

Requirements for imprints on election material - alterations to be made to Political Parties, Elections and Referendums Act 2000

Consultation Paper

CP(L) 09/05

09/03/2005

This consultation will end on 20/04/2005

A consultation produced by the Department for Constitutional Affairs.

This information is also available on the DCA website at www.dca.gov.uk

Contents

Introduction	3
The proposals	9
Questionnaire	12
About you	13
How to respond	11
The Consultation Criteria	16
Consultation Co-ordinator contact details	17

Introduction

This paper seeks views on the proposed re-enactment and amendments to section 143 of the Political Parties, Elections and Referendums Act 2000 (PPERA). The aim is to repeal the Elections Publications Act 2001 (EPA) and re-enact the provisions within PERA for the imprint requirements on election material. At the same time it is proposed that a change be made to the provisions so that where there is a list of candidates at an election it will be permissible to list the registered party rather than all of the candidates.

The proposed changes are being circulated to allow those interested the opportunity to make any helpful comments and suggestions based on their experience of the use of imprints. This is, therefore, a limited consultation of specific involved bodies in the United Kingdom.

Although this consultation largely follows the Code of Practice on Consultation issued by the Cabinet Office, Christopher Leslie, Parliamentary Under Secretary of State at the Department for Constitutional Affairs, has decided to exercise his Ministerial discretion to conduct a limited consultation outside the Code because of the very specialised nature of the changes proposed and the limited number of stakeholders that will have a particular interest in the changes. In these circumstances Mr Leslie has decided that a consultation period of six weeks is appropriate.

The consultation paper is being sent to the political parties which operate nationally within the United Kingdom or within the devolved administrations of Northern Ireland, Scotland and Wales and will be placed on the DCA website at: <http://www.dca.gov.uk/consult/confr.htm>

An initial Regulatory Impact Assessment does not indicate that any groups are likely to be particularly affected by the proposed changes. They are unlikely to lead to additional costs and savings for businesses, charities or the voluntary sector, or on the public sector. Consequently, this paper does not contain a Partial Regulatory Impact Assessment. If you disagree with this conclusion you are invited to send your reasons as part of your overall response to this paper.

Copies of the consultation paper are being sent to:

Alliance Party of Northern Ireland
88 University Street
Belfast
BT7 1HE

John Bennett
Head of Assembly Support
City Hall
The Queen's Walk
London
SE1 2AA

The Conservative and Unionist Party
25 Victoria Street
SW1H 0DC

Democratic Unionist Party
91 Dundela Ave
Belfast
BT4 3BU

The Electoral Commission
Trevelyan House
Great Peter Street
London
SW1P 2HW

Forward Wales
67 Regent Street
Wrexham
LL11 1PG

Lisa Cook
Government Office for London
10th Floor
Riverwalk House
157-161 Millbank
London
SW1P 2AW

The Green Party
1A Waterlow Road
London
N19 5NJ.

The Labour Party
16 Old Queen Street
London
SW1H 9HP

The Liberal Democrats
4 Cowley Street
London
SW1P 3NB.

Peter Hawthorne
Northern Ireland Office
Rights and International Relations Division
11 Millbank
London
SW1P 4PN

Plaid Cymru - The Party of Wales
Ty Gwynfor
18 Park Grove
Cardiff
CF10 3BN

Sinn Féin
44 Cearnóg Pharnell
Baile Átha, Cliath, 1

Scottish Conservative Party
83 Princes Street
Edinburgh
EH2 2ER

Heather Aitken
Local Government and Licensing Division
The Scottish Executive
Victoria Quay

Edinburgh
EH6 6QQ

Margaret McGrath
Scotland Office
Elections Section 1st Floor, Meridian Court
Scotland Office
5 Cadogan Street
Glasgow
G1 6AT

Scottish Green Party
PO Box 14080
Edinburgh
EH10 6YH

Scottish Labour Party
145 West Regent Street
Glasgow
G2 4RE

Scottish Liberal Democrats
4 Clifton Terrace
Edinburgh
EH12 5DR

Scottish National Party
107 McDonald Road
Edinburgh
EH7 4NW

Scottish Senior Citizens Unity Party
Chapman Building
Fir Park
Motherwell
ML1 2QN

Scottish Socialist Party
70 Stanley Street
Glasgow
G41 1JB

Social Democratic and Labour Party
121 Ormeau Road
Belfast
BT7 1SH

The Welsh Conservative Party
4 Penline Road
Whitchurch
Cardiff
CF14 2XS

Welsh Labour Party
1 Cathedral Road
Cardiff
CF11 9HA

Welsh Liberal Democrats
Bayview House
102 Bute Street
Cardiff
CF10 5AD

David Webb
Wales Office
National Assembly for Wales
Cathays Park
Cardiff
CF10 3NQ

Frank Cuthbert
National Assembly for Wales
Cathays Park
Cardiff
CF10 3NQ

Requirements for imprints on election material - alterations to be made to Political Parties, Elections
and Referendums Act 2000 Consultation Paper

The Ulster Unionist Party
Cunningham House
429 Holywood Rd
Belfast
BT4 2LN

U.K. Independence Party
PO Box 9876
Birmingham
B6 4DN

Responses are welcomed from anyone else with an interest in or views on the
subject covered by this paper.

The proposals

Background

The Political Parties, Elections and Referendums Act 2000 (PPERA) contained new provisions for imprints on election material. Previously, the Representation of the People Act 1983 (RPA 1983) required material promoting or procuring the election of a candidate to include an imprint detailing the name and address of the printer and publisher of the material. However, there was no such equivalent requirement with regard to election material issued centrally by the political parties. Consequently, PPERA introduced these requirements for national election material.

