

# OVERSEAS ELECTORS BILL

## EXPLANATORY NOTES

### What these notes do

These Explanatory Notes relate to the Overseas Electors Bill as introduced in the House of Commons on 19 July 2017 (Bill 16).

- These Explanatory Notes have been provided by the Cabinet Office, with the consent of Glyn Davies, the Member in charge of the Bill, in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.
- As the Bill is a Private Member's Bill, the English votes provisions in the Standing Orders of the House of Commons relating to Public Business do not apply to the Bill.

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## Overview of the Bill

- 1 The Overseas Electors Bill removes the existing 15 year time limit on British citizens who live abroad registering as overseas electors to enfranchise any British citizen overseas who was previously resident or registered to vote in the UK. It makes no other changes to their eligibility to vote in different types of elections, or to British citizens living in the UK.

## Policy background

- 2 As part of the 2017 Manifesto, the Government reiterated its 2015 manifesto commitment to bring forward a Bill to implement 'votes for life', removing the current rule that means British citizens abroad can only vote for 15 years from the point they were last registered to vote in the UK. The Overseas Electors Bill is intended to fulfil that commitment.
- 3 The overseas franchise was created by the Representation of the People Act 1985, which first enabled British citizens resident abroad to vote in UK elections. It set a limit of 5 years from the date of last being registered in the UK. This limit was extended in 1989 to 20 years, and then reduced in 2002 to the current limit of 15 years.
- 4 Under the present system:
  - i. British citizens who have moved abroad and wish to vote in parliamentary elections can apply to register as an overseas elector in the constituency in which they were last registered before leaving the UK, provided they were registered within 15 years of making that application<sup>1</sup>. Currently, anyone not previously registered is not entitled to register as an overseas elector. An exception to this is for those who were too young to register to vote when they left the UK, who are entitled to register using their parents' or guardians' former registration address if they were also resident at that address. This is also subject to a 15 year limit, from when the person left the UK.
  - ii. The identities of overseas electors are verified in the same way as that of domestic electors (using their name, date of birth and National Insurance number, with a separate process for those unable to provide a National Insurance number). Registrations must be renewed annually to remain on the register.
  - iii. There is separate provision for those serving in the armed forces, Crown servants (such as those in the diplomatic service and the overseas civil service), and employees of the British Council, together with their spouses or civil partners. The 15 year time limit does not apply to these categories of electors and they can vote in the full range of UK elections for as long as they remain qualified under the separate provisions (by remaining in the armed forces, for example).

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<sup>1</sup> An overseas elector who is entitled to vote in a parliamentary election in pursuance of an overseas elector's declaration is also entitled to vote as an overseas elector in a European Parliamentary election.

## Legal background

- 5 The Representation of the People Act 1985 contains the current provisions for the registration of overseas electors for parliamentary elections, primarily sections 1 and 2 of the Act, which set out the conditions for the franchise and the rules for registering under that franchise. The Representation of the People Act 1985 will continue to be the Act of Parliament dealing with the overseas franchise. This Bill makes amendments to the 1985 Act, alongside consequential amendments to other Acts.
- 6 The core Act for the purposes of the legal framework relating to elections to the House of Commons is the Representation of the People Act 1983 (RPA 1983), which is the most recent consolidation act for this area of law. References made in these notes to ‘the principal Act’ are to the RPA 1983. Other relevant existing legislation in this area includes:
  - Representation of the People Act 1985
  - Representation of the People Act 1989
  - Representation of the People Act 2000
  - Political Parties, Elections and Referendums Act 2000
  - Representation of the People (England and Wales) Regulations 2001
  - Representation of the People (Scotland) Regulations 2001
  - Representation of the People (Northern Ireland) Regulations 2008

## Territorial extent and application

- 7 The Bill's provisions extend to the whole of the United Kingdom. In the Government's view, the matters to which the provisions of the Bill relate are not within the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly; accordingly no legislative consent motions are necessary.
- 8 There is a convention that Westminster will not normally legislate for matters that are within the legislative competence of any of the devolved legislatures without the consent of the legislature concerned. If amendments are made which relate to matters that fall within that convention, the consent of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly (as appropriate) will be sought for them.
- 9 See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom. The table also summarises the position regarding legislative consent motions.

