
Committee Stage: Thursday 16 September 2021

Elections Bill (Amendment Paper)

This document lists all amendments tabled to the Elections Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

New Amendments: 1 to 22

Chloe Smith

8

- ★ Schedule 7, page 122, line 8, leave out sub-paragraphs (1) to (7) and insert—
- “(1) In section 2 of RPA 1983 (local government electors), in subsection (1)(c), for the words from “Ireland” to the end substitute “Ireland or—
- (i) in relation to a local government election in England, a qualifying EU citizen or an EU citizen with retained rights, or
 - (ii) in relation to a local government election in Wales, a relevant citizen of the Union or a qualifying foreign citizen; and”.
- (2) In section 4 of that Act (entitlement to be registered as local government elector), in subsection (3)(c), for the words from “Ireland” to the end substitute “Ireland or—
- (i) in relation to a local government election in England, a qualifying EU citizen or an EU citizen with retained rights, or
 - (ii) in relation to a local government election in Wales, a relevant citizen of the Union or a qualifying foreign citizen; and”.
- (3) In section 7B of that Act (notional residence: declarations of local connection)—
- (a) in subsection (3)(e), for the words from “Ireland” to the end substitute “Ireland or—
 - (i) if the declaration is made for the purposes only of the registration of local government electors in England, a qualifying EU citizen or an EU citizen with retained rights, or
 - (ii) if the declaration is made for the purposes only of the registration of local government electors in Wales, a

- relevant citizen of the Union or a qualifying foreign citizen;”;
- (b) in subsection (7)(a), for “by a relevant citizen of the Union; and” substitute “—
- (i) in relation to local government elections in England, by a qualifying EU citizen or an EU citizen with retained rights, or
 - (ii) in relation to local government elections in Wales, by a relevant citizen of the Union; and”.
- (4) In section 15 of that Act (service declaration), in subsection (5)(a), for “, or by a relevant citizen of the Union; and” substitute “or—
- (i) in relation to local government elections in England, by a qualifying EU citizen or an EU citizen with retained rights, or
 - (ii) in relation to local government elections in Wales, by a relevant citizen of the Union; and”.
- (5) In section 16 of that Act (contents of service declaration), as it extends to England and Wales, in subsection (1)(e) for the words from “a relevant” to the end substitute “—
- (i) if the declaration is made for the purposes only of the registration of local government electors in England, a qualifying EU citizen or an EU citizen with retained rights, or
 - (ii) if the declaration is made for the purposes only of the registration of local government electors in Wales, a relevant citizen of the Union or a qualifying foreign citizen,”.
- (6) In section 16 of that Act (contents of service declaration), as it extends to Northern Ireland, in paragraph (e) for “or a relevant citizen of the Union” substitute “or a qualifying EU citizen or an EU citizen with retained rights”.
- (7) In section 17 of that Act (effect of service declaration), in subsection (1)(c), for the words from “a relevant” to the end substitute “—
- (i) if the declaration is made for the purposes only of the registration of local government electors in England, a qualifying EU citizen or an EU citizen with retained rights, or
 - (ii) if the declaration is made for the purposes only of the registration of local government electors in Wales, a relevant citizen of the Union or a qualifying foreign citizen,
- of the age appearing from the declaration and as not being subject to any legal incapacity except as so appearing.””

Member’s explanatory statement

This amendment makes technical amendments to provisions of the Representation of the People Act 1983, to clarify that changes affecting the rights of EU citizens to vote in local government elections in England do not affect the position in relation to local government elections in Wales.

Chloe Smith

9

- ★ Schedule 7, page 123, line 6, after “elector” insert “in England”

Member’s explanatory statement

This amendment clarifies that section 49(5)(b)(iiiia) of the Representation of the People Act 1983 (inserted by paragraph 1(8)(a) of Schedule 7) will apply to England only.

Chloe Smith

10

- ★ Schedule 7, page 123, line 11, leave out paragraph (b) and insert—
“(b) in sub-paragraph (iv), after “elector” insert “in Wales”.”

Member’s explanatory statement

This amendment clarifies that section 49(5)(b)(iv) of the Representation of the People Act 1983 will continue to apply, but to Wales only.

Chloe Smith

11

- ★ Schedule 7, page 124, line 38, leave out “(5)” and insert “(4)”

Member’s explanatory statement

This amendment is consequential on Amendment 14.

