



Llywodraeth Cymru
Welsh Government

Justice System Impact Identification

Form

1. Policy lead contact details

1.1. Name / Job Title

1.2. Department / office /
business area

1.3. Telephone number

1.4. Email address

1.5. a) Date of submission of
this form

1.6. b) When is a response
required?

2. Additional contact details

2.1. Legal Contact

2.2. Telephone number

2.3. Email address

3. General information

- 3.1. Please provide a) contact details of your lead official for the appraisal of costs or savings and;
b) the Justice Policy lead if known.

- 3.2. In brief, what is your proposal? **(no more than half a page)** (*This information is provided to help MoJ officials understand the intent of the proposed change in order to be able to comment as fully as possible on its potential impacts*).

The Local Government and Elections (Wales) Bill
JSII Form Ref Batch 2: 1 of 3 (Revised 06.02.19)

The Local Government and Elections (Wales) Bill will include provisions relating to the electoral system for local government elections in Wales. The reforms aim to improve the electoral process and extend the electoral franchise. Those reforms for which an impact has been considered include:

- *Extending the franchise.* Lowering the voting age to 16 for local government elections and extending the vote to foreign citizens legally resident in Wales who are not currently eligible to vote.
- *Combined Register.* Welsh Government are proposing to create an additional “all Wales” database which will not replace the existing 22 Electoral Registers but which will be an additional database, allowing for the development of electoral pilots, improve accuracy of voter registration and facilitate the sharing of information in respect of cross boundary election
- *Improving Voter Registration.* Providing power for electoral registration officers to add individuals to the local government electoral register without receiving an application from an individual where that officer is satisfied that an individual has the right to be included in the local government register (and in reliance on existing data sharing powers).

- 3.3. Please specify the name of this (and any related) legislation. How do you expect the relevant provisions of this (new) legislation to be enacted?

The provisions will be enacted through the proposed Local Government and Elections (Wales) Bill. Existing legislation concerning the franchise and registration of electors is the Representation of the People Act 1983. The Local Elections (Principal Areas) (England and Wales) Rules 2006 outline information that must be provided by candidates on nomination. The Representation of the People (England and Wales) Regulations 2001 including provisions concerning electoral registration. Offences in relation to the combined register will be enacted through amendments to the 1983 Act. Appeals mechanisms under the ‘improving voter registration’ proposals will be achieved by amending section 56 of the 1983 Act.

3.4. Please indicate the anticipated date when a) the legislative changes are expected to come into force and b) the date when the first anticipated impact on the justice system will arise.

- a) The provisions to extend the franchise will take effect from the date of the next ordinary local government elections in Wales which are scheduled to be held in May 2022.
- b) Provisions on a Combined Register will need consultation on the subordinate legislation which will provide for the scheme which won't start until after 2022.
- c) Individuals will be added to the electoral register as part of the annual canvass which will start in July 2021.
- d) Provisions to improve voter registration (a) will come into force by commencement regulations and (b) could first have an impact on the justice system shortly after coming into force (if early decisions to register or not register an individual were subject to challenge or prosecution).

3.5. If altering or introducing an offence, sanction or penalty, which of the following groups will the proposal affect and in what circumstances? (Tick all that apply)

- ☒ Individuals
- ☐ Private Institutions (e.g. Businesses)
- ☒ Public Institutions (e.g. Government Departments)

- *Extension to the Franchise*

There is an existing sanctions framework set out in the Representation of the People Act 1983 for various electoral offences eg providing false registration details, multiple voting etc. It is noted that extending the franchise to a wider group of people means that this sanctions framework will apply to more people. There is no evidence to suggest that this will lead to an increase in offences taking place. Certainly this is the experience in Scotland where the franchise was already been extended to 16 and 17 year olds

- *Release of young people's electoral information.*

The new summary offence of disclosing electoral information about young people under the age of 16 would have an impact on individuals who could commit such offences. Should a potential offence be identified, it would be a matter for the police to investigate. There is an equivalent offence in Scottish law following the extension to the franchise to 16 year olds and there is no evidence from Scotland that any offences have been committed.

