

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Second Delegated Legislation Committee

DRAFT REPRESENTATION OF THE PEOPLE  
(POSTAL AND PROXY VOTING ETC.)  
(AMENDMENT) REGULATIONS 2024

*Monday 15 January 2024*

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**Friday 19 January 2024**

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

*Chair:* JUDITH CUMMINS

- |  |   |
|--|---|
| † Barker, Paula ( <i>Liverpool, Wavertree</i> ) (Lab)  | † Grady, Patrick ( <i>Glasgow North</i> ) (SNP)                 |
| † Bell, Aaron ( <i>Newcastle-under-Lyme</i> ) (Con)  | † Hamilton, Mrs Paulette ( <i>Birmingham, Erdington</i> ) (Lab) |
| † Bristow, Paul ( <i>Peterborough</i> ) (Con)  | † Mackrory, Cherilyn ( <i>Truro and Falmouth</i> ) (Con)        |
| † Buchan, Felicity ( <i>Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities</i> ) | † Mills, Nigel ( <i>Amber Valley</i> ) (Con)                    |
| Burgon, Richard ( <i>Leeds East</i> ) (Lab)  | † Robinson, Mary ( <i>Cheadle</i> ) (Con)                       |
| † Clarkson, Chris ( <i>Heywood and Middleton</i> ) (Con)   | † Smith, Greg ( <i>Buckingham</i> ) (Con)                       |
| † Davison, Dehenna ( <i>Bishop Auckland</i> ) (Con)  | † Vickers, Matt ( <i>Stockton South</i> ) (Con)                 |
| Edwards, Sarah ( <i>Tamworth</i> ) (Lab)   | Aaron Kulakiewicz, <i>Committee Clerk</i>                       |
| † Eshalomi, Florence ( <i>Vauxhall</i> ) (Lab/Co-op)   | † <b>attended the Committee</b>                                 |
| † Glindon, Mary ( <i>North Tyneside</i> ) (Lab)  |   |

## Second Delegated Legislation Committee

Monday 15 January 2024

[JUDITH CUMMINS *in the Chair*]

### Draft Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2024

6 pm

**The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Felicity Buchan):** I beg to move,

That the Committee has considered the draft Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2024.

It is a pleasure to serve under your chairmanship, Mrs Cummins. This instrument corrects very minor errors in the Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023, which I shall abbreviate to “the 2023 regulations”, relating to how the transitional arrangements for the new rules on proxy voting are displayed on poll cards. That is all that the regulations do.

The Elections Act 2022 made a wide range of changes to numerous aspects of the electoral system, including the rules about the number of people for whom an individual can act as a proxy when voting. The changes were implemented by the 2023 regulations, and supported by new offences, and they came into force on 31 October 2023. The new arrangements limit the number of electors for whom a person may act as a proxy to four, of which no more than two can be domestic electors—that is, an elector who is not registered as an overseas or service voter. The 2023 regulations also updated all relevant prescribed forms—for example, poll cards—to make sure that the new limits are clearly explained to electors.

To ensure a smooth change of rules, the 2023 regulations set out a transitional period that would allow proxy arrangements that were set up before the new rules came into force to continue until 31 January 2024, or longer if a poll was under way on that date. That was to avoid a cliff-edge situation in which all proxy arrangements were cancelled simultaneously, which could have created administrative issues and left insufficient time for electors to reapply for new proxy arrangements.

The change in proxy rules needed to be reflected in the information provided on election forms, such as poll cards, and those needed to be updated for polls held both during and after the transitional period. The 2023 regulations provided the necessary updates for the forms used for any polls for which notice was given prior to 31 January 2024—that is, up until the end of the transitional period.

The forms for postal poll cards and proxy postal poll cards for any polls held after the transitional period are set out in a different set of regulations: the Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023. However, those forms do not come into force for any polls where the day of the poll is prior to 1 May 2024. Therefore—this is

getting to the crux of the matter—there is a gap in the transitional provisions for any polls for which notice is given on or after 31 January 2024 if the day of the poll is on or before 1 May 2024, as no transitional provision has been made. In any polls that took place during that time, the postal poll cards and proxy postal poll cards used before the 2023 regulations came into force would have to be used, which would provide incorrect information about the rules and offences surrounding proxy voting.

The same gap applies to postal signing petition notices and proxy postal signing petition notices for any recall petition for which the Speaker’s notice is given on or after 31 January 2024 and for which the beginning of the petition-signing period is on or before 1 May 2024.

