

**EXPLANATORY MEMORANDUM TO**  
**THE REVIEW OF POLLING DISTRICTS AND POLLING PLACES**  
**(PARLIAMENTARY ELECTIONS) REGULATIONS 2006**

**2006 No. 2965**

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 These Regulations relate to the regular reviews of polling places for UK Parliamentary elections in England, Wales and Scotland that local authorities are required to conduct. The regulations prescribe the manner in which representations made by returning officers about the location of polling places are to be published. The regulations also prescribe the information that is to be published upon the completion of a polling place review.

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

3.1 There are no special matters for the Committee to consider.

**4. Legislative Background**

4.1 Part 4 (section 16) of the Electoral Administration Act 2006 makes provision about the review of parliamentary polling places. It substitutes section 18 of the Representation of the People Act 1983 (c.2.) with new sections 18A to 18E and also inserts a new schedule A1 into that Act. These Regulations are made under powers in Schedule A1 which rely on secondary legislation to prescribe how representations made by a returning officer in connection with a polling place review are to be published and to prescribe what information a local authority will be required to publish on the completion of a review.

**5. Extent**

5.1 These Regulations apply to England and Wales and Scotland.

**6. European Convention on Human Rights**

The Parliamentary Under Secretary of State, Bridget Prentice, MP has made the following statement regarding Human Rights:

In my view the provisions of the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006 are compatible with the Convention Rights.

**7. Policy background**

7.1 The Electoral Administration Act (the Act) received Royal Assent on 11 July 2006. The Act aims to make progress on the Government's four principles found at the core of a healthy democracy:

- (i) Improving Access and Engagement
- (ii) Improving Confidence
- (iii) Extending Openness and Transparency in Party Financing
- (iv) Maintaining Professional Delivery of Elections

### **Proposals relating to the publication of a review of polling places**

7.3 The new provisions in Sections 18A to 18E and Schedule A1 to the Representation of the People Act 1983 contain measures to improve access to the electoral process and in particular, the openness and transparency in which polling places are designated within a local authority.

7.4 The new provisions require local authorities to review polling places for parliamentary elections over a four-year cycle, and initially within 12 months of commencement of the Act. Previously, representations could be made by an interested authority or 30 or more electors in the area. The new provisions additionally allow representations to be made by anyone that has sufficient interest in the accessibility of disabled persons to polling places in the area, or has particular expertise in relation to the access to premises or facilities of disabled persons, such as disability groups.

7.5 Amongst certain service providers, including public authorities such as councils, there was disagreement as to whether the duties under the Disability Discrimination Act 1995, which, from 1 October 2004 included a duty to make reasonable adjustments to the physical features of buildings where disabled people would otherwise find it impossible or unreasonably difficult to make use of services, applied to electoral services. The amendments made by the Act reinforce the duty of local authorities to ensure access to the electoral process for people with disabilities. The new provisions also provide for an appeals procedure, where anyone with a sufficient interest can appeal to the independent Electoral Commission about the designation of a particular polling place.

### **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**

9.1 Any queries about the content of this memorandum should be addressed to: Nancy Hey at the Department for Constitutional Affairs, e-mail: [nancy.hey@dca.gsi.gov.uk](mailto:nancy.hey@dca.gsi.gov.uk)