
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to a number of provisions of the Elections Act 2022 (c. 37) (“the Act”). The provisions implemented by these Regulations are proxy voting restrictions (section 6 and Schedule 4), candidates’ commonly used names (section 10), EU citizens’ candidacy rights (section 15) and disqualification orders (Part 5 of the Act).

The Regulations make provision in relation to local elections and Greater London Assembly and London mayoral elections to enable a returning officer to hold a nomination paper invalid if the person submitting that nomination paper is subject to a disqualification order, and introduce the new forms of nomination paper, candidate’s consent to nomination, and elector and proxy poll cards. The Regulations also make provision to introduce new poll cards and proxy poll cards that reflect the proxy voting provisions in section 6 of and Schedule 4 to the Act.

Regulation 2 applies the new offence of undue influence, inserted by section 8 of the Act to parish polls in England, and maintains the position for devolved community polls in Wales.

Regulation 6 amends the vacancy rules in relation to single authority mayors so that in the event of a disqualification order being made under section 30 of the Act, the vacancy arises on the date determined in accordance with section 31 of the Act.

Schedule 1 contains transitional and savings provisions. Paragraph 2 makes provision so that the amendment to the power of the returning officer to hold a nomination paper invalid does not take effect in relation to which a notice of election has been issued on or before 31st October 2023. This is to avoid changing the powers of the returning officers in the middle of an election for which notice has been issued prior to commencement.

Paragraph 3 makes saving provision so that amendments to nomination forms do not have effect in relation to an election where the date of poll specified in the notice of election is on or before 1st May 2024. The new forms will apply to elections on or after 2nd May 2024.

Paragraph 4 makes saving provision so that the changes in relation to the candidate’s consent to nomination form to implement the amended EU citizens’ candidacy rights do not have effect in relation to an election where the date of poll is on or before 6th May 2024.

Paragraph 5 makes provision so that the form of candidate’s consent to nomination for an election where the date of poll is on or after 2nd May 2024 but on or before 6th May includes only the amendments to implement disqualification orders but not the new EU citizens’ candidacy rights. This is to ensure that the amended EU citizens’ candidacy rights take effect after the elections to be held on the ordinary day of election in 2024.

Parts 2-4 (paragraphs 6-14) of Schedule 1 make transitional and saving provisions in relation to proxy arrangements to ensure that proxies who were appointed as proxy prior to 31st October 2023 remain subject to the rules on appointment of and voting by proxies that applied at the time of the appointment.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An impact assessment has been produced in relation to the Act and copies can be obtained at <https://bills.parliament.uk/publications/44886/documents/1304> or from the Department for Levelling Up, Housing and Communities at 2 Marsham Street, London, SW1P 4DF.

Changes to legislation:

There are currently no known outstanding effects for the The Local Government and Greater London Authority Elections (Miscellaneous Amendments) Regulations 2023.