

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Second Delegated Legislation Committee

DRAFT REPRESENTATION OF THE PEOPLE
(ENGLAND AND WALES) (AMENDMENT) (NO. 2)
REGULATIONS 2015

DRAFT REPRESENTATION OF THE PEOPLE
(SCOTLAND) (AMENDMENT) (NO. 2)
REGULATIONS 2015

Monday 2 November 2015

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IN GENERAL COMMITTEES

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The Committee consisted of the following Members:

Chair: FABIAN HAMILTON

- | | |
|--|---|
| † Barclay, Stephen (<i>North East Cambridgeshire</i>)
(Con) | † Penrose, John (<i>Parliamentary Secretary, Cabinet Office</i>) |
| † Bruce, Fiona (<i>Congleton</i>) (Con) | Shannon, Jim (<i>Strangford</i>) (DUP) |
| Cox, Jo (<i>Batley and Spen</i>) (Lab) | † Sheppard, Tommy (<i>Edinburgh East</i>) (SNP) |
| † David, Wayne (<i>Caerphilly</i>) (Lab) | † Stevens, Jo (<i>Cardiff Central</i>) (Lab) |
| † Johnson, Gareth (<i>Dartford</i>) (Con) | † Thomas, Derek (<i>St Ives</i>) (Con) |
| † Lopresti, Jack (<i>Filton and Bradley Stoke</i>) (Con) | † Tomlinson, Michael (<i>Mid Dorset and North Poole</i>)
(Con) |
| † Lucas, Ian C. (<i>Wrexham</i>) (Lab) | † Williams, Craig (<i>Cardiff North</i>) (Con) |
| † McGinn, Conor (<i>St Helens North</i>) (Lab) | |
| † Mahmood, Shabana (<i>Birmingham, Ladywood</i>)
(Lab) | Daniel Whitford, <i>Committee Clerk</i> |
| † Mercer, Johnny (<i>Plymouth, Moor View</i>) (Con) | |
| † Norman, Jesse (<i>Hereford and South Herefordshire</i>)
(Con) | † attended the Committee |

Second Delegated Legislation Committee

Monday 2 November 2015

[FABIAN HAMILTON *in the Chair*]

Draft Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2015

4.30 pm

The Parliamentary Secretary, Cabinet Office (John Penrose): I beg to move,

That the Committee has considered the draft Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2015.

The Chair: With this it will be convenient to consider the draft Representation of the People (Scotland) (Amendment) (No. 2) Regulations 2015. I will ask the Minister to speak to both the instruments. At the end of the debate, I will put the question on the first motion and ask the Minister to move the remaining motion formally.

Tommy Sheppard (Edinburgh East) (SNP): On a point of order, Mr Hamilton. I am in favour of discussing both statutory instruments together; it is commendably efficient, and I support both of them. However, under the amendment to the Standing Orders made last week concerning English votes for English laws, is it appropriate for me, as a Scottish Member, to participate in a decision about statutory instruments pertaining to England and Wales?

The Chair: I am advised that the changes have not had any effect on delegated legislation Committees thus far, so every Member is entitled to vote on every delegated legislation Committee for the time being—and, of course, we are debating an amendment for Scotland as well.

John Penrose: It is a pleasure to have you looking after us today, Mr Hamilton. I reassure the hon. Member for Edinburgh East that he is not only welcome but entitled to speak and vote on this secondary legislation.

The Committee will be aware that individual electoral registration, or IER, was successfully introduced last year, enabling for the first time people in Great Britain to apply online to register to vote. Since then, nearly 12 million people have applied to register under IER, three quarters of whom have applied online. I recently spoke at Policy Exchange about the vision for future electoral registration, maximising opportunities for a complete and accurate register, and ensuring that as many of our citizens as possible can participate in our democracy. People rightly expect digital services to be built around them, and we want to do that, making the system as efficient as possible while driving down costs. The regulations are a modest step towards that future.

The regulations will remove the requirement on applicants for electoral registration to provide their previous name if it has changed in the past 12 months. Instead, they allow applicants to provide their most recent previous name if they wish; it is no longer mandatory. The Electoral Commission is required, when designing the application

form, to provide a space for non-mandatory provision of the most recent previous name, and an explanation of the fact that if previous name details are not provided, additional personal information may be required to verify the application.

Secondly, the instruments make changes to the correspondence required to be sent by electoral registration officers to electors and applicants for electoral registration. Thirdly, the regulations update the electoral register application form and the annual canvass form to bring them in line with changes made by the Criminal Justice and Courts Act 2015 to the jury summoning age in England and Wales, to ensure that the correct information for jury summoning is collected on the electoral register. They also authorise electoral registration officers in England and Wales to inspect marriage records in order to improve the accuracy and completeness of the electoral register. Finally, the regulations make a minor, consequential amendment relating to the provision of personal identifiers for postal voting.

The changes are relatively minor and technical and, I hope, are therefore relatively straightforward. I do not propose going into huge amounts of detail at this stage, although I am obviously happy to answer any questions that Committee members have. I commend the regulations to the Committee.

4.34 pm

Wayne David (Caerphilly) (Lab): It is a pleasure to serve under your chairmanship, Mr Hamilton. The amendments in the regulations, although relatively straightforward and modest, are important, and I would like to put a few points to the Minister and hear his response. Generally, we are supportive of the changes; we think that they make practical, good sense. I also welcome the fact that there appears to have been a wide measure of co-operation, co-ordination and advice given and taken by the Government.

