

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Eighth Delegated Legislation Committee

DRAFT REPRESENTATION OF THE PEOPLE (NORTHERN IRELAND) (AMENDMENT) REGULATIONS 2018

Wednesday 7 February 2018

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The Committee consisted of the following Members:

Chair: DAVID HANSON

† Blunt, Crispin (*Reigate*) (Con)
 † Bradley, Ben (*Mansfield*) (Con)
 † Bruce, Fiona (*Congleton*) (Con)
 † Churchill, Jo (*Bury St Edmunds*) (Con)
 † Cunningham, Alex (*Stockton North*) (Lab)
 † Dent Coad, Emma (*Kensington*) (Lab)
 † Double, Steve (*St Austell and Newquay*) (Con)
 † Fletcher, Colleen (*Coventry North East*) (Lab)
 † Foster, Kevin (*Torbay*) (Con)
 Frith, James (*Bury North*) (Lab)
 † Killen, Ged (*Rutherglen and Hamilton West*) (Lab/
 Co-op)

Leslie, Mr Chris (*Nottingham East*) (Lab/Co-op)
 † Menzies, Mark (*Fylde*) (Con)
 † Penrose, John (*Weston-super-Mare*) (Con)
 † Smith, Cat (*Lancaster and Fleetwood*) (Lab)
 † Smith, Chloe (*Parliamentary Secretary, Cabinet
 Office*)
 West, Catherine (*Hornsey and Wood Green*) (Lab)

Gail Bartlett, *Committee Clerk*

† **attended the Committee**

Eighth Delegated Legislation Committee

Wednesday 7 February 2018

[DAVID HANSON *in the Chair*]

Draft Representation of the People (Northern Ireland) (Amendment) Regulations 2018

8.55 am

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

That the Committee has considered the draft Representation of the People (Northern Ireland) (Amendment) Regulations 2018.

It is a pleasure to serve under your chairmanship, Mr Hanson. The purpose of the draft regulations is to make registering to vote anonymously more accessible for those who need it most. The regulations provide for changes to the parliamentary and local electoral registers in Northern Ireland, and those changes would apply to electors at parliamentary, Assembly and local government elections. It is important that the changes are applied UK-wide, and similar legislation for England and Wales and for Scotland is being debated and considered in Committee today.

As the local government electoral registers are a devolved matter in Scotland, the Scottish Government are proposing similar changes in the Scottish Parliament. Yesterday marked 100 years since legislation was introduced to give some women the right to vote in the UK. That was the first step to equal franchise in the UK, but the journey to maximise electoral registration continues. For some people, the fear of having their name and address on the electoral register is a barrier to registering to vote and engaging in democracy. It seems fitting today to debate changes that make it easier for vulnerable individuals to exercise their democratic rights, which were passionately fought for 100 years ago.

Anonymous registration was first introduced in Great Britain by the Electoral Administration Act 2006, but it was not extended at that time to Northern Ireland. Instead, section 1 of the Northern Ireland (Miscellaneous Provisions) Act 2006 gave the Secretary of State for Northern Ireland the power to make equivalent provision for Northern Ireland by Order in Council under section 84 of the Northern Ireland Act 1998—something with which you are deeply familiar, Mr Hanson.

The Chair: I took it through.

Chloe Smith: Very good—we are in good hands today, Mr Hanson, with your expertise in the Chair.

The Secretary of State's power to make provision for anonymous registration in Northern Ireland was used for the first time to make the Anonymous Registration (Northern Ireland) Order 2014. That extended many of the anonymous registration provisions in place for England, Wales and Scotland, and it is linked to a series of statutory instruments which amend the Representation

of the People (Northern Ireland) Regulations 2008 and which, taken together, implement the system of anonymous registration in Northern Ireland that applies to parliamentary, Assembly and local elections.

The scheme 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, as well as some witnesses in criminal court cases. It is not available to those who simply want to keep their name and address private. Someone can register to vote anonymously if they can show that their safety, or the safety of someone else in their household, would be at risk if the electoral register contained their name and address. This is known as the safety test. An applicant must provide evidence that demonstrates that they meet the safety test to the Electoral Office for Northern Ireland. 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 an attestation, which 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 the legislation as qualifying officers, such as a superintendent of police or a director of social services.