The instrument before us will correct the error in the 2023 regulations by making additional transitional provision to cover the gap. That will ensure that the proxy voting changes are clearly explained to electors and so avoid any confusion. I commend the instrument to the Committee.

6.5 pm

**Florence Eshalomi (Vauxhall) (Lab/Co-op):** It is a pleasure to serve under your chairship this afternoon, Mrs Cummins. I thank the Minister for her introduction. We all want any legislation introduced to be in proper order, but we understand that errors can be made during drafting, so we do not intend to be too critical of those mistakes. I hope that the Minister can look at the other problems presented by the Elections Act that we have previously discussed bringing forward corrections to. If the Government bring forward such corrections, they will not find an enemy in me.

The Minister outlined the huge task of, and changes made in, the Elections Act. I have sympathy with her on the task of introducing so many complex changes to electoral statute. I would like her to address how the Government expect our already stretched electoral administrators up and down the country to get their head around the changes when the Government themselves are making errors in the implementation.

The Minister outlined the timing. The correction is extremely time sensitive, as it fills a gap that will be left once the provisions in schedule 2 to the unamended regulations begin to expire at the end of this month. Otherwise, old, incorrect information on the number of people for whom a voter can act as proxy would be used in elections after 31 January and before May. Regardless of the merits of any piece of legislation, it is deeply concerning if forms mandated by legislation provide incorrect information on how the public should interpret the law. That is particularly true of electoral law; misinformation could damage the public’s trust in our electoral and democratic process. I therefore welcome the correction from the Government, and will support it, in the expectation that it will be in place before the end of the month. I pay tribute to the Joint Committee on Statutory Instruments for its work in drawing attention to the error, and ensuring that it is corrected in a timely manner.

6.7 pm

**Patrick Grady (Glasgow North) (SNP):** It is always a pleasure to serve under your chairmanship, Mrs Cummins. Having once served on the Joint Committee on Statutory

Instruments, I entirely agree about the incredible amount of work that it does to make sure that the rest of the House and other legislators get this kind of thing right.

A few of us warned, during the Elections Bill, that we were perhaps legislating in haste and would end up repenting at leisure. The Bill was a bit of a wasted opportunity; there was a real need to properly consolidate, update and reform electoral law, and build in a proper timescale for implementing and modernising the regime. Instead, we face a slew of statutory instruments implementing measures and correcting mistakes. That places a huge burden, as the Labour Front Bencher said, on our electoral registration officers, the Electoral Commission and others who are responsible for the safe management of our elections.

It would be useful to hear from the Minister exactly how the Government plan to ensure that returning officers, their teams across the country and the Electoral Commission are properly resourced to implement this change, and all the other changes, with one hand tied behind their back, because no one knows exactly when the election will be. The Dissolution and Calling of Parliament Act 2022 was another piece of retrograde legislation introduced by the Government in an attempt to suppress and confuse voters.

Incidentally, the provisions of this statutory instrument are to run until 1 May 2024. If the election is on 2 May, which is a date that has been floated, Parliament will have to dissolve on 26 March, barely two months from now. That is probably sobering enough for most of us here, but it is incredibly sobering for the people who would have to run the election. That uncertainty is a

huge problem. By all means let us fix the mistakes that the Government have made; moreover, let us try not to repeat them.

6.9 pm

**Felicity Buchan:** I thank the hon. Members for Vauxhall, and for Glasgow North, for their constructive tone. I echo the comments made about the Joint Committee on Statutory Instruments and all its work.

There were a few questions, to which I will reply briefly. Officials have been working, and will continue to work, carefully and closely with the sector on planning the implementation. Some £25.5 million has already been provided to local authorities, and further grant funding will be provided in April 2024 to support ongoing delivery, ahead of the May 2024 elections. I restate that we already have a process in place through which local authorities can claim additional new burdens funding retrospectively, if that is required.

The hon. Member for Glasgow North talked about the consolidation of electoral law. The Government remain committed to the continued integrity of our electoral law and processes. That is why our immediate priority is to implement the measures flowing from the Elections Act 2022. It is robust, and we are very much committed to ensuring that the legislation is successfully implemented. The hon. Member for Vauxhall raised concerns about the ability to implement the legislation. As I said, funding is being made available, and we are working closely with the sector to ensure its successful implementation.

*Question put and agreed to.*

6.12 pm

*Committee rose.*