Chloe Smith

12

- ★ Schedule 7, page 125, line 1, leave out from “has” to “granted” in line 2 and insert “UK or Islands leave”

Member’s explanatory statement

This amendment and Amendment 16 introduce the term “UK or Islands leave” to mean leave under the Immigration Act 1971 to enter or remain in the United Kingdom, the Channel Islands or the Isle of Man.

Chloe Smith

13

- ★ Schedule 7, page 125, line 4, leave out from “with” to end of line 7 and insert
“provision in residence scheme immigration rules for joining family members”

Member’s explanatory statement

This amendment expands subsection (2)(b) of inserted section 203B of the Representation of the People Act 1983 to cover provision in residence scheme immigration rules for the Channel Islands and the Isle of Man in relation to joining family members.

Chloe Smith

14

- ★ Schedule 7, page 125, line 8, leave out from beginning to end of line 2 on page 126 and insert—

- “(3) A person falls within this subsection if—
- (a) the person has UK or Islands leave but does not fall within subsection (2), and
 - (b) the requirements of subsection (5) are met in relation to the person.
- (4) A person falls within this subsection if—
- (a) the person does not require UK or Islands leave,
 - (b) the person is resident in the United Kingdom or any of the Islands, and
 - (c) the requirements of subsection (5) are met in relation to the person.
- (5) The requirements referred to in subsections (3)(b) and (4)(c) are that—
- (a) at all times since the relevant date, the person has either had UK or Islands leave or not required UK or Islands leave, and
 - (b) the person was resident in the United Kingdom or any of the Islands at all times after the relevant date when the person did not require UK or Islands leave.
- (6) In determining whether the requirement in subsection (5)(a) is met in relation to a person, any period to which subsection (6A) applies is to be disregarded if the person was resident in the United Kingdom or any of the Islands during the period.
- (6A) This subsection applies to any period after the relevant date during which the person required UK or Islands leave but did not have it, if at the end of the period the person was granted UK or Islands leave—
- (a) in pursuance of an application made before the end of the relevant date, or
 - (b) in pursuance of an application made after the relevant date, where the leave was granted—
 - (i) by virtue of residence scheme immigration rules, and
 - (ii) otherwise than in accordance with provision in such rules for joining family members.”

Member’s explanatory statement

This amendment replaces subsections (3) to (6) of inserted section 203B of the Representation of the People Act 1983 with two categories of “EU citizens with retained rights”: those with immigration leave who are not caught by subsection (2), and those who do not require immigration leave but are resident in the United Kingdom, the Channel Islands or the Isle of Man.

Chloe Smith

15

- ★ Schedule 7, page 126, line 11, leave out from “having” to “includes” in line 13 and insert “UK or Islands leave”

Member’s explanatory statement

See the explanatory statement for Amendment 12.

Chloe Smith

16

- ★ Schedule 7, page 126, line 28, at end insert—

““UK or Islands leave” means leave under the 1971 Act to enter or remain in the United Kingdom or any of the Islands.”

Member’s explanatory statement

See the explanatory statement for Amendment 12.

Chloe Smith

17

- ★ Schedule 7, page 126, leave out lines 29 and 30 and insert “In this section—”

Member’s explanatory statement

See the explanatory statement for Amendment 13.

Chloe Smith

18

- ★ Schedule 7, page 126, line 40, at end insert—

“(11)References in this section to provision in residence scheme immigration rules for joining family members are references to—

- (a) paragraph EU11A or EU14A of Appendix EU to the immigration rules or provision replacing either of those paragraphs, or
- (b) provision corresponding to provision within paragraph (a) in the Guernsey immigration rules, the Isle of Man immigration rules or the Jersey immigration rules.”

Member’s explanatory statement

See the explanatory statement for Amendment 13.

