



Further Draft Electoral Administration Provisions

Presented to Parliament by the Deputy Prime Minister
by Command of Her Majesty
September 2011

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This document sets out a draft electoral administration provision for pre-legislative scrutiny by Parliament. The draft legislation is accompanied by Explanatory Notes in order to assist the reader of the provision and to help inform its consideration.

DRAFT ELECTORAL ADMINISTRATION PROVISIONS

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes relate to the draft Electoral Administration provisions published on 14 September 2011. They have been prepared by the Cabinet Office in order to assist the reader of these provisions and to help inform debate on it. They do not form part of the Electoral Administration provisions.
2. The Notes need to be read in conjunction with the Electoral Administration provisions. They are not, and are not meant to be, a comprehensive description of the Electoral Administration provisions. So where a part of a clause does not seem to require any explanation or comment, none is given.

SUMMARY

3. In summary, these draft provisions remove the automatic postponement of parish and community council elections in England and Wales that currently occurs when a Parliamentary or European Parliamentary general election falls on the ordinary day for local government elections.

TERRITORIAL EXTENT AND APPLICATION

4. Clause 2 provides that an amendment or repeal made by this Act has the same extent as the enactment or part of an enactment amended or repealed.
5. The provisions relating to parish and community council elections will apply to elections in England and Wales only.

COMMENTARY ON CLAUSES

Clause 1: Timing of parish and community council elections in England and Wales

6. Section 16 of the Representation of the People Act 1985 currently has the effect of postponing a poll at a parish or community council election in England and Wales for three weeks if the poll would otherwise have been held on the ordinary day for local government elections, but this is also the date of the poll at a UK Parliamentary general election or a European Parliamentary general election. This clause repeals section 16 so that in England and Wales a poll at a parish or community council election may be held on the ordinary day of election of councillors even if this is also the date of the poll at a Parliamentary or European Parliamentary general election. This will allow polls at parish and community council elections more often to be run in combined form with polls at other elections.