- *Combined Register*

Where the "host" organisation of the combined register or officer of the combined register is in breach of their official duties (under Sections 63 and 178 of the 1983 Act) they will be liable to on summary conviction to a fine not exceeding level 5 on the standard scale .

- *Improving Voter Registration*

Where an electoral registration officer is in breach of their official duties (under section 63 of the 1983 Act) they will be liable to on summary conviction to a fine not exceeding level 5 on the standard scale.

Section 56 of the 1983 Act enables a person to appeal the decision of an ERO to register an elector to the county court. The existing appeals framework will apply where an ERO makes a decision whether to automatically register an elector under the new proposals.

- 3.6. Does your legislation only have impact in Wales or are you working jointly with other administrations? Tick all that apply and provide brief details as appropriate, including whether your proposal will create different laws in Wales compared to England, Scotland and / or Northern Ireland.

Please note that, with the exception of the devolved tribunals, the MoJ administers the justice system in England and Wales only. Please talk directly to the MoJ devolution unit if you anticipate your proposal could have an impact on courts or prisons in Scotland or Northern Ireland.

- ☒ Wales only
☐ England
☐ Scotland
☐ Northern Ireland
☐ Other (Please Specify)

The proposals to extend the franchise to 16 and 17 year olds and non UK citizens will apply only to local government elections in Wales. There is the possibility that a young person who is in the care of a Welsh local authority may reside elsewhere in the UK. They would be able to register by using a declaration of local connection and having a proxy or postal vote. It is not thought that this has any impact on the justice system.

The changes to combined register apply to Wales only.

The provisions for improving voter registration apply to local government elections in Wales.

- 3.7. If your legislation could directly impact visitors to Wales or other people not normally resident in Wales, or if your legislation is significantly different from elsewhere in England, Scotland or Northern Ireland;-

- a) what arrangements have you made to ensure ongoing awareness raising of the different legislative approach on this issue in Wales?
- b) what will be the implications on the enforcement agencies of taking forward action against individuals not usually resident in Wales?

Only those resident in Wales will be able to register and vote in the Welsh local government elections.
The Electoral Commission has a duty to raise public awareness to ensure that people know when and how to register to vote.
Local authority Electoral Registration Officers (ERO) have a duty to maintain a register of local government electors. EROs must take all steps practicable to maintain the register and as far as possible ensure that all those eligible to vote are included on the register.
Changes to the franchise will also be communicated via a media campaign. There will also be a new duty on Welsh local authorities to promote awareness among young people (aged 14-17) of the arrangements for registering to vote and to help them to register.

3.8. What are the options under consideration and how does this change the existing situation?

Options have been considered in relation to enforcing the new policies around electoral reform.

1. **Do nothing:** A do nothing option was rejected in view of the incongruity of the fit of the proposed new offences with the existing sanctions framework which exists. This would have no impact on the Justice System.
2. **Other ways to achieve the objective.** Consideration was also given to other ways to ensure compliance with the provision set out in the Bill such as incentives, guidance etc. This option was rejected as there is already a robust guidance framework in place for Electoral Registration Officers and candidates, provided by the Electoral Commission. A framework of performance standards to be followed electoral administrators in relation to elections also already exists. This option would have not impact on the Justice System.
3. **Ensure fit of new provisions with existing sanctions framework around elections.** The existing sanctions framework set out in the Representation of the People Act 1983 for various electoral offences eg providing false registration details, multiple voting etc is robust and effective as a deterrent. There is little evidence of large numbers of electoral offences across the UK and even less in Wales (see figures below). In giving consideration to the options moving forward, we were mindful of the need to be consistent with existing offences as well as the need to ensure the general populations' trust in elections by way of a robust deterrent. The changes in the enforcement provisions identified above are not expected to have a material impact on the justice system.

Evidence of existing offences across the UK.

The Electoral Commission collect, analyse and publish data from police forces across the UK about cases of alleged electoral fraud in the UK each year (beginning in 2010). The latest published figures indicate that the total number of alleged electoral fraud offences across the UK in 2017 was 336. Of these 36 relate to electoral registration and 104 relate to voting. The most frequent type of registration fraud is providing false information in electoral registration applications.

