

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Tenth Delegated Legislation Committee

DRAFT REPRESENTATION OF THE PEOPLE
(ENGLAND AND WALES) (AMENDMENT)
REGULATIONS 2018

Wednesday 7 February 2018

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Sunday 11 February 2018

© Parliamentary Copyright House of Commons 2018

This publication may be reproduced under the terms of the Open Parliament licence, which is published at www.parliament.uk/site-information/copyright/.

The Committee consisted of the following Members:

Chair: IAN PAISLEY

- | | |
|---------------------------------------------------------------------|-------------------------------------------------------------------|
| † Afolami, Bim (<i>Hitchin and Harpenden</i>) (Con) | † O'Brien, Neil (<i>Harborough</i>) (Con) |
| † Churchill, Jo (<i>Bury St Edmunds</i>) (Con) | † Skidmore, Chris (<i>Kingswood</i>) (Con) |
| † Dent Coad, Emma (<i>Kensington</i>) (Lab) | † Smith, Cat (<i>Lancaster and Fleetwood</i>) (Lab) |
| † Docherty, Leo (<i>Aldershot</i>) (Con) | † Smith, Chloe (<i>Parliamentary Secretary, Cabinet Office</i>) |
| † Doughty, Stephen (<i>Cardiff South and Penarth</i>) (Lab/Co-op) | † Thomson, Ross (<i>Aberdeen South</i>) (Con) |
| † Fletcher, Colleen (<i>Coventry North East</i>) (Lab) | Turley, Anna (<i>Redcar</i>) (Lab/Co-op) |
| † Foster, Kevin (<i>Torbay</i>) (Con) | † Williamson, Chris (<i>Derby North</i>) (Lab) |
| † Huq, Dr Rupa (<i>Ealing Central and Acton</i>) (Lab) | Nehal Bradley-Depani, <i>Committee Clerk</i> |
| † Lord, Mr Jonathan (<i>Woking</i>) (Con) | |
| † Nandy, Lisa (<i>Wigan</i>) (Lab) | † attended the Committee |

Tenth Delegated Legislation Committee

Wednesday 7 February 2018

[IAN PAISLEY *in the Chair*]

Draft Representation of the People (England and Wales) (Amendment) Regulations 2018

4.00 pm

The Parliamentary Secretary, Cabinet Office (Chloe Smith): I beg to move,

That the Committee has considered the draft Representation of the People (England and Wales) (Amendment) Regulations 2018.

Some Members may know that we have introduced similar regulations today for Northern Ireland and for Scotland. The purpose of the draft regulations is to make registering to vote anonymously more accessible for those who need it most. They will also strengthen the integrity of the electoral register, and improve the registration system for electors.

Last year—this year; let me begin that sentence again. Yesterday marked 100 years since legislation was passed to give some women the right to vote in the UK. That was the first step to the equal franchise in the UK, but the journey to maximise electoral registration continues. For some, the fear of having one's name and address appear on the electoral register is a barrier to registering to vote and therefore engaging in democracy. It is good that we are debating changes that make it easier for people to exercise their democratic rights. Anonymous registration was first introduced in Great Britain in the Electoral Administration Act 2006, which amended the Representation of the People Act 1983 and provided for the overall structure of the scheme, which protects those whose safety would be at risk if their name or address appeared on the electoral register—for example, victims of harassment or stalking, and some witnesses in criminal court cases. An applicant must provide their local electoral registration officer with evidence that demonstrates that their safety would be at risk. The evidence accepted is prescribed in legislation as either a live court order or an injunction from a set list of orders and injunctions, or what is known as an attestation. That is a signed statement certifying that the applicant's safety would be at risk if the register contained their name or address. It can be made only by professions listed in legislation as qualifying officers.

About two years ago, Mehala Osborne of Bristol, with the support of Women's Aid, started a petition to make anonymous registration more accessible for those who need it most. As a result, the Government announced in September 2016 that they would look closely at whether the current system of registering anonymously to vote could be improved to make it easier for survivors of abuse to do so. The Government consulted on changes and received broadly positive responses.