Chloe Smith

19

- ★ Schedule 7, page 130, line 1, leave out sub-paragraph (5) and insert—
- “(5) In Part 2 of Schedule 1 (modifications of provisions of RPA 1983 applied to local elections)—
- (a) in paragraph 7, before sub-paragraph (2) insert—
- “(1A) In section 4(3)(c)—
- (a) in sub-paragraph (i), omit “in relation to a local government election in England,”, and
- (b) omit sub-paragraph (ii) (and the “or” preceding it).”;
- (b) for paragraph 7A substitute—
- “7A In section 7B—
- (a) references to the United Kingdom are to be read as references to Northern Ireland;
- (b) in subsection (3)(e)—
- (i) in sub-paragraph (i), omit “in England,”, and
- (ii) omit sub-paragraph (ii) (and the “or” preceding it);
- (c) in subsection (7)(a)—
- (i) in sub-paragraph (i), omit “in England,”, and
- (ii) omit sub-paragraph (ii) (and the “or” preceding it).”;
- (c) before paragraph 12 insert—
- “11A In section 15(5)(a)—
- (a) in sub-paragraph (i), omit “in England,”, and
- (b) omit sub-paragraph (ii) (and the “or” preceding it).
- 11B In section 17(1)(c)—
- (a) in sub-paragraph (i), omit “in England,”, and
- (b) omit sub-paragraph (ii) (and the “or” preceding it).”;
- (d) in paragraph 12, for paragraph (b) substitute—
- “(b) in subsection (5)—
- (i) in the first sentence, omit “, or entered in the list of proxies,”,
- (ii) in paragraph (b)(iiia), omit “in England or entered in the list of proxies”, and
- (iii) omit paragraph (b)(iv).””

Member’s explanatory statement

This amendment ensures that the amendments made by Part 1 of Schedule 7 to the Bill apply correctly for the purposes of local elections in Northern Ireland.

Chloe Smith

20

- ★ Schedule 7, page 130, line 22, at end insert—

“Northern Ireland Assembly (Elections) Order 2001

9A (1) In Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599) (application with modifications of RPA 1983 etc), the table is amended as follows.

- (2) In the right-hand column of the entry for section 49 of RPA 1983 (effect of registers), for the existing text substitute "In subsection (5)(b)(iiiia), for "a local government elector in England" substitute "an elector"".
- (3) After the entry for section 202 of RPA 1983 insert—

<p>"Section 203A (meaning of "qualifying EU citizen")</p> <p>Section 203B (meaning of "EU citizen with retained rights")".</p>	
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- (4) After the entry for Schedule 4A to RPA 1983 insert—

<p>"Schedule 6A (list of countries for purposes of section 203A)".</p>	
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Member's explanatory statement

This amendment makes changes, in consequence of Schedule 7 to the Bill, to the Northern Ireland Assembly (Elections) Order 2001 (Schedule 1 of which applies provisions of RPA 1983 in relation to elections to the Northern Ireland Assembly).

Chloe Smith

1

- ★ Clause 12, page 23, line 13, leave out "and (3) (consultation requirements) do" and insert "(consultation requirements) does"

Member's explanatory statement

This amendment makes it clear that only the consultation requirements under new section 4C(2) of the Political Parties, Elections and Referendums Act 2000 may be disapplied under new section 4E(4) (and not the requirement to lay a draft strategy and policy statement before Parliament).

Chloe Smith

2

- ★ Clause 40, page 49, line 23, after "Part" insert "1A or"

Member's explanatory statement

This amendment expands the definition of "relevant election" in clause 40(8) to cover elections under Part 1A of the Local Government Act 2000 for the return of an elected mayor.

Chloe Smith

21

- ★ Schedule 10, page 145, line 28, after “Part” insert “1A or”

Member’s explanatory statement

This amendment and Amendment 22 expand the references in paragraph 1(1)(b)(iv) and (4)(b) to an election for the return of an elected mayor to cover elections under Part 1A of the Local Government Act 2000.

Chloe Smith

22

- ★ Schedule 10, page 146, line 10, after “Part” insert “1A or”

Member’s explanatory statement

See the explanatory statement for Amendment 21.

Chloe Smith

3

- ★ Clause 47, page 54, line 12, leave out “sent” and insert “given”

Member’s explanatory statement

This amendment means that the period for representations in response to a notice under clause 47(1) must be at least 14 days beginning with the day the notice is given rather than the day it is sent.

Chloe Smith

4

- ★ Clause 51, page 56, line 34, at end insert—

- “(za) by delivering it to the person,
(zb) by leaving it at the person’s proper address,”

Member’s explanatory statement

This amendment and Amendments 5 and 6 make further provision about the giving of notices under Part 6 by the Electoral Commission or the police.

Chloe Smith

5

- ★ Clause 51, page 56, line 35, leave out “to the person by post” and insert “by post to the person at that address”

Member’s explanatory statement

See the explanatory statement for Amendment 4.

