

EXPLANATORY MEMORANDUM TO
THE EUROPEAN PARLIAMENARY ELECTIONS (WELSH FORMS) ORDER 2009
2009 No 781

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 prescribes the Welsh versions of certain prescribed forms and forms of words to be used at European Parliamentary elections in the electoral region of Wales.
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 replaces and revokes the European Parliamentary Elections (Welsh Forms) Order 2004. It prescribes the Welsh versions of certain forms and forms of words contained in the European Parliamentary Elections Regulations 2004, as amended by the European Parliamentary Elections (Amendment) Regulations 2009.
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 European Parliamentary Elections Regulations 2004 prescribe a range of forms and forms of words to be used in European Parliamentary elections in relation to various aspects of the electoral process, including postal voting and voting at polling stations. Welsh versions of certain of these forms and forms of words were set out in the European Parliamentary Elections (Welsh Forms) Order 2004.

7.2 A number of changes were made to the forms and forms of words in the European Parliamentary Elections (Amendment) Regulations 2009. This Order provides translations of these forms and forms of words, and ensures that the Welsh versions are consistent with the current English versions. Examples of forms in the Order are:-

- Form of back of ballot paper – the wording has been amended to reflect the requirement for a number and other unique identifying mark to be printed on the back.
- Postal Voting Statement – this is a new form for European Parliamentary elections which replaces the Declaration of Identity. At an election, postal voters must complete and return the Postal Voting Statement with their postal ballot paper. Under the absent voting personal identifier provisions which have been introduced for European Parliamentary elections, the postal voter must include their date of birth and signature on the Postal Voting Statement.
- Official Poll Card – the information that is included in the poll card that is issued to electors has been expanded, for example, information is now included about how to apply for a postal vote. A poll card will now be issued to postal voters who will be advised what to do if they wish to change their postal vote arrangements.
- Corresponding Number List – the Corresponding Number List is a new form and replaces the previous requirement at European Parliamentary elections for the ballot paper to be attached to a counterfoil. The Corresponding Number List will contain the numbers of the ballot papers issued at European Parliamentary elections, and the number of the elector will be inserted beside the number of the ballot paper that is issued to that elector.

8. Consultation outcome

8.1 The Electoral Commission in Wales and the Wales Office were consulted on the Order. They are content with the Welsh Forms contained within the Order.

9. Guidance

9.1 The Electoral Commission will prepare and issue guidance to electoral administrators on the conduct of the European 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 2009 European Parliamentary elections can be applied for future elections.

13. Contact

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