About two years ago, Mehala Osborne, 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 domestic abuse to register safely to vote. The Government consulted on potential changes to improve the accessibility of the anonymous registration scheme with domestic abuse charities, the electoral community, including the chief electoral officer for Northern Ireland, bodies representing potential attestors and others. The responses that the Government received were broadly positive, and the Women's Aid Federation Northern Ireland has been particularly keen to see the provisions implemented. I pay tribute to my predecessor, my hon. Friend the Member for Kingswood (Chris Skidmore), for all his hard work and passion to help make the changes a reality. The regulations make sensible changes that make the scheme more accessible for those who need it most.

Turning to the detail of the changes, the draft regulations update the list of court orders and injunctions that can be provided to the chief electoral officer as evidence, to demonstrate that an individual's safety would be at risk. As evidence, applicants would be able to use female genital mutilation protection orders, made under the Female Genital Mutilation Act 2003. They would also be able to use domestic violence protection orders, made under the Crime and Security Act 2010 or when they are brought into force in Northern Ireland, the Justice Act (Northern Ireland) 2015. Those are new and relevant orders that were not in place when the anonymous registration scheme came into force.

The draft regulations will broaden who can provide attestations that an individual's safety would be at risk. The seniority required for an attestation from a police officer would be lowered from the rank of superintendent to the rank of inspector. That will make it easier for applicants to obtain an attestation. Inspectors are, of course, frequently in contact with survivors and 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, would also be able to act as attesters. Again, those professionals are frequently in contact with survivors of domestic abuse and qualified to assess the level of risk to an individual's safety.

Managers of refuges for those escaping domestic violence will now be able to act as attesters. That is important. All individuals who are resident in a refuge would then have easy access to an individual who can attest to the fact that their safety is at risk. Refuge managers are specialists in their field and well placed to attest whether an individual's safety is at risk. They are in direct and sustained contact with domestic abuse survivors and are approachable, which helps to increase accessibility for those seeking to use the scheme.

The changes do not place a statutory duty on anybody to provide an attestation. However, the regulations widen the group of individuals qualified to attest, should they choose to do so. Overall, the changes ensure that the evidence required to register to vote anonymously reflects the experiences of survivors of domestic abuse. As I mentioned, the Government have consulted on the draft regulations with the Electoral Commission, the chief electoral officer for Northern Ireland, representative bodies of newly qualified attesters and Women's Aid. There is general agreement that the changes being brought forward are desirable to ensure that those whose safety would be at risk, if their names and addresses appeared on the register, are able to engage in our democratic system.

I would like to dwell on a few comments made within that consultation. We heard from Women's Aid that they strongly welcomed the changes made by the statutory instrument, saying that,

"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 think we should all agree with that. The draft regulations make sensible and proportionate changes to the wider registration system, making it easier to register to vote without a name and address appearing on the register. That may be a small thing, but it makes a big difference. It means the freedom to live one's life and cast one's vote to make a choice.

As Mehala Osborne said:

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

9.3 am

Cat Smith (Lancaster and Fleetwood) (Lab): It is 100 years since the Representation of the People Act 1918. As we all know, that was a crucial step forward in the emancipation and empowerment of women. Yesterday we marked the centenary of property-owning women over the age of 30 and some university graduates winning the right to vote. We are reminded that the fight for equality is always a journey and this is part of the next step forward in that equality for women.

That was just one of many steps for women and, 100 years later, 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 outlined, the purpose of

this legislation is to give survivors of domestic abuse in Northern Ireland a voice in our democracy. The issue of domestic abuse concerns us all. Many of us will know somebody who has experienced some form of domestic violence. National figures show that one in four women experience domestic violence at some point in their life, and every week two women are killed by a current or former partner. The draft regulations are desperately needed.

Sadly, although we are here today to discuss changes to the system of anonymous voter registration, I cannot ignore the wider context of the Government's cuts agenda and its impact on women. As someone who was for many years a trustee of a Women's Aid organisation, I have seen at first hand the amazing work that women's refuges do to turn around women's lives, and often the lives of their children too. However, women's refuges have seen their budgets slashed by nearly a quarter over the past seven years and, despite the Prime Minister's pledge to boost funding for women escaping violent partners, that is a continued blight up and down the country.

Turning specifically to anonymous voter registration, it cannot be right that survivors who have faced the physical, emotional and psychological impacts from abuse are then silenced in our democratic process. Why? Because it is too dangerous for their names and addresses to be listed on the electoral register and too difficult, at the moment, for them to register anonymously.