The risk of more offences being committed if the franchise is extended to 16 and 17 year olds and non UK citizens is considered low.

3.9. If you are creating a new civil sanction or penalty which court or tribunal, in your opinion, should deal with it?

Not applicable.

Criminal Offences and Civil Penalties and Sanctions

3.10. Which of the following are you creating / amending? (Tick all that apply)

- ☒ Civil Sanctions
- ☐ Fixed Penalties
- ☐ Civil Orders
- ☐ Criminal Sanctions
- ☒ Criminal Offences
- ☐ Other (Please Specify)

The existing electoral offences in the Representation of the People Act 1983 will potentially apply to a wider range of people in light of the proposed extension of the franchise.

As noted in paragraphs 3.2 and 3.5 above, a new summary criminal offence is being created which addresses disclosure of information about young people (under 16) that has been supplied by an electoral registration officer.

Where the "host" organisation of the combined register or officer of the combined register is in breach of their official duties (under Sections 63 and 178 of the 1983 Act) they will be liable to on summary conviction to a fine not exceeding level 5 on the standard scale. Similarly the offence could apply in relation to an electoral registration officer that breaches their official duties (under section 63 of the 1983 Act) in relation to the improving voter registration provisions.

Existing provisions concerning appeals against registration decisions would be extended to cover appeals in relation to the provisions concerning improving voter registration.

3.11. If you are creating a criminal offence, is it:

- ☒ Summary Only (heard before a bench of lay magistrates / judge only)
- ☐ Triable Either Way
- ☐ Indictable Only (heard before a judge and jury)

3.12. Who will be responsible for the enforcement of your legislative proposal and how will they take this role forward? Will there be a reduced need for enforcement action?

The police would be responsible for investigating an alleged commission of the new offence of disclosing young people's information supplied by an electoral registration officer otherwise than in accordance with statutory criteria. It is not envisaged that the new offence will lead to an increase in enforcement action. Prosecutions for electoral offences are reasonably rare (see paragraph 3.13 below).

The police would also be responsible for investigating a breach of official duties of the "host" organisation of the combined register and of electoral registration officers in relation to their activity connected with improving voter registration. In the UK, election results may be challenged by a candidate in the election or an elector in that area by issuing legal proceedings known as 'election petitions'.

Election petitions fall within two, sometimes overlapping, categories:

- Petitions alleging an error on the part of an election official (this includes a petition based, for example, on a complaint that the votes were not correctly adjudicated as valid or invalid or not counted accurately), and
- Petitions alleging that a candidate or agent of a candidate committed an electoral offence³.

Election petitions are heard in an Elections Court.

3.13. What is the anticipated number of cases per year? Please provide details of any evidence of assumptions on which estimates are based.

The estimated maximum number of people to be added to the register is 70, 800 16 and 17 year olds. This figure is based on census data.

Non UK citizens will also be added to the register. The number of overseas citizens total 94,000 which includes EU and Commonwealth Citizens. There is no separate data to identify the number of this cohort which would not be entitled to be registered already.

Electoral offences are infrequently prosecuted across the UK. The Electoral Commission's report on analysis of the cases of alleged electoral fraud in the UK in 2017 shows the number of cases was 336. 12 of these cases were reported by Welsh Police forces in 2017 from a total electorate of 2,279,216.

In 2017 of the total cases the police took no further action following the conclusion of their investigations and 82 were resolved locally. At the time the report was published 44 cases were under investigation, 7 prosecution advice awaiting, 2 court procedures initiated, 1 acquitted, 8 cautioned, 1 convicted and 13 other.

