

**EXPLANATORY MEMORANDUM TO**  
**THE PARLIAMENTARY ELECTIONS AND RECALL PETITION (WELSH**  
**FORMS) (AMENDMENT) (NO. 2) ORDER 2023**

**2023 No. 1305**

**1. Introduction**

1.1 This explanatory memorandum has been prepared by the Department for Levelling Up, Housing and Communities and is laid before Parliament by Command of His Majesty.

**2. Purpose of the instrument**

2.1 The purpose of this instrument is to update the Welsh language versions of certain prescribed forms and forms of words to be used at UK Parliamentary elections and recall of MP petitions in Wales to bring the forms and forms of words in line with recent legislative changes made to equivalent English language versions.

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

*Matters of special interest to the Joint Committee on Statutory*

3.1 None.

**4. Extent and Territorial Application**

4.1 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is Wales.

**5. European Convention on Human Rights**

5.1 As the instrument is not subject to parliamentary procedure (other than a requirement to lay the instrument before each House after making), no statement is required.

**6. Legislative Context**

6.1 The instrument replaces a number of Welsh and Welsh/English versions of prescribed forms set out in the Parliamentary Elections (Welsh Forms) Order 2007 (S.I. 2007/1014) for use at UK Parliamentary elections held in Wales, and in the Recall Petition (Welsh Forms) Order 2022 (S.I. 2022/1405) for use at recall of MP petitions held in Wales in accordance with the Recall of MPs Act 2015.

6.2 This is as a result of changes made to the English language equivalent forms by the Elections Act 2022 (“the 2022 Act”) and the Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225).

## **7. Policy background**

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

- 7.1 The 2022 Act makes a broad range of changes to improve the running of elections and to strengthen the integrity of the electoral system.
- 7.2 The 2022 Act includes measures concerning the address details that candidates at UK Parliamentary elections may choose to have displayed on the ballot paper, and to allow more flexibility in the use of commonly used names by candidates at UK Parliamentary elections.
- 7.3 The 2022 Act also includes measures to strengthen the integrity of postal and proxy voting that implement recommendations made in Sir Eric (now Lord) Pickles' report on electoral fraud, entitled *Securing the Ballot* ("the Pickles Report"), which was published in August 2016. These include provisions banning political campaigners from handling postal votes issued to others, allowing limits to be set on the number of electors on behalf of whom a person at a poll may hand in postal votes to the returning officer or at a polling station, and extending secrecy provisions to postal and proxy voting. The 2022 Act also limits the number of electors for whom an individual may act as a proxy to four, of which no more than two can be 'domestic' electors (domestic electors are not overseas or service electors).
- 7.4 A number of existing forms and forms of words relating to elections and other polls must be brought up to date to reflect the changes relating to candidates and postal voting and proxy voting, and to inform candidates and electors, as appropriate, of the new requirements they need to be aware of. This instrument provides Welsh language versions of these updated forms and forms of words.
- 7.5 The forms and forms of words that will be updated in this instrument are as follows:
- 7.6 Additional wording on the ballot paper concerning the address details of candidates and an updated form of nomination paper for use by candidates at UK Parliamentary elections in Wales.
- 7.7 A new Welsh/English official postal poll card and official proxy postal poll card, postal voting statement (there are three versions of the form), and statement as to postal ballot papers, for use at UK Parliamentary elections in Wales.
- 7.8 A new Welsh/English official petition notice for an elector who may sign the petition by post and official petition notice for a proxy who may sign the petition by post, petition voting statement, and statement as to postal petition signing sheets, proxies and additional data, for use at recall of MP petitions in Wales.

## **8. European Union Withdrawal and Future Relationship**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act

## **9. Consolidation**

- 9.1 No consolidation will arise from this instrument.

## **10. Consultation outcome**

- 10.1 This instrument updates the Welsh forms in accordance with legislative changes only and therefore a consultation was not required.

## **11. Guidance**

- 11.1 The Government is not providing publicly available guidance on the changes being made by the instrument. The Electoral Commission issues guidance to electoral administrators relating to the administration and conduct of elections, and will update the guidance as necessary in advance of future polls in light of the changes set out in this instrument.

## **12. Impact**

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 A full Impact Assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

## **13. Regulating small business**

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

## **14. Monitoring & review**

- 14.1 The approach to monitoring of this legislation is that the Electoral Commission will produce reports on the administration and conduct of elections and the Department for Levelling Up, Housing and Communities will consider any findings or recommendations made by the Electoral Commission about the changes in this instrument that will apply at those polls.
- 14.2 In accordance with section 62 of the 2022 Act, the Secretary of State must prepare and publish a report on the operation of the 2022 Act, as well as lay a copy of the report before Parliament, between 4 and 5 years after the day on which the 2022 Act was passed.

## **15. Contact**

- 15.1 Peter Richardson at the Department for Levelling Up, Housing and Communities Telephone: 0303 444 0488 or email: [peter.richardson@levellingup.gov.uk](mailto:peter.richardson@levellingup.gov.uk) can be contacted with any queries regarding the instrument.
- 15.2 Becca Crosier, Deputy Director for the Elections Division, at the Department for Levelling Up, Housing and Communities can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Simon Hoare MP, Parliamentary Under Secretary of State at the Department for Levelling Up, Housing and Communities can confirm that this Explanatory Memorandum meets the required standard.