

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

First Delegated Legislation Committee

DRAFT REPRESENTATION OF THE PEOPLE  
(PROXY VOTE APPLICATIONS) (CORONAVIRUS)  
REGULATIONS 2021

*Tuesday 16 March 2021*

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**Saturday 20 March 2021**

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**The Committee consisted of the following Members:**

*Chair:* †STEWART HOSIE

Andrew, Stuart ( <i>Treasurer of Her Majesty's Household</i> )	† Lopez, Julia ( <i>Parliamentary Secretary, Cabinet Office</i> )
Davies-Jones, Alex ( <i>Pontypridd</i> ) (Lab)	Pursglove, Tom ( <i>Corby</i> ) (Con)
Docherty, Leo ( <i>Aldershot</i> ) (Con)	Sheerman, Mr Barry ( <i>Huddersfield</i> ) (Lab/Co-op)
Duguid, David ( <i>Parliamentary Under-Secretary of State for Scotland</i> )	† Smith, Cat ( <i>Lancaster and Fleetwood</i> ) (Lab)
Fellows, Marion ( <i>Motherwell and Wishaw</i> ) (SNP)	† Throup, Maggie ( <i>Lord Commissioner of Her Majesty's Treasury</i> )
† Fletcher, Colleen ( <i>Coventry North East</i> ) (Lab)	† Tomlinson, Michael ( <i>Lord Commissioner of Her Majesty's Treasury</i> )
Freer, Mike ( <i>Comptroller of Her Majesty's Household</i> )	Trickett, Jon ( <i>Hemsworth</i> ) (Lab)
Gwynne, Andrew ( <i>Denton and Reddish</i> ) (Lab)	
Harris, Rebecca ( <i>Lord Commissioner of Her Majesty's Treasury</i> )	Ian Bradshaw, <i>Committee Clerk</i>
Hunt, Jane ( <i>Loughborough</i> ) (Con)	† <b>attended the Committee</b>

# First Delegated Legislation Committee

Tuesday 16 March 2021

[STEWART HOSIE *in the Chair*]

## Draft Representation of the People (Proxy Vote Applications) (Coronavirus) Regulations 2021

9.25 am

**The Chair:** Before we begin, I remind hon. Members to observe social distancing and sit in the places that are clearly marked. I also remind Members that Mr Speaker has stated that masks should be worn in Committee while Members are not speaking. Our *Hansard* colleagues would be most grateful if Members could send their speaking notes to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk).

**The Parliamentary Secretary, Cabinet Office (Julia Lopez):** I beg to move,

That the Committee has considered the draft Representation of the People (Proxy Vote Applications) (Coronavirus) Regulations 2021.

It is a pleasure to serve under your chairmanship, Mr Hosie. The statutory instrument brought forward today will make sensible provision to support the effective administration of elections. Democracy should not be cancelled because of covid. The Government have confirmed that the elections scheduled for May will go ahead and have made a firm commitment that the Government will support the sector to deliver them. The Government have put forward a package of measures to support statutorily independent returning officers to deliver these elections successfully and with the right precautions in place. Those measures are set out in a delivery plan, published by the Government on 5 February.

The draft Representation of the People (Proxy Vote Applications) (Coronavirus) Regulations 2021 will temporarily change the eligibility criteria for emergency proxy applications, so that electors who are self-isolating because of coronavirus on election day have an additional option to vote remotely. The provisions in the SI will also allow those with an existing proxy to change the person acting as their proxy if their original proxy is affected by coronavirus.

The last opportunity to make a routine proxy application is at 5 o'clock, six working days before election day. After that deadline, the only other option to create a new absent voting arrangement is to apply for an emergency proxy vote. Under current regulations, there are strict eligibility criteria for emergency proxy applications, which, as I shall outline, are not optimal during this pandemic. Usually, emergency proxy applications on medical grounds are required to be attested by a medical professional. Not everyone will be able to seek such attestation; an example is those who become symptomatic too late to take a test. The SI will remove that requirement for those affected by covid, and removing the requirement for attestation will also avoid putting more pressure on already busy medical professionals.

Under current provisions for emergency proxy applications, applicants are not eligible if they were aware of their change in circumstances when they could still have made a routine proxy application—for example, if they broke their leg two weeks before polling day and could no longer walk to the polling station, but did not apply for a proxy vote before the six-working-days deadline. If someone contracted covid in the days before the usual proxy deadline and did not apply for a routine proxy on time, that could lead to infectious persons being ineligible for any absent voting arrangement. Furthermore, if an elector were informed that a member of their household had tested positive for coronavirus, but they were unable to evidence that they also had the virus then, under current regulations, the elector would be ineligible to apply for an emergency proxy vote even though they ought to remain at home.

The SI will remove those limitations for people affected by covid-19 and provide a more flexible approach for those who ought to remain at home on election day. The changes proposed in the SI mean that if an elector believes that their particular circumstances would lead to an increased risk of transmission of coronavirus to themselves or others in a range of circumstances, they are eligible to apply for an emergency proxy vote. For example, an elector who has been made aware that they may have been exposed to the virus at home or at work in the days leading up to the election can apply for an emergency proxy vote even if they are not yet showing symptoms.

