

**EXPLANATORY MEMORANDUM TO**  
**THE LOCAL GOVERNMENT AND GREATER LONDON AUTHORITY**  
**ELECTIONS (AMENDMENT) RULES 2023**

**2023 No. 1334**

**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.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments

**2. Purpose of the instrument**

- 2.1 The instrument makes amendments to correct errors identified in the Local Government and Greater London Authority Elections (Miscellaneous Amendments) Regulations 2023 (S.I. 2023/1066) (“the 2023 Regulations”) and the Overseas Electors, Postal Vote Handling and Secrecy (Amendment) Rules 2023 (S.I. 2023/1233) (“the 2023 Rules”).
- 2.2 The errors identified in the 2023 Regulations relate to transitional provisions regarding the information shown on postal poll cards and proxy postal cards for certain elections, as well as formatting errors in certain versions of prescribed nomination paper forms.
- 2.3 The errors identified in the 2023 Rules relate to an incorrect image provided for an official proxy postal poll card.

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

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

- 3.1 The instrument corrects errors in the 2023 Regulations identified by the Joint Committee on Statutory Instruments in the Committee’s [Fifth] Report of Session 2023-24.

**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 England.

**5. European Convention on Human Rights**

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **6. Legislative Context**

- 6.1 The 2023 Regulations and the 2023 Rules made amendments to the rules governing the conduct of elections of councillors of principal areas and parishes in England (set out in the Local Elections (Principal Areas) (England and Wales) Rules 2006 (S.I. 2006/3304) and the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (S.I. 2006/3305) respectively) and Greater London Authority elections in London (set out in the Greater London Authority Elections Rules 2007. Amongst other things, the conduct rules for each of these election types prescribe the form of nomination papers to be used by candidates and the form of official poll cards issued to postal voters and proxy postal voters at those elections.

## **7. Policy background**

### *2023 Regulations*

- 7.1 The Elections Act 2022 set out a wide range of changes to numerous aspects of the electoral system.
- 7.2 This included changes to the rules surrounding the number of people for whom an individual can act as proxy when voting. The changes were implemented by the 2023 Regulations and supported by new offences. These changes came into force on 31 October 2023.
- 7.3 To ensure a smooth change of rules, the 2023 Regulations set out a transitional period which would allow proxy arrangements that had been set up prior to the new rules coming into force to continue until 31 January 2024 (and longer if a poll were already underway). This was to avoid a ‘cliff-edge’ where all pre-existing proxy arrangements were cancelled simultaneously – which could create administrative issues and leave insufficient time for electors to reapply for new proxy arrangements.
- 7.4 The change in proxy rules also needed to be reflected on the information provided on elections forms – such as poll cards - and these needed to be updated for polls held during the transitional period, as well as for polls after.
- 7.5 The 2023 Regulations provided the necessary updates for the forms used for any polls for which notice was given prior to 31 January 2024 (i.e. up until the end of the transitional period).
- 7.6 The forms for postal poll cards and proxy postal poll cards for any polls held after the transitional period were to be set out in the 2023 Rules. However, these forms do not come into force for any polls where the day of poll is prior to 1 May 2024.
- 7.7 There is therefore a gap in the transitional provisions - for any polls for which notice is given on or after 31 Jan 24, and the day of poll is on or before 1 May 24, no new provision has been given. Any polls taking place during this time would have to use the postal poll cards and proxy postal poll cards used prior to the 2023 Regulations coming into force, which would provide incorrect information on the rules and offences surrounding proxy voting.
- 7.8 This instrument corrects this error in the 2023 Regulations by inserting additional transitional provision for the relevant postal poll cards and proxy postal poll cards during that intervening period.

- 7.9 In addition, unrelated formatting errors have been identified in the nomination papers that the 2023 Regulations prescribed for use at elections of councillors of principal areas and parishes in England. This instrument sets out replacement forms.

#### ***2023 Rules***

- 7.10 The 2023 Rules set out the official proxy poll card prescribed for use at Greater London Authority elections for which the date of poll is on or after 2 May 2024. The image for use on the rear of that poll card was incorrect, and this instrument provides a replacement image.

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

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

### **9. Consolidation**

- 9.1 No Consolidations will arise from this instrument.

### **10. Consultation outcome**

- 10.1 The Electoral Commission were consulted on this instrument. They were content with the instrument and agreed to the amendments made to the forms.

### **11. Guidance**

- 11.1 The Electoral Commission issues guidance to electoral administrators relating to the administration and conduct of elections, referendums and recall petitions, and to candidates standing at elections. They will update the guidance as necessary in advance of future polls to reflect 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 sector 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 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 EC about the changes in these instruments 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.

14.3 The Department for Levelling Up, Housing and Communities will continue to keep all electoral legislation under consideration to ensure it continues to support electors' participation in elections and effective electoral administration.

**15. Contact**

15.1 Guy Daws at the Department for Levelling Up, Housing and Communities (guy.daws@levellingup.gov.uk) can be contacted with any queries regarding the instrument.

15.2 Becca Crosier, Deputy Director for Elections, 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.