out the information the ERO must request from the responsible person. The ERO is able to gather the information by any means they feel appropriate, allowing them the discretion to use whichever method they feel is most effective. This is in line with the policy intention of allowing EROs greater discretion over the canvass to enable them to use the best method for their area.
- 7.40 Paragraph (7) provides that if the ERO is unable to gather the required information using this process within a reasonable time period, they must then revert to the unmatched property route for the relevant property.

### **32ZBG Electoral Commission requirements**

- 7.41 The duty created by regulation 32ZA has been expanded to place a duty on the Electoral Commission to design three types of paper canvass communications. In response to feedback from the public consultation, the information required on the form has been simplified and the discretion given to the Electoral Commission in respect of their design has been increased. As a result only information directly linked to the canvass is now prescribed. This will allow for forms that are clearer in purpose and will remove some of the confusion citizens currently experience.
- 7.42 Subparagraph (1)(a) lists the two communications and the form:
- (i) *canvass communication A*. This will be a paper communication for use during the matched canvass. It will only require a response if the recipient has changes to report in respect of the household.
  - (ii) *canvass form* (which must be accompanied by a pre-paid, pre-addressed envelope) will be used for the unmatched property route.
  - (iii) *canvass communication B*. This will be a paper communication alternative to the canvass form for use during the unmatched property route.
- 7.43 The Electoral Commission will, as now, provide these forms to registration officers who will be obliged, as now, to use the standardised versions. As is currently the case with the prescribed canvass form, these prescribed communications will be signed off

by the Minister for the Cabinet Office. There is also a requirement for the Minister to consult Welsh Ministers on the forms to be used in Wales.

- 7.44 Paper canvass communication A is to be used for the matched canvass only. It is being left open to the Electoral Commission as to whether this communication should take the format of a letter or a form. The policy intention is to allow the Commission some flexibility and to avoid being overly prescriptive. This communication will be pre-populated and, whilst it does not prescribe that this communication should be accompanied by a pre-addressed, pre-paid envelope, there is nothing in the law preventing an ERO from doing so they wish. The minimum requirements for this communication are set out in paragraph (4).
- 7.45 The canvass form is to be used for the unmatched property route and therefore sent to properties where change is expected. It will be similar to the form currently in use, the Household Enquiry Form, but again we have removed as much of the current prescription as possible. This provides the Electoral Commission with the maximum flexibility to design a form which elicits responses and picks up as much change information as possible. The minimum requirements for the form are set out in subparagraphs (5)(a) to (d).
- 7.46 Canvass communication B is also for the unmatched property route. There is nothing in the legislation in relation to this communication other than that the ERO can send it as any one (or more) of the full canvass process contact stages and that the ERO must use the communication designed and made available by the Electoral Commission. This is intended to give the Commission flexibility to innovate.

## **Regulation 12**

- 7.47 Regulation 12 amends Regulation 93A(3) of the Representation of the People (England and Wales) Regulations 2001 by inserting the requirement that it refer only to local government registers in Wales. It will be for the Welsh Government to decide whether to legislate to remove the requirement in relation to the local government register in Wales.

## **Regulations 13 - 19**

- 7.48 With reference to paragraphs 6.9 - 6.12 above and as set out in regulation 3(2), these regulations refer to Scotland. They are identical in structure and purpose to regulations 6 to 12 which extend to England and Wales only, save with the following differences:
- EROs are not required to collect information on whether residents are over 76, as the Juries Act 1974 does not apply in Scotland;
  - there are differences in the specific list of properties to which the annual canvass process set out at regulation 32ZBF applies, which result from differences in the legislation applicable to Scotland.

## **Regulation 20 - *Data matching confirmation***

- 7.49 Regulation 11 inserts a new regulation 32ZBB which makes provision for the data matching step, which will be a key element of the reformed canvass. Before the reformed canvass starts in July 2020, implementation plans include testing the data matching step. This will be a one-off test and will effectively be a practice run of what will happen on an annual basis following implementation of the reforms.