I am particularly pleased that there appears to have been a fruitful co-ordination with transgender organisations, which expressed concern about the Government's initial suggestions. Is the new formulation that the Minister is presenting in the regulations acceptable to the transgender organisations that initially made representations of concern?

My second question to the Minister arises from the concerns expressed by the Electoral Commission. As we unfortunately saw during the efforts to bring forward the date of IER's full implementation, the Government do not always take on board the Electoral Commission's advice, even though it is well-meaning and well-founded in fact, but it seems that on this occasion at least, the Government have taken on board the commission's worries. I would like to press him slightly on that.

I understand that the Electoral Commission made three observations, to which the Government have responded. The first concern was about the suggestion that no formal communication need be issued where the ERO has determined that someone has ceased to satisfy conditions for registration. I am slightly concerned about that. I understand the Government's desire to reduce bureaucracy and paperwork, but clarification is necessary.

Another concern was that when there are formal objections to a registration application, the objector will not be informed of the result of their objection. That is

a little strange. There cannot be that many objections by individuals or organisations to people being on the electoral register; they should be informed of the outcome of deliberations, especially if they have been involved in the hearing. The Electoral Commission has other concerns, but I would respect the Minister if he could give clarification of what he has said to the Electoral Commission on those points.

The situation in Scotland might be dealt with separately, but it makes sense to raise it at this point in our discussion. The Scottish Government have expressed concerns that apply to both the English and Welsh situation, as well as the Scottish situation.

The Chair: May I clarify something for the shadow Minister? We are taking both the regulations together, so we are discussing the relationship to Scotland as well as to England and Wales. Scotland is highly relevant.

Wayne David: Thank you, Mr Hamilton. I have a general request for clarification from the Minister. A large number of measures regarding electoral arrangements are devolved to the Scottish Government. Has the Sewel convention been put into effect here? If it is necessary for whatever reason—perhaps to maintain a degree of uniformity and coherence—for the UK Government to make legislation applying to the Scottish Government, was a formal submission made by the Scottish Government under the Sewel convention? That is a general point.

On the detail of the proposals before us, will the Minister respond to two points made by the Scottish Government about both sets of regulations? The first concerns a need expressed by the Scottish Assessors Association and the Electoral Management Board for Scotland, bodies with which I am not particularly familiar. They made the point, echoed by the Scottish Government, that they are slightly concerned about the need to reduce communication, and about the stipulation that those who have made submissions expressing concern about people being on the electoral register will not be informed of the result of deliberations.

The Scottish Parliament had a more general concern that the Government were perhaps putting fiscal constraints and the need to save money ahead of the need for clarity and as much straightforwardness in the process as possible. I read carefully what the Scottish Government wrote, and I detected concerns—perhaps not explicit—that the Government in London are passing measures, not wholly warranted, that smack a little of penny pinching, rather than enhancing democracy. I would appreciate it if the Minister responded to those points. Provided that his responses are satisfactory—I see no reason why they should not be—Labour Members will not oppose them.

4.41 pm

John Penrose: I will endeavour to respond to the points raised by my shadow counterpart, beginning with the question about previous names. He is absolutely right that a number of organisations representing the transgender community were concerned about the impact on transgender people's willingness or ability to register successfully. We listened carefully to those concerns. There was not unanimous agreement that the accommodation should be made—there were some dissenting voices against it from outside the transgender

community—but we decided to go with it, and it has been widely welcomed in the transgender community; I have a long list of organisations with which we consulted in the run-up to the regulations, and broadly speaking, everyone within that community has been pleased. I therefore hope that it will result in higher levels of registration in one of the more difficult-to-reach and less well represented groups on the electoral register.

My shadow counterpart also mentioned that the Electoral Commission provided us with useful advice. He is right that we do not always agree with the Electoral Commission, but we always pay close attention to what it says. In particular, he mentioned its reaction to correspondence on registration. Some Scottish and various other bodies commented as well. The regulations make changes regarding the correspondence that must be sent between electoral registration officers and electors or applicants to be registered. The changes are designed to help reduce the administrative burden on electoral registration officers; the potential for confusion among members of the public, by avoiding multiple pieces of correspondence; and the overall costs of the process of electoral registration.

The regulations amend how EROs can send confirmation of registration to successful applicants, and what information that confirmation must contain. When EROs have conducted a review of an individual's entitlement to registration, they will require the ERO to notify the individual in writing of the outcome and to provide information about the appeal process. They also require the ERO to send the individual notice in writing of the outcome of a review hearing, and to provide information about any appeal process.

The regulations amend the categories of case in which the ERO does not need to send a letter to any person affected by an alteration to the electoral register. The Government are also taking the opportunity to correct an error in the 2001 regulations about personal identifiers for absent voters. I hope that that clarifies where we have gone in the regulations. It is all relatively detailed, but I hope that it shows that we have been paying attention to many of the comments made and responses to the consultation.

Finally, my shadow counterpart asked about the Sewel convention. I am informed that it does not apply specifically in this case. However, as I hope he would expect, we have consulted with the devolved Governments, and Scotland has certainly indicated that it is happy with the regulations, so we have proceeded on that basis. I hope that that answers the hon. Gentleman's questions, and that we can move to what I hope is a widely supported approval of the measures.

Question put and agreed to.

**DRAFT REPRESENTATION OF THE
PEOPLE (SCOTLAND) (AMENDMENT)
(No. 2) REGULATIONS 2015**

Resolved,

That the Committee has considered the draft Representation of the People (Scotland) (Amendment) (No. 2) Regulations 2015.—
(*John Penrose.*)

4.46 pm

Committee rose.

