

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Second Delegated Legislation Committee

DRAFT REPRESENTATION OF THE PEOPLE (FRANCHISE AMENDMENT AND ELIGIBILITY REVIEW) (NORTHERN IRELAND) REGULATIONS 2023

Tuesday 24 October 2023

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The Committee consisted of the following Members:

Chair: SIR ROBERT SYMS

Abrahams, Debbie (<i>Oldham East and Saddleworth</i>) (Lab)	† Green, Damian (<i>Ashford</i>) (Con)
† Anderson, Fleur (<i>Putney</i>) (Lab)	Hunt, Tom (<i>Ipswich</i>) (Con)
† Bacon, Mr Richard (<i>South Norfolk</i>) (Con)	Jones, Mr Kevan (<i>North Durham</i>) (Lab)
† Baker, Mr Steve (<i>Minister of State, Northern Ireland</i> <i>Office</i>)	† Kawczynski, Daniel (<i>Shrewsbury and Atcham</i>) (Con)
† Baron, Mr John (<i>Basildon and Billericay</i>) (Con)	† Largan, Robert (<i>High Peak</i>) (Con)
Blake, Olivia (<i>Sheffield, Hallam</i>) (Lab)	† Sobel, Alex (<i>Leeds North West</i>) (Lab/Co-op)
† Cruddas, Jon (<i>Dagenham and Rainham</i>) (Lab)	† Watling, Giles (<i>Clacton</i>) (Con)
† Dixon, Samantha (<i>City of Chester</i>) (Lab)	Dominic Stockbridge, <i>Committee Clerk</i>
† Gideon, Jo (<i>Stoke-on-Trent Central</i>) (Con)	
† Graham, Richard (<i>Gloucester</i>) (Con)	† attended the Committee

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Tuesday 24 October 2023

[SIR ROBERT SYMS *in the Chair*]

Draft Representation of the People (Franchise Amendment and Eligibility Review) (Northern Ireland) Regulations 2023

9.25 am

The Minister of State, Northern Ireland Office (Mr Steve Baker): I beg to move,

That the Committee has considered the draft Representation of the people (Franchise Amendment and Eligibility Review) (Northern Ireland) Regulations 2023.

I am delighted to serve under your chairmanship, Sir Robert. I am most grateful to members of the Committee for being here. This Government are committed to protecting the integrity of our democratic process, and we have delivered on that commitment. Last year, Parliament passed the Elections Act 2022, which includes changes to ensure that UK elections remain secure, fair and modern. I am glad to introduce today a statutory instrument that flows directly from that Act. This debate follows the passing by Parliament of an equivalent instrument for Great Britain. The regulations were approved last week in the other place. Taken together, this instrument and the instrument for GB provide a single package of measures covering non-devolved local elections in England, Wales and Northern Ireland. That means that, in practice, these measures will apply to both local council elections and Assembly elections in Northern Ireland.

The Elections Act amended the franchise to reflect the UK's new relationship with the EU and to protect the rights of UK citizens living in EU countries. That moved us to the principle of a mutual grant of rights through agreement with individual EU member states. Before I address the detail of the provisions, I will make it clear that the long-standing voting rights of Irish citizens remain unchanged. Likewise, the voting rights of Maltese and Cypriot citizens, as Commonwealth citizens, are not affected by these changes.

The Elections Act provides that two groups of citizens from other EU countries will be entitled to vote. Qualifying EU citizens from EU member states that have bilateral agreements with the UK will have the right to vote and stand in relevant elections. We also preserve the existing rights of all EU citizens who chose to make the UK their home prior to the end of the implementation period. As such, EU citizens with retained rights will continue to have the right to vote and stand.

Mr John Baron (Basildon and Billericay) (Con): I congratulate my hon. Friend on his appointment on Friday. One understands the situation and what this delegated legislation does, but I wish to raise the issue of reciprocal rights. The explanatory memorandum explains that British citizens living in France and Germany, for example, where we do not have reciprocal rights, will

not be allowed to vote in their local elections. On the continent, in those countries where we do have reciprocal rights—I think those countries are Spain, Portugal, Luxembourg and Poland—that does not exist. What efforts is my hon. Friend making to ensure that there is—how can I put it?—a level playing field when it comes to local elections?

Mr Baker: I am most grateful to my hon. Friend. In the first place, I am grateful that our country has decided that we are on the moral high ground in giving those retained rights to EU citizens. I will certainly take up what he said in his intervention with my colleagues in the Foreign Office. He will understand that it is for them first and foremost to talk with European nations. He makes a good point; I will take that matter up with Foreign Office Ministers and write to him.

Richard Graham (Gloucester) (Con): The impact assessment makes it clear that, as my hon. Friend the Member for Basildon and Billericay mentioned, the bilateral treaties at the moment are with four EU states—Poland, Spain, Luxembourg and Portugal. The line there is that the UK

“remains open to negotiating treaties with other EU Member States”.

Can my hon. Friend the Minister clarify whether we are proactively seeking that by approaching other EU states to see if they are interested in that reciprocity; whether we are open to approaches from them; or whether we have done our bit, got agreements from four of those countries and that is it?