PPERA also substituted a new section 110 of the RPA 1983 so that "publisher" was replaced with "promoter" and also the name of the person on behalf of whom the material was published - ie the candidate or third party was to be included. Identical terminology is also used for the new provisions in section 143 of PPERA relating to national material.

The new provisions were brought into force on 16 February 2001. However, all of the main political parties found themselves unable to sensibly comply fully with the new requirement. This was mainly because the new requirement would mean that large quantities of material already printed in advance of the forthcoming General Election of 2001 would need to be abandoned.

Therefore, the Elections Publications Act 2001 (EPA), which gained Royal Assent on 10 April 2001, was brought in to undo section 143 and paragraph 14 of Schedule 18 of PPERA by deeming both provisions not to have commenced. The EPA also contained an order making power which would enable both provisions to be brought back into force when appropriate.

Proposed changes

1. It is proposed that the provisions in section 143 of and paragraph 14 of schedule 18 to PPERA, which substitutes a new provision as regards imprints on election material in the Representation of the People Act 1983, relating to imprints on election material be reintroduced. It is felt that sufficient time has passed since the EPA was enacted in February 2001 and the political parties have had time to use up their stocks of election material that did not meet the PPERA imprint requirements. It is also understood that in many cases political parties are now meeting the updated requirements for imprints.
2. It has been pointed out that reintroduction of the provisions in their current form would mean that elections which have a list of candidates, such as European Parliamentary Elections, would have to have a list of all of those candidates which can currently be up to ten, as all candidates would be treated as promoters. This is an impracticably long list to have as an imprint. As the candidates' names are shown on the *Statement of Persons Nominated - Notice of Poll* as candidates of a registered political party the requirement to have the full list of names would be both superfluous and impracticable. It is also the case that in European Parliamentary Elections it is the *Party* rather than the individual candidates who make up the list that are voted for and therefore it is logical that in this case the name of the political party should be imprinted rather than list the party's candidates. At present, a promoter who fails to comply with the requirements of sections 143 and 110 may be guilty of an offence. We are currently giving consideration to the implications of including registered political parties in the definition of promoter. The intention is therefore:
 - To change the imprint requirements so that "promoter" shall be deemed to be the person *or registered political party where there is more than one candidate per registered political party.*
 - To re-enact the relevant parts (section 143 and paragraph 14 of schedule 18) of the Political Parties, Elections and Referendums Act 2000 (amended as, necessary, to achieve the above) suspended by the EPA. It is not proposed that the re-enacted provisions will extend to any elections other than those provided for in PPERA and the RPA.

3. This change will require primary legislation and cannot therefore be effected by using the order making power in the EPA. The Government will seek to amend PPERA (and repeal the EPA) at the earliest possible opportunity when a legislative vehicle becomes available. Following enactment of such legislation the Government will ensure that the amendments are brought into force with sufficient notice to allow the political parties to make the necessary changes.

The use of Post Office Box numbers

4. Political parties have also raised the issue of the definition of address and, in particular, whether PO box numbers are sufficient for the purposes of imprints. PPERA does not define "address" for the purpose of imprints or, for that matter any other purpose. Similarly, the RPA 1983 appears to assume that the term "address" will be given its normal meaning; only occasionally, for example in respect of nomination papers, does the Act refer specifically to a candidate being required to provide his home address.
5. As there is nothing to suggest that, in respect of imprints, a PO Box number cannot be used there is to be no change to legislation and PO box numbers are to remain permissible in accordance with precedent. Furthermore, PO box numbers are traceable via the Royal Mail Website, except when withheld on police advice.

Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

Could you please comment upon the proposal to bring into force the Political Parties, Elections and Referendums Act 2000's provisions regarding imprints on election material?

And also;

Could you please comment upon the proposed change to allow the political party's name to be substituted for a list of candidates in the case of there being more than one candidate per party per election?

Thank you for participating in this consultation exercise

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (eg. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

How to respond

Please send your response by 20/04/2005 to:

James Coughlan
Department for Constitutional Affairs
Electoral Policy Division
6.21
Selborne House
54-60 Victoria Street
London
SW1E 6QW

Tel: 020 7210 8238
Fax: 020 7201 2659
Email: james.coughlan@dca.gsi.gov.uk

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <http://www.dca.gov.uk/index.htm>

Publication of response

A paper summarising the responses to this consultation will be published in three months time. The response paper will be available on-line at <http://www.dca.gov.uk/index.htm>

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

The Department may wish to publish responses to this consultation document in due course. **Please ensure your response is marked clearly if you wish your response or name to be kept confidential.**

If you are replying by email, your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system, unless you specifically include a request to the contrary in the main text of your submission to us.

Confidential responses will be included in any statistical summary of numbers of comments received and views expressed.

The Consultation Criteria

The six consultation criteria are as follows:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the time scale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Consultation Co-ordinator contact details

If you have any complaints or comments about the consultation **process** rather than about the topic covered by this paper, you should contact the Department for Constitutional Affairs Consultation Co-ordinator, Laurence Fiddler, on 020 7210 2622, or email him at consultation@dca.gov.uk

Alternatively, you may wish to write to the address below:

Laurence Fiddler
Consultation Co-ordinator
Department for Constitutional Affairs
5th Floor Selborne House
54-60 Victoria Street
London
SW1E 6QW

If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given under **the How to respond** section of this paper at page 14.

© Crown copyright
Produced by DCA Corporate Communications
March 2005
DCA CP(L) 09/05