Turning to the detail of the proposed changes to anonymous registration, the draft regulations update the list of court orders and injunctions that can be

provided to an electoral registration officer as evidence to demonstrate that someone's safety would be at risk if their name or address appeared on the register. As evidence, applicants can use domestic violence protection orders made under the Crime and Security Act 2010 or the Justice Act (Northern Ireland) 2015, once that is in force. They will also be able to use female genital mutilation protection orders made under the Female Genital Mutilation Act 2003. Those are new and relevant orders that have been created since the anonymous registration scheme came into force.

The draft regulations will also broaden who can provide attestations. The required seniority for a police officer will be lowered from the rank of superintendent to the rank of inspector, which will make it easier for applicants to obtain an attestation. Police inspectors are frequently in contact with survivors and are well qualified to assess the level of risk to an individual's safety. Medical practitioners registered with the General Medical Council and nurses and midwives registered with the Nursing and Midwifery Council will also be able to act as attesters. Those professionals are again frequently in contact with survivors and are qualified to assess the level of risk. Managers of refuges for those escaping domestic violence can also act as attesters. Anybody who has been supported by a refuge would then have easy access to somebody who can provide attestation. Refuge managers are specialists in their field and, again, we think they are well placed to assess whether an individual's safety is at risk.

The changes make sure that the evidence required to apply for the scheme is more reflective of the experiences of survivors of domestic abuse, and we hope to make the scheme more approachable and accessible. Women's Aid strongly welcomes the changes that the statutory instrument makes:

"The proposed new measures send out a clear message to all survivors of domestic abuse: that their voices matter, and their participation in politics matters."

I turn now to the changes made to the wider registration system, which are included in the regulations. The purpose behind them is to improve the electoral registration process for the citizen and make it easier and more effective for EROs to administer.

They also seek to improve the integrity of the system and the accuracy of the electoral register. They address two recommendations in Sir Eric Pickles's review of electoral fraud. They are incremental steps, and they seek to ensure that we can make improvements to the registration system before the 2018 annual canvass. Ongoing work will explore how we can reform other aspects of the voter registration system, especially in regard to the annual canvass, to make the service as accessible and secure as possible and to put the citizen first.

The first proposed change addresses recommendation 14 in Sir Eric Pickles's review. It adds a statement to the paper application form that says that persons who are not eligible electors are ineligible to register to vote, that applicants may be required to provide additional information about their nationality, and that the ERO may carry out checks against Government records. The change seeks to enhance the deterrent against applicants providing false information in respect of their nationality. It reminds the applicants that, if an ERO has concerns, they can and will seek further information to corroborate the information that has been provided.

The second proposed change addresses recommendation 12 of the Pickles review. It adds a statement to the paper application form to inform applicants that their application may be delayed if they do not provide the addresses at which they have ceased to reside within 12 months of the date of their application. The statement aims to minimise the number of incomplete applications submitted on paper forms. The provision of the applicant's previous addresses is one of two ways in which an out-of-date and redundant entry can be removed from the register through only one source of evidence. It thus serves as a key way to maintain the accuracy of the electoral register.

The third proposed change brings the requirements for who can attest to an applicant's identity as part of the application process for England and Wales in line with that for Scotland. It ensures consistency across the registration system in Great Britain. It adds the date of additional notices, adding a person's entry to a register to the provision setting out the timeframe during which a person may attest to the identity of up to two applicants.

The fourth proposed change expands the number of sources of information that EROs can use to remove deceased electors from the electoral register. Where they are not able to obtain a death certificate or registrar notice, they will be permitted to use one of four further sources of evidence to support their decision to remove a deceased elector. The information may come from a close relative, a canvass form, a care home manager or other local records. I am sure that the Committee will agree that using that information is an appropriate way of avoiding unnecessary distress for the relatives of deceased electors. It certainly helps EROs to maintain the accuracy of the register proportionately.