Mr Baker: Again, I am grateful to my hon. Friend. The best thing that I can do is ask Foreign Office Ministers to write to him setting out their plans. After all, it is their responsibility first and foremost; my responsibility is Northern Ireland. I hope that he will forgive me if I do not trespass on their responsibilities and commit. He makes a good point, and I think that Foreign Office Ministers will wish to assure him that they are reaching out.

The chief electoral officer has a legal duty to ensure that the electoral register remains accurate. The instrument requires the chief electoral officer, as registration officer for the whole of Northern Ireland, to conduct a one-time review to determine the eligibility of all registered EU citizens. That bespoke eligibility review is designed to be fair and transparent for review subjects, and to minimise burdens on the chief electoral officer. As far as possible, it has been based on and benchmarked against existing practice and processes. The processes for Northern Ireland contained in the instrument mirror those for Great Britain.

Initially, the chief electoral officer will use data already available to them to confirm an elector's continued eligibility without the need for an elector to take any action. Where the chief electoral officer is unable to confirm eligibility using existing data, the instrument requires them to contact the elector to request the information necessary to determine eligibility. In the event of no response, the chief electoral officer must make at least three attempts to contact the elector in writing, and at least one attempt to contact the elector in person, before they determine them to be ineligible.

It is clearly important that EU citizens are aware whether they remain on the register. Consequently, the instrument prescribes that all those reviewed will be notified of the franchise change and the review outcome. In addition, the instrument prescribes the contents of all review communications to ensure clarity and consistency.

Where a person is deemed ineligible and removed from the register on the basis of non-response, they will be invited to reapply if they believe they are eligible to do so. We anticipate that the end-to-end review process will take up to three months to complete. The chief electoral officer, in common with registration officers in England, will have a nine-month implementation window, from 7 May 2024 to the 31 January 2025, to undertake the one-time review.

On completion of the review process, the Secretary of State will write to the chief electoral officer in Northern Ireland to request data relating to the operation of the review process. That is slightly different from the position in England and Wales, where registration officers will report to the Electoral Commission. The franchise change will apply only to polls that are non-devolved, and, for Northern Ireland, will cover local and Assembly elections.

Some changes needed to reflect the candidacy changes and their implementation for Northern Ireland were made in the Elections Act. In practice, candidacy processes at local and Assembly elections will not change significantly. I hope that, having set out the details and having committed to write in response to interventions from my hon. Friends, we can ensure that colleagues are satisfied with our commitment to reach out to other European nations. I look forward to hearing from the hon. Member for Putney.

9.32 am

Fleur Anderson (Putney) (Lab): It is an honour to serve under your chairship, Sir Robert. I thank the Minister for setting out the process that will be implemented on the completion of the new regulation. The Labour party does not seek to reignite the arguments that took place over certain regulations during the passage of the Elections Act—I served on the Committee considering that legislation—so I know how much it was argued about.

I appreciate the need to update the law to comply with sections in the Elections Act on EU citizens' voting rights. The new regulations are laid before us in the form of this statutory instrument, which would alter the existing franchise in elections across Northern Ireland so that they are in line with our exit from the European Union. It is a necessary step, and as a principle Labour believes that people who contribute to society, work hard and pay their taxes should have some sort of say in

decisions being made for their community. It is about not just who can vote, but devolving power to communities so that they have a say over local decisions.

Current rights give EU citizens the power to vote and stand in local elections, regardless of immigration-based eligibility criteria. However, we recognise that the status quo around decision making cannot continue following our departure from the EU, and the Opposition will not oppose the regulation today. I ask the Minister, following interventions by the hon. Members for Gloucester and for Basildon and Billericay, what the Government are doing to increase the number of countries with which we have reciprocal rights. I also want to ask the Minister what work is being done in conjunction with local authorities across Northern Ireland to ensure that the EU citizens affected are given ample information about when and how to make sure they qualify, and how to maintain their right to vote.

I also want to know what additional support is being provided to the electoral registration officers who will now be asked to check on a case-by-case basis whether EU citizens currently registered to vote can remain so in future. Given the written and in-person contact process that the Minister outlined, their workload is likely to increase significantly and Government support must match that.

9.34 am

Mr Baker: In relation to future bilateral treaties, as we have said, the UK remains open to negotiating fully reciprocal bilateral agreements where EU member states are interested in doing so. With the agreement of the Committee, I will write to the hon. Lady and place a copy of the letter in the Library, and ensure that it is drawn to the attention of all Members. Some EU countries already grant local voting and candidacy rights to third-country nationals, including UK nationals, unilaterally. In most cases, that is subject to minimum residency requirements.

We will work with councils in Northern Ireland to ensure that the requirements are adequately communicated. I set out earlier the need for the chief electoral officer to approach EU citizens three times if there is no response, and make one approach in person. That is a robust way of ensuring that people keep their right to vote if they are entitled to do so. On additional resources, I do not have immediately to hand the relevant note, so I will write to the hon. Lady. We think that what we are doing is reasonable and in line with present practice. I recognise that the one-time review will impose some burdens, but I will write to her.

Question put and agreed to.

9.36 am

Committee rose.

