

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fourth Delegated Legislation Committee

DRAFT NORTHERN IRELAND (ELECTIONS)
(AMENDMENT) (NO. 2) ORDER 2015

Tuesday 24 November 2015

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IN GENERAL COMMITTEES

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The Committee consisted of the following Members:

Chair: MR GARY STREETER

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| † Allen, Heidi (<i>South Cambridgeshire</i>) (Con) | † Jayawardena, Mr Ranil (<i>North East Hampshire</i>) (Con) |
| † Bridgen, Andrew (<i>North West Leicestershire</i>) (Con) | † Menzies, Mark (<i>Fylde</i>) (Con) |
| Campbell, Mr Gregory (<i>East Londonderry</i>) (DUP) | Parish, Neil (<i>Tiverton and Honiton</i>) (Con) |
| Campbell, Mr Ronnie (<i>Blyth Valley</i>) (Lab) | † Smeeth, Ruth (<i>Stoke-on-Trent North</i>) (Lab) |
| † Cruddas, Jon (<i>Dagenham and Rainham</i>) (Lab) | Smith, Mr Andrew (<i>Oxford East</i>) (Lab) |
| † Cummins, Judith (<i>Bradford South</i>) (Lab) | † Wallace, Mr Ben (<i>Parliamentary Under-Secretary of State for Northern Ireland</i>) |
| † Donelan, Michelle (<i>Chippenham</i>) (Con) | |
| † Elphicke, Charlie (<i>Lord Commissioner of Her Majesty's Treasury</i>) | |
| Fysh, Marcus (<i>Yeovil</i>) (Con) | Danielle Nash, <i>Committee Clerk</i> |
| † Harris, Rebecca (<i>Castle Point</i>) (Con) | |
| Hoey, Kate (<i>Vauxhall</i>) (Lab) | † attended the Committee |

Fourth Delegated Legislation Committee

Tuesday 24 November 2015

[MR GARY STREETER *in the Chair*]

Draft Northern Ireland (Elections) (Amendment) (No. 2) Order 2015

8.55 am

The Parliamentary Under-Secretary of State for Northern Ireland (Mr Ben Wallace): I beg to move,

That the Committee has considered the draft Northern Ireland (Elections) (Amendment) (No. 2) Order 2015.

I am delighted to serve under your chairmanship, Mr Streeter. I welcome the hon. Members for Stoke-on-Trent North and for Bradford South to their places for what will hopefully be a concise Committee. This statutory instrument provides for a number of changes to the legislative framework for Northern Ireland elections. Some are minor administrative points, and I will focus on the two most substantive provisions.

The draft order makes provision to allow the retention of certain entries on the Northern Ireland electoral register for a further year. Northern Ireland is unique within the UK in not holding an annual canvass to refresh its register. Since 2006 the register in Northern Ireland has been maintained via not a canvass but a system of continuous registration that relies on cross-checking electoral data against prescribed official data streams.

That approach is possible because all electoral registration in Northern Ireland has been individual registration, rather than household registration, since 2002. Following the last full Northern Ireland canvass in 2013, provision was made to retain some entries on the register where the individuals in question had not returned the canvass form, but where the chief electoral officer had no reason to question the validity of their entry. The Electoral Office for Northern Ireland was able to assess the validity of entries for those “non-respondents” as all the individuals in question were individually registered, and the Electoral Office’s data-checking facility with both the Department for Work and Pensions and health service records allows a high level of assurance on people’s current address and other key information.

Let me be clear that the entries that relate to those non-respondents were all checked after the 2013 canvass and have been continuously checked since then in response to alerts from other Government data sources. The Electoral Office for Northern Ireland receives regular updates of data from a variety of official sources, including the DWP and the Registrar General, as well as from an organisation called Business Services Organisation, which holds all the details of individuals on GP and dentist lists in Northern Ireland.

If there is an inconsistency between the data on the register and those received from the other data sources, the Electoral Office issues chasing letters to the individual and then a final warning. If the individual does not respond, they are removed from the register. Of the

112,000 registered electors who did not respond to the 2013 canvass but had responded in 2006, about 10,000 have been removed from the register, and more than 20,000 have been successfully re-registered. Approximately 82,000 voters are therefore affected by the provision we are considering today.

The original provision made in 2013 to retain those particular entries on the register was for two years and will expire at the beginning of December this year, when the new register is published. However, it was always the intention that the retained entries should not be removed in advance of the next Northern Ireland Assembly elections. Due to the clash of the parliamentary general election and the Assembly election, which was originally scheduled for 2015, the date of the Assembly election was postponed until May 2016. That postponement is the reason we need the extension of these provisions for one further year.

