

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Third Delegated Legislation Committee

DRAFT REPRESENTATION OF THE PEOPLE (ELECTRONIC COMMUNICATIONS AND AMENDMENT) (NORTHERN IRELAND) REGULATIONS 2016

Monday 5 December 2016

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Friday 9 December 2016

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The Committee consisted of the following Members:

Chair: ROBERT FLELLO

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| † Anderson, Mr David (<i>Blaydon</i>) (Lab) | † Howarth, Sir Gerald (<i>Aldershot</i>) (Con) |
| † Burrowes, Mr David (<i>Enfield, Southgate</i>) (Con) | † Mackintosh, David (<i>Northampton South</i>) (Con) |
| † Colvile, Oliver (<i>Plymouth, Sutton and Devonport</i>) (Con) | † Marris, Rob (<i>Wolverhampton South West</i>) (Lab) |
| † Dakin, Nic (<i>Scunthorpe</i>) (Lab) | † Metcalfe, Stephen (<i>South Basildon and East Thurrock</i>) (Con) |
| † Garnier, Sir Edward (<i>Harborough</i>) (Con) | † Phillips, Jess (<i>Birmingham, Yardley</i>) (Lab) |
| † Goodman, Helen (<i>Bishop Auckland</i>) (Lab) | † Soames, Sir Nicholas (<i>Mid Sussex</i>) (Con) |
| † Heaton-Harris, Chris (<i>Daventry</i>) (Con) | † Sturdy, Julian (<i>York Outer</i>) (Con) |
| † Hepburn, Mr Stephen (<i>Jarrow</i>) (Lab) | |
| † Hopkins, Kris (<i>Parliamentary Under-Secretary of State for Northern Ireland</i>) | Marek Kubala, <i>Committee Clerk</i> |
| | † attended the Committee |

Third Delegated Legislation Committee

Monday 5 December 2016

[ROBERT FLELLO *in the Chair*]

Draft Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2016

4.30 pm

The Parliamentary Under-Secretary of State for Northern Ireland (Kris Hopkins): I beg to move,

That the Committee has considered the draft Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2016.

What a pleasure it is to serve under your chairmanship, Mr Ffello. The draft regulations amend the existing legislative framework for elections in Northern Ireland to allow people to register online.

In Great Britain, people have been able to register to vote using the online system since 2014. The online digital service offers a quick and easy alternative to the more traditional option of paper application forms. It is right that the people in Northern Ireland should be offered the same choice and I want to make it clear, at the outset, that it is a choice. There is no suggestion that the move would introduce an online registration system that would replace the existing paper one. Applying to register on a paper application form will remain an option, but for individuals in Northern Ireland who want to take advantage of the digital service that already operates successfully in Great Britain, the draft regulations allow its extension to Northern Ireland.

Figures suggest that about 9% of those registering in Great Britain this year, outside the canvass period, did so using the online service. I am sure that hon. Members would like to see increased political participation among young people, including in Northern Ireland, and I am pleased to report that since the introduction of online registration in Great Britain a record 2.4 million applications to register have been made by people aged between 16 and 24.

Under the draft provisions, a Northern Ireland online application will work in essentially the same way as in the rest of the UK and require the same personal data as the existing form. I have had a demonstration of the system and can say that it is excellent, quick and easy to use, taking no longer than five minutes. I have arranged for Northern Ireland Members who want to see how the system works to come to my office in the coming weeks for a demonstration.

I appreciate that some hon. Members might have concerns about electoral fraud, and will wish to seek reassurance that the Northern Ireland system remains secure. In Northern Ireland, the usual requirement for those applying to register is to provide a handwritten signature. In an online application through the digital

service, the act of submitting the application, in conjunction with the declaration at the end of it, will constitute an electronic signature.

Hon. Members will be aware that there are strict rules on absent voting in Northern Ireland, and they will continue to be enforced. Unlike in the rest of the UK, every successful digital registrant in Northern Ireland will be issued with a digital registration number. The number will act in place of a signature, to ensure that digital registrants' postal vote applications can continue to be scrutinised appropriately. The number will be unique to the individual, last for their lifetime, and remain unaltered no matter how many times they move or change their name.

We have consulted the Electoral Commission and it agrees that the provision of an identifier to replace the signature check in the postal vote process is necessary. However, it has expressed concerns about the number of individuals who might lose their number. Therefore, we have put in place a system that allows for a lost number to be reissued. Officials will work closely with the chief electoral officer to monitor the successful operation of the digital registration number procedures.

Nic Dakin (Scunthorpe) (Lab): Is the Electoral Commission content with that approach?

Kris Hopkins: Yes, it is. I will comment on that later, but both the Electoral Commission and the Electoral Office for Northern Ireland are content.

We have changed the wording of the declaration at the end of the registration number for both digital and paper applications. Applicants will be required to declare that they are the person named in the application and that the information they have provided is true. There will also be a special provision for people with a disability. The declaration makes it clear that the application and the declaration can be submitted on behalf of someone who is unable to do it themselves due to disability, as long as it is done in their presence.