# Commentary on provisions of Bill

## Clause 1: Extension of franchise for parliamentary elections: British citizens overseas

- 10 Clause 1(1) inserts new sections into the Representation of the People Act 1985 (RPA 1985), replacing existing sections 1 and 2 with new sections 1, 1A, 1B, 1C, 1D, 1E, 1F and 1G.

### **New section 1 (Extension of parliamentary franchise)**

- 11 New section 1 replaces the existing provision in section 1(1) of the RPA 1985 that extended the franchise for parliamentary elections to include overseas electors.
- 12 New subsection (1) sets out the eligibility to vote as an overseas elector, namely that the person must meet the requirements of new section 1A (Qualification as an overseas elector in respect of a constituency), must on the date of the poll be registered in a register of parliamentary electors, and must on both the date of the individual's declaration and the date of the poll be both a British citizen and not be otherwise ineligible to vote (by, for example, being disqualified to vote having been found guilty of certain elections offences). The only exception to the ineligibility requirement is that a person under the age of 18 can make an overseas elector's declaration before they are 18 years and be entered on the register in pursuance of that declaration in time to vote once they have attained 18 years.
- 13 New subsection (2) defines the use of "the relevant date", as applied in new section 1. Here, the relevant date means the date on which an overseas elector's declaration or renewal declaration is made.

### **New section 1A (Qualification as an overseas elector in respect of a constituency)**

- 14 New subsection (1) replaces existing sections 1(2), (3) and (4) of the RPA 1985. It states that in order to qualify as an overseas elector in respect of a constituency on the date that an overseas elector's declaration is made the individual must not on that date reside in the United Kingdom.
- 15 In addition, new subsection (1) also provides that an overseas elector can only register in a particular constituency if they qualify under either one of two conditions that are outlined in new subsections (2) and (3). The conditions are called the 'previous registration condition' and the 'previous residence condition'. An elector can register on the basis of being either:
1. 'previously registered' if they were registered to vote in the UK at some point in the past in respect of an address at a place in the constituency in which they are now applying to register as an overseas elector, and if they have not been registered to vote elsewhere since that time; or
  2. 'previously resident' if they have never been on an electoral register (or if they benefit from new section 1B(4) covered later)<sup>2</sup>, but have previously lived in the UK in respect of an address at a place in the constituency in which they are now applying to register, and if they have not been resident elsewhere in the UK since that time. (This also includes those individuals of no fixed address who at the time they were resident in the UK had circumstances such that they would qualify to make a 'declaration of local connection' if

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<sup>2</sup> See also paragraph 23 and new section 1B(4) for details on the circumstances where a person can still be eligible under the previously resident ground when, as a matter of fact, they have been previously registered.

those circumstances and UK residence were occurring now).

- 16 An address under the 'previous registration condition' and 'previous residence condition' may include an address for a property that no longer exists, if for example, it has subsequently been demolished.
- 17 New subsection (4) ensures that those who could (in theory) have registered under a declaration of local connection (as provided for by section 7B of the RPA 1983) but could not have done so in practice because the relevant law was not in force on that date, can still register under the previous residence condition.
- 18 New subsection (5) defines "electoral register" as a register of parliamentary electors or a register of local government electors, including a local government register prepared for elections in Northern Ireland. It also defines "relevant date" as the same as the definitions used in section 1.
- 19 An overseas elector can only register at one address in one constituency by qualifying to register either on the basis of being 'previously registered' or 'previously resident' as specified in subsection (2) and (3). By submitting a new declaration, the applicant will forfeit any current declarations already made. It is a criminal offence to vote more than once as an elector or more than twice as a proxy in the same election.

### **New section 1B (British citizens overseas: entitlement to be registered)**

- 20 New subsections (1) to (4) replace existing section 2(1) of the RPA 1985. It provides that a person is eligible to be registered in pursuance of an overseas elector's declaration if they have made a valid declaration under section 1C (overseas elector's declaration) and that conditions in subsections (2) and (3) are met.
- 21 The conditions, in new subsections (2) and (3), are that:
  1. the address at which the applicant is seeking to register (either as their previous registration address or their previous residence address) under their declaration is situated within the area for which the registration officer in question is responsible,
  2. the registration officer must be satisfied that the person is eligible to be an overseas elector in respect of that constituency on the date he or she makes a valid declaration.
- 22 New subsection (4) provides registration officers with the ability to disregard the requirement in new section 1A(3)(c) that an applicant registering as 'previously resident' must never have been on an electoral register if the registration officer believes there is insufficient evidence to confirm whether or not an applicant was previously registered.
- 23 New subsection (5) states that declarations must be received by the registration officer within three months of the declaration's date. Failure to comply will result in the declaration being void. This replicates section 2(6) of the RPA 1985.
- 24 New subsection (6) provides that for the purposes of section 1A there is to be a conclusive presumption that a person registered under an overseas elector's declaration was not resident in the UK on the day they made the declaration. This is to allow the registration officer to remove any existing domestic registration and replace it once an overseas elector's application has been successful. This replicates section 2(7) of the RPA 1985.
- 25 New subsection (7) directs the reader to the RPA 1983, the principal consolidated Act for elections, which makes other relevant provisions in relation to the making of applications to register to vote.