The final proposed change streamlines and simplifies the correspondence that EROs are required to send to electors. The changes are designed to reduce the cost of the registration system and give EROs greater discretion to tailor their approach to the needs of electors. This saving will be achieved by requiring additional information to be included in a first notification to an elector that their entry on the register is under review. That allows the sending of a second notification of the outcome of a review to become discretionary. The regulations also make discretionary the sending of a notification of changes to an elector's open register preference. In summary, the draft regulations make sensible and proportionate changes to the wider registration system.

Returning to the first item, which the Committee views as important, making it easier to register to vote without your name and address appearing on the electoral register may be a small thing, but it makes a big difference. It means the freedom to live your life, cast your vote and make your choice. As campaigner Mehala Osborne said:

"Survivors in the future will not be denied their voice and democratic right to vote."

I commend the regulations to the Committee.

4.9 pm

Cat Smith (Lancaster and Fleetwood) (Lab): As we all know, the Representation of the People Act 1918 was a crucial step forward in the empowerment of women. Yesterday, as we marked the centenary of property-owning women over the age of 30 winning the right to vote, we were reminded that the fight for equality is a journey. This is just one of the first steps for women—sorry, I am

delivering this speech again. The struggle for equality continues. There are still far too few women in Parliament and women still face discrimination in the workplace and in everyday life. As the Minister has outlined, the purpose of this legislation is to give survivors of domestic abuse in England and Wales a voice in our democracy. The issue of domestic abuse is one that concerns all of us, and many of us will know somebody who has experienced some form of domestic abuse. National figures show that one in four women experience domestic violence at some point in their lifetime, and two women are killed by a current or former partner every week.

Sadly, although we are here to discuss changes to the system of anonymous voter registration among other things, we cannot ignore the wider context of Government cuts. As someone who has been a trustee of a women's aid organisation, I have seen at first hand the amazing work done by women's refuges in turn round the lives of women and their children. However, women's refuges have had their budgets slashed by nearly a quarter over the past seven years, despite the Prime Minister's pledge to boost funding for women escaping violent partners.

Turning specifically to anonymous voter registration, it is not right that survivors who have faced the physical, emotional and psychological impact of abuse are then silenced in our democratic process. Why? Because it is too dangerous for their name and address to be listed on the electoral roll, and too difficult for them to register anonymously. As the Minister has explained, under existing legislation, domestic abuse survivors must provide a court order or have their application supported by a senior independent witness, such as a high-ranking police officer, in order to appear anonymously on the electoral roll. The proposals outlined today will add doctors, nurses and refuge managers to the list of people who can act as an attester, and will lower the rank of police officer—from superintendent to inspector—authorised to perform this function. It is vital that every eligible elector is able to participate in our democracy, which is why the Opposition very much welcome the proposals announced today. We would like to note our thanks to Women's Aid, which has been at the forefront of shaping and co-ordinating responses to domestic abuse for over 40 years, including this legislation.

However, it is clear that these measures do not go far enough. Survivors still have to re-register to vote anonymously year on year, and those in new homes will have to repeat their application. I hope that in future there will be time to correct that in primary legislation, as the Minister outlined in our first Committee meeting this morning.

The Minister has outlined proposals to expand data sources available to registration officers to enable them to remove entries from the register as a result of death. I recall many campaigning experiences—I am sure that Members on both sides of the Committee can do so—in which it was clear that the person I was seeking to speak to had passed away. It is distressing for the families involved. We welcome the measure, but it is disappointing that the Government seem to be focusing their energy on removing people from the electoral roll, but refuse to use the same data-sharing techniques to address the millions of voters missing from the electoral roll. The Opposition are committed to taking radical steps to increase voter registration and turnout among eligible electors, which is why we have called on the Government

[Cat Smith]

multiple times to examine the use of Government data to automatically place eligible electors on the electoral roll. As the Minister is new to her role, can she outline her views on this? The year 2018 cannot be a year for complacency. As we celebrate 100 years of democratic change, we should be looking for a progressive and radical solution to address this country's democratic deficit.

