

Explanatory Memorandum to The Representation of the People (Electoral Registration without Applications) (Pilot Scheme) (Wales) Regulations 2025

This Explanatory Memorandum has been prepared by The Elections Division and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Representation of the People (Electoral Registration without Applications) (Pilot Scheme) (Wales) Regulations 2025. I am satisfied that the benefits justify the likely costs.

Jayne Bryant MS
Cabinet Secretary for Housing and Local Government

3 December 2024

PART 1

1. Description

1. These regulations allow three local authorities in Wales (Newport, Powys and Gwynedd) to undertake piloting activity around electoral registration without application. This piloting activity must take place between the coming into force date of these regulations and the 30th of September 2025.
2. The regulations apply temporary modifications to the Representation of the People Act 1983 and the Representation of the People (England and Wales) Regulations 2001 in relation to the registration of electors, that will allow these pilots to take place.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

3. None

3. Legislative background

4. The Regulations are made under powers conferred by sections 5(1), (4), (6), 6(1) and 21 of the Elections and Elected Bodies (Wales) Act 2024 (the 2024 Act).
5. Section 5(4) of the 2024 Act gives Welsh Ministers powers to undertake pilot activity for a specified period of time, across one or a number of electoral areas, for the purpose of testing how the changes made by sections 3 and 4 of the 2024 Act work in practice.
6. Section 5(4)(c) of the 2024 Act further specifies that provision may be made the effect of which corresponds to the effect of the amendments made by sections 3 and 4 (or the subordinate legislation that may be made by virtue of those sections).
7. Section 72(5) of the 2024 Act requires Welsh Ministers to undertake pilot activity in relation to the registration of electors without application before sections 3 and 4 of the 2024 Act may be fully commenced.
8. In order to fully appreciate the changes introduced by the Representation of the People (Electoral Registration without Applications) (Pilot Scheme) (Wales) Regulations 2025 and the subordinate legislation making powers underpinning them, they should be read alongside section 3 and subsections (1) to (6) and (8) of section 4 of the Elections and Elected Bodies (Wales) Act 2024. These sections

modify the Representation of the People Act 1983 which as a result of Regulation 4 and paragraph 1 of the Schedule of these regulations has effect for the purposes of this pilot as if those sections of the 2024 Act were in force.

9. These regulations are being made under the affirmative procedure in accordance with section 7(4) of the 2024 Act.

4. Purpose and intended effect of the legislation

10. The purpose of this legislation is to allow piloting activity to take place in three local authority areas in Wales – Newport, Powys and Gwynedd. These authorities will pilot ways of registering electors without application as set out in sections 3 and 4 of the Elections and Elected Bodies (Wales) Act 2024 (the 2024 Act).
11. Welsh Ministers took forward primary legislative proposals, through the 2024 Act, to improve the process of registering to vote for devolved elections in Wales. The intention is to allow local authorities to use existing local data to identify and verify potential electors, subsequently adding them to the local government electoral register.
12. Electors will be provided with a notice of registration that will inform them they have 60 days in which to notify their local authority if they do not wish to be automatically registered, if they believe they are eligible to anonymously register or if they believe they are not entitled to register.
13. This notice of registration will also provide other useful information to the elector, particularly making clear the distinction with registration for the Parliamentary register that the recipient would have to apply for themselves (if eligible).
14. As this approach to registration will sit alongside the existing UK Individual Electoral Registration system, Welsh Ministers made proposals to pilot the activity before full roll-out in order to assess the effectiveness of the scheme as well as the impact on voters.
15. In particular Welsh Ministers wish to understand the impact of registration without application on hard-to-reach groups, vulnerable voters and those with grounds to register anonymously.
16. These provisions were set out in the 2024 Act and as a result, in accordance with section 72(5), piloting of registration without application *must* take place before full roll out of the policy can be considered.
17. These regulations will allow the pilots to take place under the conditions set out in section 5 of the 2024 Act, which includes the regulations being subject to the affirmative procedure. The pilot scheme will also require a

full evaluation by the Electoral Commission which will be presented to Welsh Ministers as part of their consideration as to whether or not they roll the policy out across Wales.

18. Further, detailed, information as to the operational impact of each regulations can be found in the guidance document annexed to this Explanatory Memorandum.

5. Consultation

Formal consultation

19. While these regulations have not been formally consulted upon, the policy proposals and provisions around the registration of electors without application were subject to formal consultation twice.
20. The first of these consultations was undertaken in 2017 through the [Electoral reform in local government in Wales](#) consultation in which the principle of registration without application was introduced and subject to public views. During this consultation 77% responded favourably to proposals to allow local authorities to use a wider range of available data to assist people being added to the local government register in Wales.
21. Further consultation was undertaken through the [Consultation on the electoral administration and reform White Paper](#) in which questions were put forward around the implementation of this policy and provided an opportunity for the public to raise any specific concerns.
22. As this policy was provided for in the Elections and Elected Bodies (Wales) Act 2024, the provisions were subject to Senedd primary legislative scrutiny which included Committee and full Senedd scrutiny.

Informal consultation

23. Prior to the development of these regulations early engagement was undertaken with key partners to inform their development. The content of these regulations has subsequently been shared with those local authorities undertaking the piloting activity who, along with key electoral stakeholders including the Electoral Commission and Association of Electoral Administrators, had the opportunity to comment upon and discuss the proposals prior to their being finalised. This has allowed for detailed consideration of the provisions ensuring the regulations are fit for purpose. Additionally, and in line with requirements of the 2024 Act, consultation will take place with those representing vulnerable groups ahead of these regulations being made the pilots starting.