Of the 336 cases the number of cases in each category is-

Voting –104 cases, accounting for 31% of all reported cases

Campaign – 165 cases, accounting for 49% of all reported cases

Nomination – 25 cases, accounting for 7% of all reported cases

Registration – 36 cases, accounting for 11% of all reported cases

Administration –3 cases, accounting for 1% of all reported cases

Miscellaneous – 3 cases, accounting for 1% of all reported cases

As highlighted above, cases of alleged electoral fraud relating to nomination offences accounted for 25 cases, seven per cent of the total number of cases reported. The most frequently reported type of nomination case related to the offence of making a false statement in a nomination form (13 cases). In a total of 18 of the 25 alleged cases, police forces took no further action following the conclusion of their investigations (a mix of no offence having been committed and insufficient evidence to conclude). One case relating to allegations that a false statement was made on nomination papers for a local government election resulted in a police caution.

The Electoral Commissions Analysis of Cases of Alleged Electoral Fraud in the UK report 2017 set out the categories of cases (as above) which did not indicate there were any cases in the category of breach of official duty. There for we estimate the impact of breach of duty in relation to the "hosting" of a Combined Register to be minimal.

Scotland created similar offences on extension to the franchise with respect to releasing young people electoral data and officials in Scotland have confirmed there have no increase in cases either in relation to the additional numbers of the electoral or in relation to the new offences. .

3.14. Do you expect proceedings to be heard in the Magistrates' Court, the Crown Court, or a Civil Court? What will the proportions be?

Proceedings for the new offence of disclosing information about young people without statutory authority, these would be heard in the Magistrates' Court.

In relation to the "host" of the Combined Register and electoral registration officers in relation to improving voter registration, a breach of Official duty would be heard at the Magistrates' Court. See answers to 3.13. There were no cases of breach of official duty reported in the 2017 Electoral Commission Report.

The existing appeals framework for decisions of the registration officers provides that appeals lie with the county court – those provisions will continue to apply even where a person is registered automatically.

As stated above, there has been little evidence of electoral fraud in Wales so we estimate minimal impact on the Justice System. Figures from Scotland where the franchise was extended to 16 and 17 year olds and a similar offence of disclosing information about young people was created suggest low impact. Officials from Scotland indicate they have not been informed of any additional electoral offences being prosecuted as a result of the extension of the franchise.

3.15. Please state the maximum associated fine and/or custodial penalties. In the case of offences involving penalties of a fine or custody, please indicate and explain the circumstances which would result in a custodial sentence upon conviction and the proportion of custodial penalties which will be at the maximum level.

- The potential fine for the offence of disclosing information about young people without statutory authority is unlimited.
- The penalty for breach of official duty is an unlimited fine.

For context, existing electoral offences can result in fines or imprisonment. Examples are set out below

<i>Summary of offence</i>	<i>Person or persons liable</i>	<i>Penalty</i>
<i>Providing false registration details</i>	<i>Any person</i>	<i>Up to six months imprisonment and/or an unlimited fine</i>
<i>Registering when not entitled to do so</i>	<i>Any person</i>	<i>Up to six months imprisonment and/or an unlimited fine</i>
<i>Making a false or fraudulent postal, proxy, service declaration and local connection voting application</i>	<i>Any person</i>	<i>Up to six months imprisonment and/or an unlimited fine</i>
<i>Personation</i>	<i>Any person (who commits, aids, abets, counsels or procures the commission of the offence of personation)</i>	<i>On summary conviction: an unlimited fine and/or up to six months imprisonment. On indictment: fine and/or up to two years imprisonment</i>
<i>Voting whilst subject to legally incapacity</i>	<i>Any person</i>	<i>An unlimited fine</i>
<i>Multiple voting</i>	<i>Any person</i>	<i>An unlimited fine</i>
<i>Breach of official duty</i>	<i>Clerk of the Crown or their deputy, the registration officer, returning officer, any person whose duty it is to be responsible after a parliamentary or local government election for used ballot papers and other documents.</i>	<i>An unlimited fine</i>

3.16. Please provide details of any proxy or current offences and / or penalties on which the proposed penalties are based.