Both the Electoral Commission and the chief electoral officer for Northern Ireland share the Government’s view that the retention of these entries for a further year is appropriate in the context of the continuous registration system employed in Northern Ireland. This will be the final provision made to retain non-respondent voters. We propose to introduce digital registration in Northern Ireland in 2016. In the context of easier online registration and the publicity associated with its introduction, non-respondent voters will be given clear notice that they will come off the register in December 2016 if they do not take action. I urge the political parties in Northern Ireland to at least start a process of encouraging people to register, to ensure that if we take people off the register in future, they are fully aware they have had plenty of opportunities to register to vote before any elections are due.

The second substantive provision made by the order is that the chief electoral officer for Northern Ireland will not be guilty of an offence if they take steps to fully correct procedural errors made at Assembly elections that would otherwise be a breach of their official duty. Currently, for all Northern Ireland elections with the exception of those for the Assembly, the relevant legislation provides that the chief electoral officer will not be guilty of an offence if they take steps to remedy in full an administrative error or omission. The order will correct that anomaly and bring the provision in respect of Assembly elections into line with the provisions for parliamentary, European and local elections in Northern Ireland. Although that is an electoral matter, and therefore is not devolved to the Northern Ireland Assembly, it tangentially touches upon criminal justice matters. The Committee will wish to know that I have written to the Northern Ireland Minister for Justice to inform him of our intentions, as a matter of courtesy.

In addition to those provisions, the order will make a number of other minor amendments to ensure consistency of administrative approach at Assembly elections. Electoral law is complex, and as small changes are made to provisions for parliamentary and other types of election, it is important that we keep the legislative framework under review and adjust the regulations as necessary where an inconsistency has crept into the provisions.

I hope that the Committee agrees that the implementation of these changes in advance of the Northern Ireland Assembly election in May 2016 is both logical and

reasonable. I assure the Committee that all these changes are fully supported by both the chief electoral officer for Northern Ireland and the Electoral Commission.

9.1 am

Ruth Smeeth (Stoke-on-Trent North) (Lab): It is a pleasure to serve under your chairmanship, Mr Streeter, for my debut delegated legislation Committee. I apologise for the absence of my hon. Friend the Member for Ealing North (Stephen Pound), the shadow Minister for Northern Ireland. This Committee was originally scheduled for yesterday, and my hon. Friend had made arrangements to be present but is unfortunately out of the country today. He asked me to apologise on his behalf and to assure the Committee that no disrespect is intended.

Turning to today's business, I would like formally to put on the record the Opposition's support for last week's agreement and pay credit to the UK and Irish Governments and all the parties for the considerable amount of work undertaken over 10 long weeks to resolve the crisis that was threatening to destabilise the functioning of the Stormont Assembly. I would also like to place on record my party's thanks to the outgoing First Minister, Peter Robinson, for his considerable service to the people of Northern Ireland.

The order will amend the Northern Ireland Assembly (Elections) Order 2001 and the Representation of the People (Northern Ireland) Regulations 2008 in order to make necessary changes to rules relating to elections to the Northern Ireland Assembly. We consider that the statutory instrument is not contentious and, as such, we will support its implementation. However, I have two questions for the Minister.

First, in view of the changes made last year to anonymous voter registration in Northern Ireland, can the Minister assure the Committee that changes to the timeframe for updating the register, where certain details have not been confirmed, will in no way impact individuals who are registered anonymously? Secondly, will he say what additional funds are being made available by the Treasury and the Cabinet Office for the digital changeover?

In conclusion, I confirm that the Opposition will not object to the order. We pay tribute to all in Westminster, Stormont and Dublin who are working to bring normalcy to Northern Ireland. Their efforts will always be supported by the Opposition, and we wish them every success.

9.2 am

Mr Wallace: What a fine debut that was. On the issue of anonymous voters, the best answer to the hon. Lady's question is that I shall write to her with the details. I hope that the Cabinet Office has heard loud and clear that funding is required to ensure that Northern Ireland catches up on digital registration. The Committee can rest assured that the Northern Ireland Office is pressing the case, and hopefully we will hear about that soon. I will be delighted to share that good news with the hon. Lady, if and when we get it.

The main aim of the order is to allow more time for people who have effectively gone missing from the register to get on it. We know that they are there, because we have much deeper and more extensive cross-checking there than we do on the mainland of the United Kingdom, but they have not responded. I reiterate, however, that it is not the Government's intention to endlessly allow extensions. There is a duty on the bodies in Northern Ireland to ensure that electors avail themselves of their right to vote, but people also have individual responsibility. There are only so many times we can chase people to register to vote. In the end, it is their right that they are giving away if they do not register, and I hope the message comes from today's Committee that this is the last time we will give such an extension. That gives people plenty of time to start getting engaged and active in electoral politics. I thank the Opposition for their support.

Question put and agreed to.

9.4 am

Committee rose.