### **New section 1C (Overseas elector's declaration)**

- 26 New section 1C replaces existing section 2(3), (3A) and (4) of the RPA 1985. It sets out the detailed

requirements for an overseas elector's declaration. Subsection (1) sets out the core requirements that all overseas electors' declarations must contain; subsection (2) sets out the specific additional information needed when applying under the 'previous registration' condition; and subsection (3) does likewise for the 'previous residence' condition.

- 27 New subsection (4) provides that the specific additional information usually required under subsection (3) for persons registering under the previous residence condition does not apply to persons who are registering on the basis they were resident in the UK but were of no fixed address and would at that time have been entitled to register using a 'declaration of local connection' (such as a homeless person or a merchant seaman). Such persons are however required to specify an address in relation to which they could have made a declaration of local connection on the last day they were resident in the UK.
- 28 New subsection (5) only applies in relation to declarations that specify an address in Northern Ireland. It makes provision that enables a British citizen who was born in Northern Ireland to declare on their declaration that they are an Irish citizen in addition to, or instead of, declaring they are a British citizen. This is provided for by the Good Friday Agreement. This provision is currently contained in section 2(3A) of the RPA 1985.
- 29 New subsection (6) prevents an individual from trying to register as an overseas elector in relation to more than one UK address at any one time. Consequently, applicants whose declaration contains more than one address, or applicants who submit multiple declarations with the same date but different addresses, will have their application for registration rejected. This is a replication of the wording in section 2(4) of the RPA 1985. This provision combined with clause 1D(1)(e) prevents a person from holding more than one valid declaration at any one time. This replicates the current provision under section 2 of the RPA 1985.
- 30 New subsection (7) provides for the declarant to be able to cancel their declaration at any time should they so wish. This replicates section 2(5) of the RPA 1985.
- 31 New subsection (8) outlines the definitions of terminology used in this section.
- 32 New subsection (9) clarifies that infants found abandoned in Northern Ireland will be treated as if they were born in Northern Ireland unless the contrary can be shown. This is a replication of section 2(10) of the RPA 1985.

### **New section 1D (Duration of entitlement to be registered)**

- 33 New section 1D makes provision in relation to the period a person can remain registered as an overseas elector.
- 34 New subsection (1) replaces section 2(2) of the RPA 1985. Under subsection (1)(a) the starting position is that once an overseas elector has registered successfully, the registration lasts for 12 months from the date they are entered on the electoral register. However, under subsection (1)(b), an overseas elector can be removed from the electoral register during the course of the 12 month validity period if an event occurs which is prescribed in subsection (4).
- 35 Under new subsections (2) and (3), an overseas elector registration can be renewed within the last three months of its validity, in which case the renewal extends the registration by 12 months from the end of the current 12 month period, rather than the date of renewal itself. This renewal process is a new concept introduced by the Bill and therefore there are no corresponding provisions currently contained in the RPA 1985.
- 36 New subsection (4) sets out the occurrence of events which will terminate an overseas elector's declaration during the 12 month period; these are:
  1. where the registration officer determines that the person was never entitled to be registered

in the first place ( who will have access to published guidance on the matter) (Subsection (1)(b)),