Summary of offence	Person or persons liable	Penalty
Providing false registration details	Any person	Up to six months imprisonment and/or an unlimited fine
Registering when not entitled to do so	Any person	Up to six months imprisonment and/or an unlimited fine
Making a false or fraudulent postal, proxy, service declaration and local connection voting application	Any person	Up to six months imprisonment and/or an unlimited fine
Personation	Any person (who commits, aids, abets, counsels or procures the commission of the offence of personation)	On summary conviction: an unlimited fine and/or up to six months imprisonment. On indictment: fine and/or up to two years imprisonment
Voting whilst subject to legally incapacity	Any person	An unlimited fine
Multiple voting	Any person	An unlimited fine
Breach of official duty	Clerk of the Crown or their deputy, the registration officer, returning officer, any person whose duty it is to be responsible after a parliamentary or local government election for used ballot papers and other documents	An unlimited fine
Wilfully making a false statement or signatures in nominations papers	Candidate	Up to 1 year maximum sentence and unlimited fine.
The new offence of disclosing young people's electoral reform information is based on the Scottish offence in section 14 of their Scottish Elections (Reduction in Voting Age) Act 2015 Act. The unlimited fine element is consistent with other electoral offences.		

- 3.17. Please provide details of the relevant legislation (where appropriate) and confirm whether the creation or amendment of criminal offences and penalties has been agreed in line with the guidance available at <https://www.gov.uk/government/publications/making-new-criminal-offences>.

Election offences are set out in the Representation of the People Act 1983. The proposals have given regard to the guidance on making new criminal offences. There is existing government commitment to criminalise behaviour around election fraud. There is minimal election fraud in the UK and Wales in particular has few reported cases of electoral fraud so it's possible the existing sanctions contribute toward deterrent. Trust in elections is paramount to the general public having faith in free and fair elections and a robust deterrent is in the public interest.

- 3.18. What will be the short, medium and lifelong implications for an individual found guilty of this offence, and how is this proportionate to the offence created?

Disclosing information about a young person contrary to statutory restrictions.

In terms of this new offence, the short term implications would be the immediate payment of a fine if a person were found guilty. There may be reputational damage arising from a conviction which could have medium term implications. It is not considered that there are lifelong implications from the conviction for this offence.

The penalty is considered proportionate in the context of the sensitivities around personal information about young people and the need to ensure that it is treated carefully and that its disclosure is subject to restrictions. Electoral information about young people under the age of 16 will include details of names, ages and addresses and it is important (and consistent with the General Data Protection Regulations) that there are limitations placed on the further disclosure of that information, backed up with an appropriate sanction.

Improving voter registration

If an electoral registration officer were to be found to have breached their official duty under sections 63 of the 1983 Act, they will be liable to on summary conviction to a fine not exceeding level 5 on the standard scale. The short term implications would be the immediate payment of a fine if a person were found guilty. There may be reputational damage arising from a conviction, which could have medium term implications. It is not considered that there are lifelong implications from the conviction for this offence.

Combined register

Were the "host" of the combined Register be found to have breached their official duty under Sections 63 and 178 of the 1983 Act) they will be liable to on summary conviction to a fine not exceeding level 5 on the standard scale. The short term implications would be the immediate payment of a fine if a person were found guilty. There may be reputational damage arising from a conviction would could have medium term implications. It is not considered that there are lifelong implications from the conviction for this offence.

Other impacts - a conviction won't form part of any credit report.

- 3.19. Does this legislation impose any duty on the public sector? If so, please provide your assessment of the likelihood of individuals or businesses taking action against the public sector for non-compliance with this legislation.

The legislation will place duties on public bodies. As part of arrangements to improve voter registration there will be the opportunity for local authorities to automatically add to the local government register any individuals for who the ERO believes they have all the necessary information. Where this is the case, there will be a requirement that the ERO notify the individual that they will be added to the register following expiry of a period of 28 days.

There will also be a new duty on local authorities to promote awareness of registration amongst young people.

Duties on public authorities are potentially subject to judicial consideration by means of Judicial Review. However, we estimate the risk to be low as Judicial Review proceedings against Electoral Registration Officers are rare. We have not been able to quantify any proceeding against Electoral Registration Officers in recent years.