- 7.50 Provision for this test is made in regulation 20, paragraphs (1) - (8) and is almost identical to the provisions made for the data match itself. The only difference is that it is to be conducted “within the specified period”, namely on a particular date or dates specified by the Minister for the Cabinet Office. It is currently scheduled to take place in early 2020 once the UK Government, Welsh Government, and Scottish Government Statutory Instruments have been made.
- 7.51 The purpose of conducting a test of the data match step is to assist the successful implementation of canvass reform, by enabling EROs to gain a better understanding of the match results they are likely to achieve in their area and therefore how many properties are likely to be canvassed using the matched and unmatched property routes.

#### **Regulation 21 - *Processing of information in connection with data matching confirmation***

- 7.52 This provision imposes the same conditions on the data match testing as are imposed on the national data match step and described in paragraphs 7.25 - 7.28 above.

#### **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union

#### **9. Consolidation**

- 9.1 There are no plans to consolidate the legislation.

#### **10. Consultation outcome**

- 10.1 An 8 week public consultation was held on the Policy Statement from the 5 October to 30 November 2018. 82 responses were received from electoral administrators and stakeholders including the Association of Electoral Administrators, the Electoral Commission and the Scottish Assessors Association. Respondents were asked to answer 19 questions on various aspects of the policy. Responses to the policy proposals were overwhelmingly positive.
- 10.2 Section 8 of the ERA 2013, Section 53 (5) of the Representation Act 1983 and Section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000 make it obligatory for the Secretary of State to consult with the Electoral Commission, the Information Commissioner and any other person the Secretary of State thinks appropriate. Section 8 of the ERA 2013 sets out the requirements for the consultation with the Commission – for a period of no less than 3 months which includes the Electoral Commission preparing a report which accompanies the draft SI.
- 10.3 The consultation with the Electoral Commission began on 28 March 2019 and their report was published on 28 June. The full report accompanies this memorandum. It did not recommend any substantial changes to the policy.
- 10.4 The ICO was consulted on 30 May and their letter in response accompanies this memorandum.

#### **11. Guidance**

- 11.1 Non-statutory implementation guidance has been provided for EROs with regards to the data match testing provisions set out under regulations 20 and 21 in this SI.

- 11.2 We are working closely with the Electoral Commission, who provide detailed guidance for EROs on running electoral registration and who will provide guidance on the annual canvass going forward.

## **12. Impact**

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 The impact on the public sector is covered in the Impact Assessment which is attached and has been published on the [Gov.uk website](#).
- 12.3 An Equality Impact Assessment has been completed and has been published on the [Gov.uk website](#).

## **13. Regulating small business**

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

## **14. Monitoring & review**

- 14.1 Under current legislation, the Electoral Commission is required to keep under review, and from time to time submit reports to the Secretary of State on electoral matters. As part of this work they keep the annual canvass under review and may publish reports on their findings. We intend for these reforms to the annual canvass process to be in place in time for the start of the 2020 annual canvass, and any future reviews by the Electoral Commission will therefore provide evidence about the operation of the provisions included within this SI. We will continue to work with the Electoral Commission, and other stakeholders, to ensure the successful implementation of these reformed annual canvass provisions, and to consider any recommendations arising from any future reports by the Electoral Commission after the 2020 annual canvass.

## **15. Contact**

- 15.1 Claerwyn Hamilton-Wilkes at the Modern Registration Division, Constitution Group Telephone: 07566 292858 or email: [claerwyn.hamilton@cabinetoffice.gov.uk](mailto:claerwyn.hamilton@cabinetoffice.gov.uk) can be contacted with any queries regarding the instrument.
- 15.2 Liz Owen, Deputy Director for Modern Registration Division, at the Cabinet Office can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Chloe Smith MP, Minister for the Constitution at the Cabinet Office, can confirm that this Explanatory Memorandum meets the required standard.