Beyond the removing of attestation, the usual security measures for absent voting applications—such as the signature requirement, the provision of date of birth and the requirement that electors declare that they understand all the information provided is true and that providing false information to an electoral registration officer is illegal—remain in place.

Those electors who are granted emergency proxies will be included in the absent voting lists, and those lists are available to candidates and agents on request for the express purposes of ensuring scrutiny and integrity.

These temporary changes are both necessary and proportionate to ensure that those who are affected by coronavirus are still able to exercise their right to vote. The SI does not affect the regulations regarding any other route for emergency proxy applications. Almost all provisions in this SI will expire at the end of February next year and therefore will not apply to any regularly scheduled elections in May 2022. The only permanent provisions in the SI simply clarify and add certainty to the existing position that those electors with long-term proxy arrangements, such as those with a disability, can replace the person acting as a proxy without having to go through the entire application process again. Going through the full application process would require an elector to prove their eligibility for a long-term proxy vote again, simply to change the person who is their proxy, and that should not be necessary.

The SI has been considered by both the Joint Committee on Statutory Instruments and the Secondary Legislation Scrutiny Committee, which have not drawn the attention of the House to it. We have consulted the Electoral Commission, which is supportive of the proposed changes. We also shared a draft of the SI with the Association of Electoral Administrators, the Society of Local Authority Chief Executives, and officials in the Welsh Government.

There is broad support among stakeholders for the proposed changes set out in the instrument. I note that both the Welsh and Scottish Governments have also put in place similar measures for polls on 6 May for which they are responsible. It is important that we are able to offer voters a consistency of approach wherever possible, and I am pleased that all three Governments are working to support the voters in that way. I commend the instrument to the Committee.

9.30 am

**Cat Smith** (Lancaster and Fleetwood) (Lab): Labour will support the SI as a practical step to give voters greater flexibility when applying for an emergency proxy vote in the context of covid-19.

The provision is important, allowing voters who develop symptoms of covid-19 on election day to exercise their democratic right to vote by appointing an emergency proxy. People should not be forced to choose between their health, public health, and their right to vote. We support the measures as far as they go, but I want to make it clear that they do not begin to go far enough.

The Government have had nearly a year to put in place the necessary provisions to protect our democracy, but Ministers have once again been too slow to act, and here we are, at the eleventh hour, passing legislation for emergency proxy votes, which were entirely foreseeable almost a year ago. I am deeply concerned that Government inaction risks creating a perfect storm of disenfranchisement, with dangerously crowded polling stations and long queues on election day.

The provisions only begin to scratch the surface when it comes to the opportunities to make voting and democracy more accessible in the UK. The Government should have used this moment to update the most archaic and inaccessible aspects of our democracy. For months, Labour has been calling on the Government to adopt and introduce safer voting methods, including voting over multiple days and all-postal voting.

With so many questions left unanswered, I hope the Minister will answer a few of mine in her closing remarks. When do the Government plan to give local authorities specific information about the £30 million allocated by the Cabinet Office to make elections covid-secure? Electoral officials tell me that they are still uncertain about how the money can be spent and whether they will be entitled to claim it all back, given the huge expense of Perspex screens, personal protective equipment, and cleaning equipment.

As the Minister has pointed out, people whose health changes at the very last minute risk being disenfranchised at future elections, but she has indicated that the measures will end in February next year. Will she consider extending the changes to proxy voting rules and making them a

permanent change, to ensure that our democracy is open to people, regardless of what happens to their health—or indeed they might have family emergencies—on polling day?

Will the Government consider updating our electoral process for the 21st century? Franky, the covid emergency has revealed the archaic nature of our electoral system and electoral laws, which still demand at future elections printers for postal vote applications and physical signatures for the nomination process, for example. Has the Minister observed the elections in the Canadian province of Newfoundland and Labrador? Those were scheduled to go ahead in February, but owing to a covid spike, in-person voting was cancelled the day before the election, and an all-postal vote ballot had to be turned around at short notice. Can the UK Government learn any lessons from elections that have taken place around the world?

9.34 am

**Julia Lopez:** I thank the hon. Member for Lancaster and Fleetwood for her insightful contribution, particularly on the experiences from abroad in Newfoundland. Elections have been taking place during this period, particularly in Scotland, where proxy voting has worked at a time of high covid rates.

I am grateful for the hon. Lady's support for the measures. We have provided additional resource, as she will know, for covid-secure voting facilities in councils and polling stations. As she will know, some of the issues that she has raised will require primary legislation to implement, which would be difficult at this particular time.

We want people to have the ability to vote by proxy, in person and by post. We wish for that to continue, and would not want to move to an all-postal system. We do not have plans, as yet, to introduce digital aspects to elections, but we may look at things such as moving proxy vote applications for absent voters online, but again, that might require primary legislation.

We are working with the Electoral Commission to sort through some of the concerns that have been raised by local authorities. We will provide updated guidance as we get nearer to polling day. Broadly, the instrument before the Committee makes sensible changes to support the effective administration of elections. It would give electors who must remain at home on election day the option either to cast their vote remotely if they are affected by covid, or to replace a proxy who has been affected by covid if they had already made arrangements to vote remotely.

*Question put and agreed to.*

9.36 am

*Committee rose.*