4. HM Courts & Tribunals Service and the Welsh Tribunals Service

Estimating the change to caseload of the Courts and Tribunals Service (including devolved tribunals)

- 4.1. Do you expect there to be a change in Court or Tribunals process or an increase / decrease in applications / cases to HM Courts and Tribunals Service and / or the Welsh Tribunals through the creation or amendment of this law? Please provide an estimate of the change to volumes of cases going through the court system as a whole, explain any changes in process and outline the evidence and sources that support these estimates.

The new offences created would be tried in the Magistrates' Courts but previous paragraphs have outlined evidence from elsewhere that evidence of electoral offences across the UK is low so we would not anticipate any increase in cases in Wales where there is little evidence of electoral fraud. We do not estimate that changes in court process are required as existing criminal court processes will apply.

We have looked for evidence of the volume of Judicial Review cases brought against Electoral Registration Officers, instances of electoral fraud in relation to candidate nomination as well as evidence from Scotland where the franchise was increase to include 16 year olds and have found little evidence that the changes proposed would impact on the Courts or Tribunal Services.

- 4.2. Please confirm if the courts / tribunals would be under any duty to inform any regulatory authorities of any convictions made under this offence.

☐ **Yes** (please provide details)

In relation to the proposals that candidates for local government elections must declare party membership, if convicted and a prison sentence received then the Court would need to inform the police for the offence to be added to the criminal record. However, if a fine is imposed and not prison sentence then there is no need for the Court to inform the police.

Appeal Rights

- 4.3. Does your proposal create a new right of appeal or expand an existing jurisdiction in the Unified Tribunals System or route to judicial review? If so, how do you expect these to be handled (i.e. administered by HM Courts & Tribunals Service or Welsh Tribunals)?

The improving voter registration proposals provide that an ERO may be able to add a person to the register of local government electors, if the officer is satisfied that the person should be on the register. The ERO must inform the person if he/she intends to add them to the register. The Bill also provides that a person may appeal to the county court if they wish to appeal the decision of the registration officer. Such an appeal would arise for example where an ERO decided to register a person even in a case where an objection has been made. This provision applies the current appeals provisions contained in section 56 of the Representation of the People Act 1983. We have not been able to identify cases of appeals by individuals against registration and, therefore, estimate minimal impact on the justice system.

- 4.4. Do you expect to establish a new tribunal jurisdiction? If so, has this been discussed with the Welsh Tribunals Unit / Ministry of Justice?

Not applicable

Alternative Dispute Resolution

- 4.5. To what extent could the use of alternative dispute resolution (ADR) procedures (including mediation) be appropriate? How will success in ADR be measured?

Not applicable

Prosecution and Enforcement

- 4.6. If the proposal is to add a new offence, will the Crown Prosecution Service act to prosecute defendants? If not, please identify who will prosecute.

The new offence of disclosing information about a young person could be dealt with by the Crown Prosecution Service as will breach of official duty in relation to Improved Voter Registration as well as the Combined Register .

- 4.7. Will the proposal require enforcement mechanisms for civil debts, civil sanctions or criminal penalties? If yes, who do you expect to enforce these?

Yes – In the case of the new offence of disclosing information about a young person, the penalty will be an unlimited fine which will be enforced through the usual Court mechanism. This also applies to breach of official duty offences

HMCTS Procedural Rules, Sentencing and Penalty Guidelines

- 4.8. Do you anticipate that Court and/or Tribunal procedural rules will have to be amended? If so, when is the likely date for the changes?

Not applicable

4.9. Will the proposals require sentencing and / or penalty guidelines to be amended?

Not applicable



5. Legal Aid and Court Fees

5.1. What evidence is there that individuals affected by your proposal will be able to afford:

- a) legal representation and legal advice in order to secure a fair hearing of their case
- b) associated court fees

What legal costs for a typical case could each party bear and what provisions exist for a party found innocent to recover all or any of their legal costs?

Regarding sanctions which may apply for electoral Registration Officers, the Electoral Commission's guidance for local government and Assembly elections reminds Returning Officers that they are personally responsible for the conduct of the elections and a part of their planning should be able to demonstrate that they have adequate insurance cover. In many cases the Returning Officer's cover is included in the local authorities insurance. Therefore, providing those criteria are met, the costs for Electoral Registration Officers are roles carried out by the same individual – which is usually also the Chief Executive of the relevant local authority. Therefore, it would seem likely that even if the event their professional insurance was not sufficient cover that the salary of the Chief Executive would mean they could accommodate legal costs.

