

**EXPLANATORY MEMORANDUM TO THE  
LOCAL ELECTIONS (PRINCIPAL AREAS AND PARISHES AND  
COMMUNITIES) (AMENDMENT) (ENGLAND AND WALES) RULES 2006**

**2006 No. 390**

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

**2. Description**

2.1 These Rules amend the Local Elections (Principal Areas) Rules 1986 and the Local Elections (Parishes and Communities) Rules 1986 to change the hours of polling at relevant elections from 8a.m. to 9 p.m. to 7a.m. to 10 p.m.

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

None.

**4. Legislative Background**

4.1 The Local Elections (Principal Areas) Rules 1986 (S.I 1986/2214) and the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215) were made by the Secretary of State, in exercise of the powers conferred upon him by section 36 of the Representation of the People Act 1983 to apply the parliamentary election rules, with modification, to local government elections in England and Wales.

4.2 Section 7 of the Political Parties, Elections and Referendums Act 2000, that set up the Electoral Commission, made it a statutory requirement for the Secretary of State to consult the Electoral Commission on any changes to such Rules.

**5. Extent**

5.1 This instrument applies to England and Wales.

**6. European Convention on Human Rights**

6.1 The Minister of State, Harriet Harman, MP QC, has made the following statement regarding Human Rights:

'In my view the provisions of this Instrument, which amends the Local Elections (Principal Areas) Rules 1986 and the Local Elections (Parishes and Communities) Rules 1986, are compatible with the Convention rights as defined in section 1 of the Human Rights Act 1998.'

## 7. Policy background

- 7.1 The Electoral Commission in its 'Voting for Change' report recommended that polling hours for elections should be standardised to 7a.m. to 10p.m. to eliminate confusion and maximise opportunities for the elector to participate in elections. In its response: *'The Government's Response to The Electoral Commission's report: Voting for Change – An electoral law modernisation programme'* (Cm 6426) the Government responded to say it agreed with the Commission's recommendation, though devolved administrations should reach their own conclusions on this matter.
- 7.2 The Electoral Commission was consulted on a draft of these Rules on 17 November 2005 and in its response of 15 December 2005 confirmed its support for standardising polling hours for all elections to 7a.m. to 10p.m. as a means of increasing access to, and participation in the democratic process for the voter.
- 7.3 These amendments, together with the changes the Government is proposing in the draft Representation of the People (England and Wales) (Amendment) Regulations 2006 to the polling hours of Local authority Mayoral elections and Local Authority Referendums laid before each House of Parliament for affirmative debate will harmonise polling hours of all local government elections and referendums in England and Wales to 7 in the morning to 10 at night.
- 7.3 Under our current arrangements, the polling hours for such elections or referendums may be held on the extended hours, only if the election or referendum is held in combination with another relevant election or referendum. The amendment we are bringing forward in these Rules will provide extended hours of polling irrespective of such a consideration. Polling hours for the National Assembly for Wales and the Greater London Authority elections are already 7 in the morning to 10 at night.
- 7.4 These Rules, together with the draft Regulations, mentioned in paragraph 7.3 above, and alongside the provisions in the Electoral Administration Bill are intended to make further progress on the Government's three core principles for elections, that is: **access to voting for all; highest possible turnout; and lowest possible fraud.** Taken as a package, these measures will, as part of a coherent and co-ordinated response, increase accessibility for the voter, address concerns around security of the postal vote and improve administrative effectiveness.

## 8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared as there is no regulatory impact on any part of the business, charities or voluntary sector of the changes we are making.

## **9. Contact**

- 9.1 Any queries about the content of this memorandum should be addressed to: Shashi Langham at the Department for Constitutional Affairs Tel: 020 7210 8244. E-mail: [Shashi.Langham@dca.gsi.gov.uk](mailto:Shashi.Langham@dca.gsi.gov.uk).