PART 2 – REGULATORY IMPACT ASSESSMENT

6. Options

24. Two options have been considered in developing this policy:

- a. Business as usual;
- b. Introduce regulations to allowing piloting of registration of electors without application for local government electors in Wales.

25. A non-legislative option is not possible in this case, as all arrangements for the registration of electors are set out clearly in primary and secondary legislation.

Option 1: business as usual

26. This option would continue the current electoral registration practices and would not give effect to the provisions relating to the registration of electors without application as set out in the Elections and Elected Bodies (Wales) Act 2024. It would allow these provisions to sit on the Welsh statute book uncommented, as Welsh Ministers are required by the Act to undertake piloting activity in this area before they are able to commence the provisions fully.

Option 2: pilot the registration of electors without application

27. This option would allow specific local authorities in Wales to undertake pilots relating to the registration of electors without application. These authorities have been self-selecting through an open process undertaken by Welsh Ministers and Welsh Government officials.

28. The development of this pilot programme has taken place over a long period of time and has been informed by, and co-produced with, local authorities and key electoral stakeholders.

29. The purpose of this pilot scheme is to develop a suite of deliverable pilots, with a clear understanding of costs and resource implications. While the pilots developed as part of this scheme will focus on ensuring the accuracy of the register and voter experience, it will also provide an understanding of the full financial implications of registering electors without application.

30. The Welsh Government will meet the costs of these pilots and will publish the full financial implications ahead of the roll-out of the scheme.

31. If a decision is taken to proceed with automatic registration, a full costs analysis will accompany the necessary secondary legislation that will be required ahead of the full roll out, this will provide the most up-to-date financial implications based on data collected through the piloting scheme.

7. Costs and benefits

Option 1: Business as usual

Costs

32. Option 1 would introduce no additional costs.

Benefits

33. This option would deliver a benefit to voters due to a reduced complexity in the system. If registration without application is piloted, some voters will still need to register to vote through the Individual Electoral Registration system. This will apply to those voters eligible to be on both the local government and parliamentary electoral registers. It would also avoid the costs of running a parallel process.

Option 2: Pilot the registration of electors without application

Costs

34. The Welsh Government will be responsible for all the costs associated with the pilot activities in the participating local authorities.

35. The primary cost to the Welsh Government will result from changes required to the Electoral Management Systems (EMS) that supports the process of registering electors. Two EMS providers will be required to make changes to their systems, and currently costs are estimated at £1,170,000 (inclusive of VAT).

36. As this is a pilot scheme it is not possible to quantify the exact costs of changes to the EMS software; unforeseen costs as the changes are developed are likely. Costs will continue to be calculated during the piloting period as the final model of registration without application is developed and before a decision is taken as to any final model for automatic registration ahead of any roll out across Wales. These costs will be one-off costs as the Welsh Government will meet the initial costs of changes to EMS systems resulting from this policy. A full cost breakdown will be provided as part of any further regulations required if the policy is fully implemented across Wales.

37. In order to support the pilots work around communicating effectively with electors, the Welsh Government have contracted the Behaviour Insights Team to support the pilot authorities in developing, and testing, their communications. This is at a cost of £130,000.
38. Associated with communication costs are the additional costs to local authorities of making contact with the elector. In the first instance pilot authorities will make contact via letter which has been calculated by those authorities at around £0.65p per elector. Based on the number of missing electors from the local government electoral register (around 400,000) and taking an approach of a fairly even spread across authorities, the likely cost of additional electoral communication will be around £15,000.
39. Others costs incurred during the pilots will arise from the additional burden placed on the pilot authorities. In the first instance this will be the costs of administering the new system and the additional costs around data mining. For the pilot period, this has been estimated at no more than £100,000 across the three participating authorities. This is based on an additional officer at spine point 21 of the national Local Government pay agreement (2022-23) working for 2 days a week on data mining and administration of the registration without application process. However, the participating authorities believe that some of this work may be absorbed by the existing electoral administration teams and therefore the actual cost may be lower than this at the end of the pilot period.
40. One participating local authority will be undertaking outreach work as part of their pilot proposal. The Welsh Government will cover all costs associated with this role which has been costed at £50,000 by the participating authority. This cost is based on a similar support grant provided to local authorities across Wales in 2020-21 which was designed to provide additional resource in registering new electors following the extension of the electoral franchise.

Benefits

41. The registration of electors without application would help increase the completion of the register of local government electors. Piloting this activity ahead of full roll out will allow for the most suitable and effective model to be introduced on a Wales wide basis. This approach will ensure that electors are given the best possible opportunity for being placed on the local government electoral register (which is also used for Senedd elections) without application.
42. Whilst this would be beneficial for all electors, it is expected to be of particular benefit in respect of 'attainers' (14 and 15 year olds who would become eligible to vote in the next two years), where data could be

provided to the electoral registration officer by schools and educational services.

43. The Electoral Commission have welcomed the ambition to modernise electoral registration and support plans to explore how automatic registration could improve the completeness of the local government register. This is particularly true for young people and other under-registered groups.

44. For qualifying foreign citizens, it would mean that they did not have to register to vote in order to participate in the elections for which they are eligible to vote. Overall registration without application will help simplify the relationship between the elector and democratic services.

8. Competition Assessment

45. A competition assessment is not applicable under these circumstances.

9. Post implementation review

46. These regulations provide for the Electoral Commission to evaluate the pilots and present Welsh Ministers with a report no later than 31 December 2025. This evaluation will consider the effectiveness of the pilot scheme against the objectives of improving voter registration, voter experience and the impact on the electoral administration process.