5.2. Once implemented, is your proposal likely to require individuals to seek legal advice and to apply for legal aid in any of the following areas? In each case please provide supporting evidence.

- ☒ Criminal
- ☐ Civil (including Family)
- ☐ Asylum
- ☐ Legal aid not available (please provide supporting evidence)

In respect of summary offences and civil penalties, the majority of people who are charged with a summary election offence where the penalty is a fine will not be eligible for legal aid.

5.3. If legal aid may be affected, would legal aid costs increase or be reduced (and by what margin)?

Not applicable.

6. Prisons and Offender Management Services

Impact on HM Prison Services

6.1. Will the proposals result in a change in the number of offenders being committed to custody (including on remand) or probation (including community sentences)? If so, please provide an estimate and reasoning behind it, an estimated timeframe to reach this number of sentences, what evidence this is based on, and the source for your information.

At the time of publication (March 2018) of the Electoral Commission's report - analysis of cases of alleged electoral fraud in the UK in 2017, of the 336 cases of alleged fraud report in 2017 there was one conviction, one acquittal, two cases of court proceedings initialled and seven cases prosecution advice awaiting.

It is considered that the policy proposals are unlikely to increase the number of offenders being committed to custody.

- 6.2. Does the proposal create, remove or change an existing offence with a custodial or probationary sentence, or change the way offenders go through the prison / probation service? If so, please provide details, including the expected impact on probationary services.

The existing court mechanism would continue in cases of alleged electoral fraud or breaches of official duty.



7. Main Justice System Impacts Identified

7.1. Volumes and Costs or Savings (please lengthen if necessary):-

NB in all cases, assume an average annual figure or make clear if a different timespan is being considered. Where there may be significance variance from average in the first years of implementation, please add additional information in the notes below.

Identify the court or tribunal or MoJ service that will be affected by this proposal?	Volumes (please provide both numeric estimates and min-max ranges)	Type (e.g. prison place, tribunal hearing, fixed penalty, etc.)	Estimated recurring annual costs or savings (both numeric estimate and min-max range) (£)	Estimated initial set up costs (£)	Additional Information
Criminal Offences and Sanctions The majority of cases would be tried in the Magistrates Court	Less than 1 per year.	Existing electoral offences are an either way offence and can attract a fine or a prison sentence.	£0	£0	
Civil Penalties	Less than 1 per year	Existing electoral offences can attract a fine or a prison sentence.	£0	£0	
HM Courts & Tribunals Services	Less than 1 per year.	Utilises existing appeal framework in the county court	£0	£0	
Welsh Tribunals					

Identify the court or tribunal or MoJ service that will be affected by this proposal?	Volumes (please provide both numeric estimates and min-max ranges)	Type (e.g. prison place, tribunal hearing, fixed penalty, etc.)	Estimated recurring annual costs or savings (both numeric estimate and min-max range) (£)	Estimated initial set up costs (£)	Additional Information
Please see the table at					
Legal Aid					
Notes:- In the majority of cases it is likely a fine would be imposed and it is unlikely legal aid would be agreed.					

7.2. Prisons and Offender Management Services (lengthen if necessary, only complete if maximum penalty is something other than a fine):

Offence	Maximum Penalty	No. of prosecutions brought per annum (numeric estimate and min-max range)	Likely proportion sentenced to immediate custody	Likely average custodial sentence length given	Estimated costs or savings p.a. (£) ¹ (please provide numeric estimate and min-max range)
Notes:					

¹ The MoJ publish statistics on "Prison cost per place and cost per prisoner:" - see <https://www.gov.uk/government/statistics/announcements/prison-cost-per-place-and-cost-per-prisoner-2017-to-2018>

Please be aware that any costs or savings identified as a result of any changes to the justice system /additional work must be factored in to the financial assessment of your legislation.

