

ELECTORAL REGISTRATION AND ADMINISTRATION BILL

EXPLANATORY NOTES ON LORDS AMENDMENTS

INTRODUCTION

1. These explanatory notes relate to the Lords Amendments to the Electoral Registration and Administration Bill, as brought from the House of Lords on 24 January 2013. They have been prepared by the Cabinet Office in order to assist the reader of the Bill and the Lords Amendments and to help inform debate on the Lords Amendments. They do not form part of the Bill and have not been endorsed by Parliament.
2. These notes, like the Lords Amendments themselves, refer to HL Bill 33, the Bill as first printed for the Lords.
3. These notes need to be read in conjunction with the Lords Amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the effect of the Lords Amendments.
4. All the Lords Amendments were in the name of the Minister except for Amendments 5 and 23. (In the following Commentary, an asterisk appears in the heading of the paragraph dealing with the Amendments that were not in the name of the Minister.)

COMMENTARY ON LORDS AMENDMENTS

Lords Amendments 1 to 4

5. Lords Amendments 1 to 4 would provide that the accepted forms of evidence to support applications to register will be set out in regulations subject to affirmative procedure, instead of leaving them to be determined by the Minister. Items may be removed by regulations subject to negative procedure. The Amendments arise out of recommendations made by the Delegated Powers and Regulatory Reform Committee.

These notes relate to the Lords Amendments to the Electoral Registration and Administration Bill, as brought from the House of Lords on 24 January 2013 [Bill 127]

*** Lords Amendments 5 and 23.**

6. Lords Amendment 5 would amend the Parliamentary Constituencies (PC) Act 1986 to provide that the Boundary Commissions must submit their reports in the first review of UK Parliamentary boundaries to be conducted under changes made by the Parliamentary Voting System and Constituencies (PVSC) Act 2011 before 1st October 2018 and not before 1st September 2018, instead of before 1st October 2013 as currently specified by the PC Act. The amendment would also alter the PVSC Act to provide that the Boundary Commissions would not have a discretion to consider inconveniences attendant on boundary changes as a factor when drawing up boundary proposals for the review that must report before 1 October 2018. It would also postpone the review into the effects of the reduction in the number of constituencies provided for under that Act to take place after the 2020 general election and not in 2015. Amendment 23 would alter the long title of the Bill to reflect these changes.

Lords Amendments 6, 8, 9, 20, 21 and 22

7. Lords Amendments 6, 8, 9, 20, 21 and 22 would extend the final removal of carried-forward entries (those that have not become individually-registered through data-matching confirmation or as a result of a successful Individual Electoral Registration application) from after the second canvass under the new system to after the third. Under current plans for implementation, this means that these entries must be removed for the December 2016 revised register, rather than that in December 2015. The group also enables an order to be made by the Secretary of State or Lord President of the Council to remove those carried-forward entries in December 2015.

Lords Amendments 7, 10 and 11

8. Lords Amendments 7, 10 and 11 would allow voters queuing at a polling station for the purpose of voting at close of poll to be issued with ballot papers and vote despite the time of close of poll having passed. This change to the Parliamentary election rules is made in respect of England, Wales and Scotland, and separately for Northern Ireland. The group also enables the Secretary of State or Lord President of the Council to amend other legislation to make consequential and transitional provisions / amendments which flow from the change to the rules around voting at close of poll.

Lords Amendments 12, 16 and 19

9. Lords Amendments 12, 16 and 19 are minor and technical amendments that would ensure that provisions about anonymous entry on the electoral register will continue to operate under Individual Electoral Registration.

Lords Amendments 13 and 14

10. Lords Amendments 13 and 14 are minor amendments that would remove the discrepancy between the points at which additions to the register can be published in the case of applications through the annual canvass and applications through rolling registration. This will ensure that all successful applications will be added to updated and revised registers as long as they are determined before the next publication date.

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This is particularly important to ensure that all successful applications are added to the revised registers published in December.

Lords Amendments 15 and 18

11. Lords Amendments 15 and 18 are minor and technical amendments that would remove references to “the relevant date” (usually 15 October) from rules around challenging the eligibility of an entry on the electoral register. Removing this phrase allows the capacity to challenge eligibility to remain, but enables the allegation of ineligibility to relate to any particular time rather than certain specified dates.

Lords Amendment 17

12. Lords Amendment 17 is a minor amendment that would ensure that there is no ambiguity over the continued application under Individual Electoral Registration of the existing criminal offence relating to non-disclosure of information in response to the annual canvass – or providing false information in the response.

FINANCIAL EFFECTS OF THE LORDS AMENDMENTS

13. Lords Amendment 5 gives rise to a delay in potential savings, as it eliminates the possibility that exists under the Parliamentary Voting Systems and Constituencies Act that the number of MPs would be reduced in 2015.

14. The cost of Lords Amendments 7, 10 and 11 has been calculated at an average of £100 per polling station for any that were to be affected; we expect good planning to minimise the extent to which this is incurred. It is estimated that the overall annual cost of these Amendments will be below £3,000, perhaps substantially so.

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*Ordered, by The House of Commons,
to be Printed, 24 January 2013.*

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Printed in the United Kingdom by The Stationery Office Limited
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