4.13 pm

Chris Skidmore (Kingswood) (Con): I am grateful to whoever decided to include me in the Committee membership today. As the previous Minister for the constitution, I would like to pay tribute to my successor. She was also my predecessor. All Members will welcome her expertise in this particular area, and I know that she shares my passion and commitment to ensuring that looking at electoral registration and democratic participation should be a matter of social justice. It concerns all Members of the House.

Yesterday was the 100th anniversary of some women—those over the age of 30—winning the right to vote. It was not until 2 July 1928 that we achieved an equal franchise under Stanley Baldwin's Government. I hope that we will also celebrate the passing of the Equal Franchise Act in which men and women were treated equally and with equal vigour. I wanted to give somebody a voice who is not able to speak in this Committee: Mehala Osborne herself. When I became a Minister in July 2016, I was advised to choose three things to focus on in terms of policy. One is never quite sure how long one is going to be a junior Minister. I focussed on looking at identity, at polling stations on the back of the Eric Pickles review, and at the access to elections review. I am particularly committed to ensuring that people with disabilities and sight impairment have an equal chance to vote.

I believe that 100 years on from the enactment of women's suffrage, there are still people who, through no fault of their own, face barriers to voting, which means that we do not have 100% participation in our democracy. When Mehala Osborne wrote to me in July 2016, what leapt immediately and clearly off the page was that there was still a group of women who were unable to vote—again, through no fault of their own. If women in domestic violence refuges were on the electoral register, they would risk their security by making themselves known to their violent partners.

A system of anonymous registration had been set up by the previous Labour Government. Originally that was set up to protect the court orders themselves, but it is clear that times have moved on and we need to look at how to improve registration to make a difference for those women. There are 12,000 women in refuges, of whom only about 2,300 in England and Wales have registered anonymously. I know another Committee debated anonymous registration in Scotland, but even fewer women—only 43, I think—use the anonymous registration process there. That is simply because the barriers in the existing system are too great.

What incentive do people in a refuge have to travel across a local authority area to sign up to meet the director of social services so that she can countersign anonymous registration form needed to get a vote? In my area of Avon and Somerset, why would someone

want to travel to Portishead to be able to meet with an inspector or chief inspector of constabulary to get him to countersign the form?

When looking at how to renew the legislation, it made sense to trust the refuge manager to sign the form. Why not trust a health professional? I am delighted that the Minister has been able to continue work on the legislation, because I made a commitment to Mehala Osborne that we would seek to introduce such a measure during the centenary year of women getting the right to vote. As a result of passing the draft regulations, all members of the Committee should be celebrating locally the fact that they as Members of Parliament have legislated to ensure that 10,000 women who want to vote, but have not been able to vote so far, will be able to do so.

I am sure we will still be able to make corrections to the process in future. For example, the hon. Member for Lancaster and Fleetwood talked about the issue of registration every 12 months versus every five years. We have registration every five years for armed forces personnel at the moment, and that is something that can only be changed in primary legislation. I hope the Minister will consider that in future.

Mehala Osborne set up the campaign because she had wanted to vote in the Bristol mayoral elections but found she was unable to do so. It is right that women who have had their voice taken away from them by a violent partner should be given that opportunity to have their voice heard in our democratic process.

There is much more for the Government to do. Our democratic processes are often about inputs, outputs and the processes of registration itself—it is highly technical, as we can see from the rest of the SI. However, we need to focus on the outcomes and on what we want to achieve from electoral registration. When we look at local authorities registering those individuals, how can we ensure that performance targets are set for the local authorities, so that we double down and focus on those people whom we know are from certain demographics or in vulnerable situations to encourage participation?