2. where the registration officer determines that their application for registration, or an application to alter the person's entry in the register, was made by someone else other than the applicant (Subsection (1)(c)),
  3. the individual cancels their declaration (new subsections 1D(4)(c) which is provided for in new subsections 1C(7) for overseas electors declarations and in new section 1E(5) for renewal declarations), or
  4. any other entry is made on an electoral register and takes effect (Subsection (4)(d), for example if a person submits a successful overseas elector application in connection to a different address or if a person moves back to the UK and registers as a elector).
- 37 New subsection (5) defines the "initial registration period" as the first 12 months that an individual is registered as an overseas elector in relation to a particular registration, beginning on the day the individual is entered onto a register. It also defines "further registration period" as any period that a person remains entitled to be registered subsequent to the conclusion of the "initial registration period".
- 38 New subsection (6) provides that where a registration is renewed, there is a conclusive presumption that the elector in question was not resident in the United Kingdom on the day the renewal declaration is made.
- 39 New subsection (7) imposes a duty on registration officers to remove the relevant overseas elector's entry from the register where that overseas elector's registration expires for any reason or they are no longer entitled to be registered. This replicates the words of section 2(2) of the RPA 1985.

### **New section 1E (Renewal declaration)**

- 40 New section 1E introduces the new concept of a renewal declaration, as a consequence of the new renewal process introduced by the Bill. New subsection (1) specifies the content of a renewal declaration, which replicates the content required in an initial declaration (see new section 1C(1)), but with the date of the renewal declaration being provided rather than the date of the initial declaration.
- 41 New subsection (2) provides that a renewal declaration must also state the UK address where the overseas elector is registered and confirm that the individual has not been registered at any other UK address since they first registered as an overseas elector at that address.
- 42 New subsection (3) makes provision for a British citizen who was born in Northern Ireland and is specifying a registration address in Northern Ireland to declare they are an Irish citizen in addition to, or instead of, a British citizen.
- 43 New subsection (4) sets out that if a person submits a renewal declaration with more than one address, the declaration will be void. Equally, multiple declarations from the same person carrying the same date but different addresses will not be valid.
- 44 New subsection (5) provides for the declarant to be able to cancel their renewal declaration at any time should they so wish.
- 45 New subsection (6) outlines the definitions of terminology used in this section.

### **New section 1F (Power to amend period specified in section 1D)**

- 46 New section 1F provides in new subsection (1) that the period of time during which an elector remains registered without needing to renew their declaration can be changed from the current 12

months by the Minister for the Cabinet Office or by the Secretary of State by way of an order. The maximum period which a declaration could be valid under this power cannot exceed 5 years.

- 47 New subsection (2) enables incidental and consequential amendments to be made to other relevant legislation which are necessary as a result of changes to the length of declaration.
- 48 New subsection (3) sets out that the Electoral Commission must be consulted by the Minister for the Cabinet Office or the Secretary of State in the event of any planned changes to the registration period of overseas electors.
- 49 New subsections (4) and (5) set out that the order making power to vary the length of the declaration period under subsection 1D(1)(a) and (3)(a) is exercisable by statutory instrument and must be approved by a resolution passed by both houses of Parliament before it is made.
- 50 New subsection (6) provides that in the event of any change to the declaration period, any new period will automatically apply to existing declarations if that period of time is longer than the original declaration.

### **New section 1G (Duty to have regard to guidance)**

- 51 New section 1G provides in new subsection (1) that the registration officer must take account of any guidance issued by the Minister for the Cabinet Office or the Secretary of State about the registration and renewal of overseas electors.
- 52 New subsection (2) provides that such guidance may include guidance in determining:
  1. a person's qualification to register as an overseas elector in a particular constituency;
  2. whether to allow an applicant to register under the previous residence condition where there is a doubt as to whether the applicant had previously been registered; and
  3. whether a person can remain registered following their renewal declaration.
- 53 In the application of this section to Northern Ireland, the intention is that the Secretary of State for Northern Ireland will have the function of giving guidance to the Chief Electoral Officer for Northern Ireland.
- 54 New subsection (3) outlines the definitions of terminology used in this section.
- 55 Clause 1(2) saves sections 1 and 2 of the RPA 1985 for the purposes of section 3 of the RPA 1985, and section 17(3)(c) of the European Parliament (Representation) Act 2003, and regulations made under those sections. This will enable Peers and persons living in Gibraltar who are entitled to vote as an overseas elector, respectively, to continue to register as an overseas elector for the purposes of European Parliamentary Elections until such time as the United Kingdom completes the withdrawal process from the European Union.

### **Clause 2: Minor and consequential amendments**

- 56 Clause 2 gives effect to Schedule 1 to the Bill which contains minor and consequential amendments, and Schedule 2 which makes transitional provisions.