The draft regulations make comprehensive provisions for the exchange of data. That exchange is necessary to facilitate digital registration and allow applications to be verified against Department for Work and Pensions databases. I assure the Committee that those data-sharing provisions are necessary and include all the necessary safeguards. The provisions have been modelled on existing provisions for Great Britain and have been scrutinised and approved by the Information Commissioner for Northern Ireland.

The implementation of digital registration is fully supported and welcomed by the Electoral Commission and the chief electoral officer for Northern Ireland. The regulations have been approved by the Information Commissioner's Office for Northern Ireland. If the Committee approves the regulations, the precise timing of the introduction of digital registration will be determined by the successful testing of the Electoral Office computer system. I hope that all the necessary checks will be passed by the end of February. It will be the intention to sign the regulations as soon as possible after that date, when the digital platform is ready to be launched. The regulations will then effectively come into force the day after that signature.

I hope the Committee will agree that the introduction of digital registration in Northern Ireland will be a major step towards modernising the delivery of elections

in Northern Ireland. It is an excellent service that will offer people in Northern Ireland the level of choice and service that we all expect in these modern times. I hope that will lead to an increase in political participation among a range of groups, and particularly young people.

4.37 pm

Mr David Anderson (Blaydon) (Lab): It is a great honour to serve under your chairmanship, Mr Ffello; I had not realised you had risen up the ranks, but well done.

I welcome the Minister's statement, and particularly that digital registration will be a choice, rather than compulsory, which is really good. There would be worries about people's access if this were made compulsory, but he put my mind at ease on that straight away. More choice in the way that people can sign up is really good. I acknowledge what he said about the number of people— young people in particular—who have been added to the list over the last couple of years. It is a shame that those 2.4 million people have been excluded from the Boundary Commission review that is under way at the minute, but that is a debate for another day.

It is very welcome that fraud prevention is a key part of this. Given the discussions had about digital registration, will the Minister assure the Committee that he will keep this under review and report back to the House about whether it is working? If there are problems, we need to work together to ensure we put them right. I welcome what he said about the security within the system—clearly none of us wants to do anything that will create opportunity for fraud—but I want to ask him a more basic question: is he confident that the system will be effective? Will it work? Is it exactly the same system as the one working in the rest of the United Kingdom? If so, has that system been shown to be effective? If not, what assurance can he give us that the system will work?

I do not have much more to say. At the moment, there are five electoral offices in Northern Ireland, and people working in those offices have expressed concerns to me about whether these measures will ultimately have an impact on their jobs. I know that the Minister shares my concern about the loss we have seen in recent months of a huge number of private sector jobs in the north. Really good, high-level, strong jobs in manufacturing have basically disappeared. Despite the Government's attempts to rebalance the economy, outside forces have put that beyond the Minister's and my control. Will he assure us that there will be no impact on either individual staff working in electoral offices or the towns in which those offices are based?

4.40 pm

Rob Marris (Wolverhampton South West) (Lab): It is a pleasure to serve under your chairmanship, Mr Ffello, particularly as you are a fellow west midlands MP.

I have four questions for the Minister. I spent three years in the Northern Ireland Office, and seem to recall that historically there have been problems in Northern Ireland with personation and the intimidation of those who donate to political parties, meaning that the electoral architecture has been somewhat different there from that in Great Britain.

First, paragraph 7.3 of the ever-helpful explanatory notes to the regulations states:

“The signature obtained on the application form is not used to check the veracity of the registration application but is used in the scrutiny of absent vote applications. There is no such requirement in GB.”

Will the Minister explain why there is no such requirement in Great Britain but there is in the Province?

Secondly, as the Minister mentioned in his helpful introductory remarks, and as is explained in paragraph 7.4 of the explanatory notes, there will be a new declaration for the system in Northern Ireland. It will be different and, as far as I could tell from what he said, although I may have misinterpreted him, tighter than the declaration in Great Britain. If a tighter declaration would be helpful in Northern Ireland, why do we in Great Britain not have the new wording that has been developed?

Thirdly, paragraph 7.7 of the explanatory notes states:

“In contrast to Great Britain the Chief Electoral Officer will not be required to send all applications through the Digital Service as there may be circumstances in which the Chief Electoral Officer does not find this necessary.”

On the face of it, it sounds like the provision will be weaker in Northern Ireland, where it will not be necessary for all applications to be sent through the digital service, than it is in Great Britain. I may have misunderstood, so I hope the Minister can explain that anomaly and the difference between the two systems.

Fourthly, paragraph 7.17 of the explanatory notes states:

“As there will be no signature obtained at registration for digital registrants these Regulations provide that all DOIs—

declarations of identity—

“will be checked against the signature on the absent vote applications rather than the register”.

Again, I may have misunderstood, but having read that I appreciate that, after the regulations are passed, as it looks likely they will be, that system will obtain across the United Kingdom—it already does in Great Britain and will in Northern Ireland. In terms of the risk of personation and the selling of postal votes and so on, it sounds like a weakening because the signature check for a digital application, whether done in Great Britain or Northern Ireland, clearly cannot be made against a human signature because the application is digital.