I set up National Democracy Week for the week of 2 July this year to ensure that as a nation we can focus on the values of our democracy and registration. I hope that the Minister will participate in and take forward National Democracy Week. What we as legislators have done today in Committee is a great thing—we should all be proud of what has happened, but there is more to do. I am grateful for the opportunity to speak.

4.19 pm

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I will be brief, because we are approaching a vote, but I want to raise one specific issue with the Minister. I absolutely support the efforts being made today, and it is appropriate that they are happening in such an historic week when we celebrate women—or some women—gaining the vote back in 1918.

The issue is the interactions of individuals, once they have registered anonymously, with credit reference agencies. From examples from my own constituency, I know that individuals who have registered anonymously have had significant difficulty in getting agencies such as Experian, Callcredit and others to acknowledge their anonymous registration without cumbersome processes. Given that many of the women whom we are talking about today

are in a vulnerable situation, they need to be able to access credit and so on without being disadvantaged. Will the Minister say a little about what the Government are doing to work with the agencies to ensure that that process is as transparent and easy as possible? In some cases, agencies have refused to accept anonymous registration certificates in the past, which is obviously a huge problem.

It is clearly excellent that we can support such women who want to vote to be able to do so safely and securely, but we must also ensure that we put the effort into the other under-represented groups. I am thinking in particular of young people and the black and minority ethnic community—in my constituency in Cardiff, we have significant under-representation in those groups.

The armed forces have been mentioned, and many members of the armed forces whom I know do not take up the right to vote or are unable to vote, particularly given the nature of their service. I hope that the Government will take forward all such issues, because everyone has a right to take part in the democratic processes of this country. We need to ensure that they are able to do so as much as possible.

4.20 pm

Chloe Smith: I am conscious that I may have as little as two minutes before we have to vote in the Chamber. I shall do my very best to get through the issues.

The hon. Member for Lancaster and Fleetwood made a number of points that were made earlier in the Committee debating the Scotland version of the SI. I refer this Committee to my comments in that Committee about what the Government are doing to support refugees and their funding. I also reiterate that, although it is excellent that we are discussing something that will help women, women are not the only victims of domestic abuse; it is possible for men to be victims as well, and the changes in the draft regulations will apply to everyone.

On the points about indefinite anonymous registration, I have responded to those in the two earlier Committees. My comments are on the record. In the Committee debating the Scotland draft regulations, I responded to the hon. Member for Crewe and Nantwich (Laura Smith) that it was the right thing to do to remove dead electors from the register. That is a case of maintaining the accuracy of the register, but the hon. Member for

Lancaster and Fleetwood and other Members are right to raise the need for completeness. That is why the Government have introduced a full democratic engagement plan, to ensure that we assist in registering everyone who is eligible to register.

I thank my hon. Friend the Member for Kingswood not only for his moving comments today, but for his excellent work—[*Interruption.*]

The Chair: Order. We were willing the Minister on, but we will have to suspend the sitting.

4.22 pm

Sitting suspended for a Division in the House.

4.37 pm

On resuming—

Chloe Smith: It only remains for me to complete my warm words for my predecessor, my hon. Friend the Member for Kingswood, who did excellent work in bringing to readiness the measures before us. I would like to put on record my thanks to him and my officials for that work. I also thank him for his moving speech today. He reminded us of those we do this for, which is extremely important when we discuss legislation.

I will quickly answer the question on credit reference agencies asked by the hon. Member for Cardiff South and Penarth. I confirm that anonymously registered electors are provided with a certificate of anonymous registration, which they can use as evidence to overcome barriers they might encounter, such as with credit reference agencies and other areas where the electoral register comes into play.

I am committed to ensuring that these measures are implemented well. Should I encounter further problems of that kind, I will be sure to ask officials and EROs to look at what can be done. I hope I have answered all the Committee's questions. I thank the Committee for supporting these important measures in this suffrage year. This is a powerful move and the right thing to do to make matters easier for those who have suffered abuse.

Question put and agreed to.

4.38 pm

Committee rose.