### **Schedule 1: Minor and consequential amendments**

- 57 Paragraphs 1 to 3 make changes to the Representation of the People Act 1983.
- 58 Paragraph 2 makes a consequential amendment to section 4 of the RPA 1983 (entitlement to be registered as parliamentary or local government elector). Section 4 (4)(b) makes a reference to a declaration made under section 2(1) of the RPA 1985 and as a consequence of the Bill has been substituted with a reference to section 1B(1) of the RPA 1985.

- 59 Paragraph 3 makes minor and consequential amendments to Schedule 2 to the Representation of the People Act 1983 (provisions which may be contained in regulations as to registration etc).
- 60 Subparagraphs (2) and (3) of paragraph 3 enable provision to be made in secondary legislation relating to renewal declarations and how these are to be transmitted to the registration officer. These replicate existing powers relating to overseas elector's declarations contained in paragraph 3ZA of Schedule 2 to the RPA 1983.
- 61 Subparagraph (4) of paragraph 3 inserts subparagraph (1AA) into paragraph 5 of Schedule 2 to the RPA 1983. This enables provisions to be prescribed in regulations which authorise a registration officer to require other kinds of evidence that such an officer considers appropriate in support of an application for registration in pursuance of an overseas elector's declaration. It also enables provisions to be prescribed in regulations authorising a registration officer to deem such other kinds of evidence as the officer considers appropriate to be sufficient or conclusive evidence for the purposes of determining whether a person satisfies the conditions to be an overseas elector.
- 62 Paragraph 4 amends section 12 of the RPA 1985 (offences as to declarations) so as to extend that offence to include renewal declarations.
- 63 Paragraph 5 makes consequential amendments to section 200(3) of the Finance Act 1996. Section 200(3)(a) makes a reference to a declaration in section 1(1)(a) of the RPA 1985 which as a consequence of the Bill is substituted with a reference to section 1(2)(a) of the RPA 1985.
- 64 Paragraph 6 makes consequential amendment to section 835B(3) of the Income Tax Act 2007. Section 835B(3)(a) makes a reference to a declaration in section 1(1)(a) of the RPA 1985 which as a consequence of the Bill is substituted with a reference to section 1(2)(a) of the RPA 1985.
- 65 Paragraph 7 omits section 42(7) of the Constitutional Reform and Governance Act 2010 which is no longer required as the new section 1 of the RPA 1985 extends the franchise to a person who has been entered on a register of local government electors.
- 66 Paragraph 8 omits section 4(6) of the House of Lords Reform Act 2014 which is no longer required as the new section 1 of the RPA 1985 extends the franchise to a person who has been entered on a register of local government electors.

## Schedule 2: Transitional Provision

- 67 Paragraph 1 defines the terms that are used in Schedule 2.
- 68 Paragraph 2 makes transitional provisions for applications made under section 2(1) of the RPA 1985 for registration in pursuance of an overseas elector's declaration that were made before the Bill was commenced. This applies to applications which were determined after the commencement date provided the application was made before that date. For these applications, the amendments made by the Bill do not apply.
- 69 Paragraph 3 makes transitional provisions for overseas electors who were registered in respect of an application made before the commencement of the Bill. In these cases, the person is treated after the commencement of the Bill as if they had been registered on the basis of satisfying the previous registration condition within the meaning of section 1A(2) of the RPA 1985, as substituted by section 1(1) of the Bill. Subparagraph (2)(c) enables such persons to renew their applications in accordance with new sections 1D and 1E of the Bill.
- 70 Paragraph 4 enables the Minister to make regulations to supplement the transitional provisions set out in Schedule 2 to the Bill. The regulations may make supplementary or incidental provision, and may make different provision for different purposes or areas. The regulations are to be made by statutory instrument under the negative resolution procedure.

### Clause 3: Extent, Commencement, and short title

- 71 Clause 3 sets out the provisions relating to the extent, commencement and short title of the Bill  
Subsection (1) provides that any amendments or repeals made by this Bill to other legislation has the same extent as that legislation.
- 72 Subsection (2) makes provision for the Bill to come into force on such day or days as may be appointed by regulations made by the Minister for the Cabinet Office or the Secretary of State.
- 73 Subsection (3) requires the regulations made under subsection (2) to be made by statutory instrument.
- 74 Subsection (4) makes provision for individual clauses to come into force on different days for different purposes.
- 75 Subsection (5) brings this section into force on the day on which the Act is passed.
- 76 Subsection (6) cites the short title of the Act.