When checking whether the voter is who they say they are, officers will have to check the postal vote application, rather than the register, as they would be able to if all registers contained the signatures of every voter. A fraudulent person could make a fraudulent application for a postal vote with a fraudulent signature, and that fraudulent application would be signed off because when the person voted the signature would match with the signature provided on application. There would be no physical signature on the register with which to compare it because it is a digital signature. I appreciate that there is a balancing act when encouraging people to register to vote—the Minister mentioned the extra 2.4 million applications, and it is a pity they will not be taken into account for the boundary changes—but is he sure he has got it right?

4.44 pm

Kris Hopkins: I thank the hon. Member for Blaydon for his simple questions, compared with more challenging ones offered by the hon. Member for Wolverhampton South West. I welcome the support of the hon. Member for Blaydon. We have common cause on young people

[Kris Hopkins]

voting, and we obviously never want to see fraud in an electoral system, so we have ensured that the system is robust and has been well tested. The system we are discussing is the same system, with one or two modifications, as is in place in the rest of the United Kingdom, which has proved to be very successful in its roll-out. I reiterate that if Members from Northern Ireland would like a demonstration of that, we would welcome any feedback from them, from people on the ground and from officers who are delivering the service during the roll-out of the system.

The hon. Member for Blaydon spoke about challenges in the system. I encourage all Members to participate in the ongoing electoral consultation. I have had constructive dialogue with the trade unions. The consultation remains open until 9 January, and I am sure that, with his interest in this subject, he will make a positive contribution.

Helen Goodman (Bishop Auckland) (Lab): The Minister says there is a consultation. I know it is the responsibility of the Committee of Selection and not the Minister to choose the members of this Committee, but does he not think it a little odd that there is not a single member with a Northern Ireland constituency?

Kris Hopkins: The hon. Lady is absolutely right that it is not my choice, but she makes an astute observation.

Sir Nicholas Soames (Mid Sussex) (Con): On a point of order, Mr Ffello. Monday is a big shooting day for the Northern Ireland MPs. They do not arrive until 7 pm.

The Chair: I am not sure that that is a point of order.

Kris Hopkins: On jobs and the future, the economy in Northern Ireland is strong and continues to grow. I hope we can all make a positive contribution.

Mr Anderson: I might have missed it in thinking about the shoot in Northern Ireland, but are the jobs at the five offices secure? Are there going to be any issues for them?

Kris Hopkins: It is for the chief electoral officer to make that choice, and they will make the choice as a consequence of the consultation. I cannot make a commitment now because we are talking about the specific issue of digital registration.

Nic Dakin: If there is difficulty with reduction, will the Government offer to work with electoral officers in Northern Ireland to put in place an effective transition?

Kris Hopkins: I reassure the hon. Gentleman that there is positive dialogue and a working relationship between the chief electoral officer and the Northern Ireland Office.

The hon. Member for Wolverhampton South West raised some detailed points, and I will not go into all the details. It is appropriate to ensure that he has a detailed written response to each of those questions, but I will touch on them. First, there is a difference in Northern Ireland because verification is important. Maintaining confidence in the process is the one key point from the electoral review. Everything we have done seeks to provide reassurance. I am confident that there are mechanisms in place, including on the exchange of data, so that digital registration is cross-checked with existing Government databases to ensure that the information is right. Where absentee votes are sought, that is reinforced by a manual check against some of the known or expected forms of identification.

It is important that we put in place the framework to make this process work, but it is the chief electoral officer who must have confidence in the system that has been put in place. I talked about the relationship being strong. The office is open to challenge; we have maintained a really good dialogue. As a Department, we have been talked through how the mechanism is constituted and I have confidence in that process as well. Regarding the hon. Gentleman's specific points, I will ensure that he receives a full written response to them in the hope that he can be as confident as I am.

Rob Marris: I am grateful to the Minister for that generous offer. On the general point, perhaps he could say a little more today. If and when this statutory instrument becomes law, the system in Northern Ireland will still be somewhat different, as I understand it, from the system in Great Britain. Is that because the Government think there should be a difference because of the particularities of the situation in the Province? Alternatively, is it because some things in Great Britain need changing and learning from the experience in Great Britain has informed a somewhat tighter system in Northern Ireland in the regulations?

Kris Hopkins: The hon. Gentleman drags me into an area that is outside my area of responsibility, but I can make a comment. The challenges that people have faced in Northern Ireland is confidence—it is about ensuring that people are who they say they are when they turn up to vote.

Rob Marris: And when they register to vote.

Kris Hopkins: Absolutely. The system has to be absolutely robust. Do I think it is a good system? Yes, I do. Do I think we could learn from the Northern Ireland system? There is an opportunity to do so. Work has been undertaken by my right hon. Friend the Member for Brentwood and Ongar (Sir Eric Pickles), the former Secretary of State for Communities and Local Government, who has looked into fraud. I am sure he will take on board some of the good practice that has been deployed in Northern Ireland.

Question put and agreed to.

4.51 pm

Committee rose.