As the Minister 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. These proposals will add doctors, nurses and refuge managers to the list of people who can be an attester and will lower the rank of police officers, from superintendent to inspector, authorised to perform that function.

It is vital that every eligible voter is able to participate in our democracy, which is why the Opposition very much welcome the proposals. I put on the record my thanks to Women's Aid, which has been at the forefront of shaping and co-ordinating responses to domestic violence and abuse for more than 40 years, including this legislation. However, it is clear that the measures do not go far enough. Survivors still have to re-register to vote anonymously year on year, and those who move home often have to repeat their applications. For many survivors, anonymity is a matter of life or death, and women are often on the run from domestic abuse for the rest of their life.

We support Women's Aid, which has called on the Government to use the Domestic Violence and Abuse Bill to pass legislative changes to make survivors' anonymous voter registration valid indefinitely, so that they can vote in safety for life. Will the Minister outline the Government's position on that proposal? What conversations has the Minister had with her colleagues in the Home Office about it? I recognise that she is new to her post, so that might take some time.

9.7 am

Chloe Smith: I welcome the opportunity to put on record the technical reason why the draft regulations go as far as they do and not as far as some have publicly

[Chloe Smith]

argued for. There are a number of reasons why the draft regulations do what they do, which is to extend the evidence basis, but not the amount of time for which a person can be on the register.

First—I suspect, technically, most importantly, although rather boringly—the provisions on yearly renewal are in primary legislation and cannot be addressed through secondary legislation. That is the straightforward reason why the draft regulations do what they do. I think the Committee will be aware that primary legislation space is somewhat limited in Parliament at present, and while I hope I have given the Committee a firm understanding of how important these matters are, we thought it better to do what we can in secondary legislation, rather than pinning everything on a piece of primary legislation.

John Penrose (Weston-super-Mare) (Con): I want to push my hon. Friend a little bit more, if I may. Is she saying that, in principle, if the Government were able to find the time—I appreciate that time is scarce at the moment—they would be interested in pursuing changes to primary legislation in order to make renewals a simpler, more up to date and altogether more streamlined process?

Chloe Smith: My hon. Friend kindly leads me on to the other two reasons I wanted to offer, which are matters of principle. First, when this scheme was originally introduced, Parliament's intention was to support individuals with a current risk, rather than necessarily an historical risk. That is the difference between a one-year registration, which ought to be renewable, versus an indefinite registration. That is the question of principle that we are dealing with: should this be about those who face a current risk, as opposed to some form of historical risk?

I note that there is difference between the three statutory instruments we are debating today—I do not know whether other hon. Members beyond the hon. Member for Lancaster and Fleetwood and me will be reconvening to debate the draft regulations for Scotland, and for England and Wales, on top of these for Northern Ireland—but it is the case that attestation in Northern

Ireland lasts for five years, so our discussion is coming on to matters related to England, Wales and Scotland, which we will debate later in the day.

To complete the set with a third reason why we think that yearly renewal is appropriate in those other parts of the United Kingdom, electoral registration officers have a very important duty to maintain the accuracy of their registers, so there is an argument that if and when electors change their address the register needs to be updated. That is another argument for the concept of yearly renewal—or, renewal at all and, for the other parts of the UK, yearly-in this policy area. I have no doubt that we will return to the issue in the Committees on the other related draft regulations, because it is more appropriate to the other parts of the United Kingdom.

Let me say a word about refugees more broadly, because the hon. Member for Lancaster and Fleetwood raised the issue. In Committee, we all share the desire to see refugees working well to support victims. My colleagues in the Home Office are looking very closely at the matter. In Northern Ireland, refugees are funded by the Northern Ireland Department for Communities, through the Supporting People programme, administered by the Northern Ireland Housing Executive. I will therefore go into no further detail now, because it is a devolved matter. Suffice it to say that my colleagues, including the Home Secretary—who addressed the House yesterday on a range of issues to do with this year's celebration, which we ought to be having, of women and their right to vote—are well aware of the need to support refugees well.

In closing off—I hope—the Committee's questions, I note that the draft regulations apply to men as well. We talk principally perhaps about women when we think about refugees, but let us not forget that men too can be victims of domestic abuse. It is important to put on the record the fact that the regulations will be in place for all survivors of domestic abuse. With that, I hope that I have answered the questions that have been asked, and I commend the draft regulations to the Committee.

Question put and agreed to.

9.12 am

Committee rose.