Chloe Smith

6

- ★ Clause 51, page 56, line 36, at end insert—

- “(2) A notice to a body corporate may be given to an officer of that body.
- (3) A notice to a partnership may be given to a partner or a person who has the control or management of the partnership business.
- (4) A notice to an unincorporated association (other than a partnership) may be given to a member of the governing body of the association.
- (5) For the purposes of this section and of section 7 of the Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of a person is the person’s last known address (whether of the person’s residence or of a place where the person carries on business or is employed) and also—
- (a) in the case of a body corporate or an officer of the body, the address of the body’s registered or principal office in the United Kingdom;
- (b) in the case of a partnership, a partner or a person having the control or management of the partnership business, the address of the principal office of the partnership in the United Kingdom;
- (c) in the case of an unincorporated association (other than a partnership) or a member of its governing body, the principal office of the association in the United Kingdom.
- (6) If a person has specified an address in the United Kingdom, other than the person’s proper address within the meaning of subsection (5), as the one at which the person or someone on the person’s behalf will accept notices of the same description as a notice under this Part, that address is also treated for the purposes of this section and section 7 of the Interpretation Act 1978 as the person’s proper address.
- (7) A notice sent to a person by electronic means is, unless the contrary is proved, to be treated as having been given on the working day immediately following the day on which it was sent.
- (8) In this section—

“officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body;

“working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.”

Member’s explanatory statement

See the explanatory statement for Amendment 4.

Chloe Smith

7

★ Clause 60, page 61, line 36, leave out paragraphs (a) and (b) and insert—

- “(a) the amendments made by paragraph 1(1) and (5) extend to England and Wales only;
- (b) the amendments made by paragraph 1(2) to (4) and (7) to (12) extend to England and Wales and Northern Ireland only;”

Member’s explanatory statement

This amendment is consequential on Amendment 8.

Order of the House

[7 September 2021]

That the following provisions shall apply to the Elections Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Wednesday 3 November 2021.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.

Order of the Committee**[15 September 2021]**

That—

(1) the Committee shall (in addition to its first meeting at 9.25 am on Wednesday 15 September) meet—

- (a) at 2.00 pm on Wednesday 15 September;
- (b) at 11.30 am and 2.00 pm on Thursday 16 September;
- (c) at 9.25 am and 2.00 pm on Wednesday 22 September;
- (d) at 9.25 am and 2.00 pm on Tuesday 19 October;
- (e) at 11.30 am and 2.00 pm on Thursday 21 October;
- (f) at 9.25 am and 2.00 pm on Tuesday 26 October;
- (g) at 11.30 am and 2.00 pm on Thursday 28 October;
- (h) at 9.25 am and 2.00 pm on Wednesday 3 November;

(2) the Committee shall hear oral evidence in accordance with the following Table:

Date	Time	Witness
Wednesday 15 September	Until no later than 10.25 am	The Rt Hon Lord Pickles; Henderson Chambers
Wednesday 15 September	Until no later than 11.25 am	Councillor Peter Golds; National Police Chiefs' Council; Gillian Beasley, Peterborough City Council
Wednesday 15 September	Until no later than 2.30 pm	Professor David Howarth, Professor of Law and Public Policy, University of Cambridge; Blackstone Chambers
Wednesday 15 September	Until no later than 3.15 pm	The Electoral Office of Northern Ireland; The Electoral Commission; Association of Electoral Administrators
Wednesday 15 September	Until no later than 4.00 pm	SOLACE; Birmingham City Council
Wednesday 15 September	Until no later than 5.00 pm	Dr Kate Dommett, Department of Politics and International Relations, The University of Sheffield; Professor Justin Fisher, Director of Public Policy, Brunel University London; Darren Grimes
Thursday 16 September	Until no later than 12.15 pm	Conservatives Abroad; Liberal Democrats Overseas; Labour International

Date	Time	Witness
Thursday 16 September	Until no later than 1.00 pm	Race on the Agenda
Thursday 16 September	Until no later than 2.45 pm	Matrix Chambers
Thursday 16 September	Until no later than 3.30 pm	Disability Rights UK
Thursday 16 September	Until no later than 4.30 pm	Dr Alan Renwick, Deputy Director of the University College London Constitution Unit

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clause 1; Schedule 1; Clause 2; Schedule 2; Clauses 3 to 5; Schedule 3; Clauses 6 and 7; Schedule 4; Clauses 8 and 9; Schedule 5; Clause 10; Schedule 6; Clause 11; Schedule 7; Clauses 12 to 26; Schedule 8; Clauses 27 to 34; Schedule 9; Clauses 35 to 43; Schedule 10; Clauses 44 to 48; Schedule 11; Clauses 49 to 62; new Clauses; new Schedules; remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Wednesday 3 November.
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