## Commencement

77 Clause 3 sets out that clause 3 comes into effect at Royal Assent, it also provides that the remaining clauses of the Bill come into effect on a date specified by the Minister for the Cabinet Office or the Secretary of State. The various clauses do not have to come into effect on the same date.

## Financial implications of the Bill

78 The majority of the ongoing costs brought by the Bill will be incurred by local authorities' electoral registration officers in the first instance, due to the time and resources needed to process applications to register as an overseas elector and renewals of overseas registrations. The level of these costs will depend entirely on the number of newly eligible electors who choose to apply to register and as such cannot be predicted in advance. The impact assessment accompanying the Bill gives an illustration of these costs for a possible level of registration, and these estimates will continue to be refined as we collect technical feedback and further information on the registration process from administrators. The Government plans to provide funding for electoral registration officers' costs, in accordance with the new burdens doctrine.

79 There are further one-off costs of £0.9m associated with IT system changes to implement the Bill which the government will commission quotes for in due course. Initial estimates of these cost are:

1. ~£0.1m to change the online electoral registration service on gov.uk to allow electors made eligible by the Bill to use the service and allow the online service to process renewals of registration;
2. ~£0.7m to make changes to electoral management software used by electoral registration officers to allow the software to process application forms, and to record registrations of, electors made eligible by the Bill and to process renewals of registration made through the online service on gov.uk;

80 Any increase in the size of the registered electorate will slightly increase the costs of conducting polls, and so increase the cost to the consolidated fund of polls which use the parliamentary electorate. Furthermore, we expect there to be some costs associated with communications and awareness raising campaigns targeting newly eligible electors.

81 Further details of the costs and benefits of the Bill's provisions are set out in the impact assessment published alongside the Bill.

## Parliamentary approval for financial costs or for charges imposed

82 A money resolution is required for the Bill, to cover the likely increase resulting from clause 1 of the Bill in public expenditure payable under other Acts.

83 In particular:

- expenses incurred by electoral registration officers (in dealing with new applications for registration of overseas electors), and
- changes to electoral management software used by electoral registration officers,

are likely to result in increase to the revenue support grant paid under Part 5 of the Local Government Finance Act to local authorities, who are responsible for funding electoral registration

officers.

## Related documents

84 The following documents are relevant to the Bill and can be read at the stated locations:

- *Making Votes Count – Enhancing engagement in the electoral process by British expatriates*, Cross-Party Group on Overseas Voters, March 2014  
<http://www.hansardsociety.org.uk/wp-content/uploads/2014/03/Overseas-Voters-Report.pdf>
- *Overseas voters briefing paper*, House of Commons Library, 5 September 2016,  
<http://researchbriefings.files.parliament.uk/documents/SN05923/SN05923.pdf>
- *A democracy that works for everyone: British citizens overseas*, Government Policy Statement, 7 October 2016  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/558280/overseas\\_electors\\_policy\\_statement.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/558280/overseas_electors_policy_statement.pdf)

## Annex A - Territorial extent and application in the United Kingdom

The Bill extends and applies to the whole of the UK. It deals exclusively with the parliamentary franchise (that is, the franchise used for elections to the UK Parliament and the European Parliament), which is a reserved matter that is not within the legislative competence of any devolved assembly.

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within the competence of the National Assembly for Wales?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Legislative Consent Motion needed?
Clause 1	Yes	Yes	Yes	Yes	No	No	No	No
Clause 2	Yes	Yes	Yes	Yes	No	No	No	No
Clause 3	Yes	Yes	Yes	Yes	No	No	No	No
Clause 4	Yes	Yes	Yes	Yes	No	No	No	No
Schedule 1	Yes	Yes	Yes	Yes	No	No	No	No
Schedule 2	Yes	Yes	Yes	Yes	No	No	No	No

### Minor or consequential effects

The Bill contains no provisions that apply only to England and that, in the view of the Government of the United Kingdom, have minor or consequential effects outside England.

### Subject matter and legislative competence of devolved legislatures

The Bill contains no provisions that are within the competence of the Scottish Parliament, the National Assembly for Wales, or the Northern Ireland Assembly.





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## EXPLANATORY NOTES

These Explanatory Notes relate to the Overseas Electors Bill as introduced in the House of Commons on 19 July 2017 (Bill 16).

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