

**4. Registration of Electors Bill 2020 –  
Second Reading approved**

Mr Henderson to move:

*That the Registration of Electors Bill 2020 be read a second time.*

**The President:** We turn to Item 4, the Registration of Electors Bill 2020, and I call on the Hon. Member, Mr Henderson to move the Second Reading stage.

1755

**Mr Henderson:** Gura mie eu, Eaghtyrane. Sorry I am having a little difficulty in trying to get the microphone turned on. Thank you.

I am pleased to move the Second Reading of the Registration of Electors Bill 2020. As I advised Hon. Members during the First Reading of the Bill, the maintenance of the electoral register is an essential part of ensuring that democratic elections can be held in the Isle of Man. The current registration system, in which a full postal canvass is conducted on a household basis each year, is outdated. This Bill will improve the process for electors and make it more efficient for Government by moving to a new system based on individual and lifelong registration.

Eaghtyrane, the Bill creates a gateway between the electoral register and census, and has been drafted to embrace future developments in respect of the ‘tell us once’ principle of public administration. It also expressly states that the processing of information must be in accordance with data protection legislation.

In summary, the Registration of Electors Bill 2020 will result in a more accurate and complete register, supporting efforts to strengthen political engagement and increase turnout at elections.

Eaghtyrane, I beg to move that the Registration of Electors Bill 2020 be read for the second time.

**The President:** Hon. Member, Mr Mercer.

**Mr Mercer:** Thank you, Mr President. I beg to second.

**The President:** Hon. Members, the motion is that the Bill be read for the second time. I take Council to be in agreement. If there be dissent please indicate now. No dissent, the motion carries.

**Registration of Electors Bill 2020 –  
Clauses considered**

**The President:** We move on then to the clauses stage.

Mr Henderson, I understand you wish to move clauses in groups, beginning with clauses 1, 2 and 3.

Mr Henderson to move.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

Yes, that is correct; I wish to move the clauses in groupings, similar to that which I did before with the Bank Resolution Bill. But again if Members wish to move them individually that also is perfectly acceptable.

Eaghtyrane, as I indicated during the Second Reading, the Bill supports the aims of strengthening political engagement and increasing turnout at elections by improving the process

for people to become registered electors and introducing the concept of individual, lifelong registration.

If Hon. Members are agreeable, I would like to take some of the clauses in groups, as we have stated, and certainly will be more than happy to provide assistance to introduce that particular clause on that basis.

Clauses 1, 2 and 3 are introductory.

Clause 1 gives the short title that the Bill will have if it is passed.

Clause 2 deals with the Bill's commencement, with the majority of the Bill's provisions coming into operation on the day that the Act is passed. The remaining provisions can be brought into operation by the Council of Ministers in the usual way, by Appointed Day Orders.

Clause 3 provides for the general interpretation of the Bill's provisions.

Eaghtyrane, I beg to move that clauses 1, 2 and 3 stand part of the Bill.

**The President:** Mr Mercer.

**Mr Mercer:** Thank you.

I beg to second and reserve my remarks.

**The President:** Hon. Members, I put clauses 1, 2 and 3. I take Council to be in agreement. If there be dissent please indicate now. The ayes have it. The ayes have it.

Mr Henderson, clauses 4 and 5 and Schedules 2 and 3.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

I propose to take clauses 4 and 5 together, along with Schedules 2 and 3.

Clause 4 introduces the concepts of 'a qualifying person' and an 'eligible elector' and the relationship between the two.

If a person meets these qualifying criteria and they satisfy the registration requirement in section 6(5)(a), which we will shortly come to, that person becomes an eligible elector and entitled to vote in that electoral area.

Schedule 3 illustrates the interconnection between the two concepts, together with that of a registered person, which we have seen is defined in section 3.

Clause 4 also makes clear that an eligible elector must only vote once in the same election.

Clause 5 sets out the Officer's duties in respect of the preparation, maintenance and revision of a register of electors for each polling district. Whilst this duty is subject to receiving the required information, the clause retains the ability for the Officer to submit a form to any person over the age of 16, requesting that they complete either their own details or relevant details for another person. Failure to return the form would render that person liable to a civil penalty.

The clause goes further regarding a person who returns the form knowing that it contains false information. Such person would be liable to summary conviction.

The clause makes clear that a person can only be entered in a register of electors in respect of one polling district for national elections and one polling district for local elections, although this does not need to be the same.

Finally, the clause refers to Schedule 2, which contains further provisions about civil penalties which can be imposed under clause 5(4). The Schedule specifies that the procedure for imposing a civil penalty must be set out in regulations, which may specify steps which the Officer must take before imposing a penalty and which may give a person on whom a penalty is imposed, the right to request a review or appeal. Any regulations are required to have received Tynwald approval.

Eaghtyrane, I beg to move that clauses 4 and 5 and Schedules 2 and 3 stand part of the Bill.

**The President:** Mr Mercer.

**Mr Mercer:** Thank you.

I beg to second and reserve my remarks.

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**The President:** Hon. Members, I put the question that clauses 4 and 5 and Schedules 2 and 3 do stand part of the Bill. I take Council to be in agreement. If there be dissent please indicate now. The ayes have it. The ayes have it.

Clause 6. Mr Henderson, please.

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**Mr Henderson:** Gura mie eu, Eaghtyrane.

I propose to take clause 6 on its own as it is a crucial clause of the Bill and introduces the concept of individual and continuous registration. It is a qualifying person who must ensure that he or she is registered and that his or her personal data are up to date. Once registered, that person will remain on the register until such time as they cease to be a qualifying person, or die.

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The clause also changes the penalty for non-compliance with this clause. Whereas under the current legislation a person could be prosecuted, under the Bill the Officer can impose a civil penalty on a person for non-compliance and, accordingly, the clause also refers to Schedule 2.

To assist persons to comply with their obligations under this clause the Officer needs to issue guidance.

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Eaghtyrane, I beg to move that clause 6 stands part of the Bill.

**The President:** Mr Mercer.

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**Mr Mercer:** Thank you.

I beg to second and reserve my remarks.

**The President:** I put clause 6. If there be dissent, please indicate this now. The ayes have it. The ayes have it.

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Clauses 7 and 8, Mr Henderson to move.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

Clauses 7 and 8.

Dealing with clause 7 first, this enables persons to register by means of an alternate procedure if they are, at the material time, off Island due to their service, studies or employment, and also persons who are deemed to be vulnerable and at risk. The procedure will be specified in regulations and must make provision for such person to be an eligible elector or in an equivalent position to an eligible elector. These regulations are subject to the affirmative procedure.

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The purpose of clause 8 is to enable those persons who may be vulnerable and at risk the right to be included in the register of electors for their area without fear of being identified. Whilst the Officer can take account of evidence supplied in support of an application, the Officer has the right to make up his or her own mind, thereby recognising that such evidence may not be readily available or may change in nature.

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Eaghtyrane, I beg to move that clauses 7 and 8 do stand part of the Bill.

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**The President:** Mr Mercer.

**Mr Mercer:** Thank you.

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I beg to second and reserve my remarks.

**The President:** Hon. Members, I put clauses 7 and 8. If there be dissent, please indicate this now. The ayes have it. The ayes have it.

Clauses 9 and 10, please.

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**Mr Henderson:** Gura mie eu, Eaghtyrane.

1900 Clauses 9 and 10 specify that unless the Officer has any reasonable doubt about the accuracy of a person's identity, age, residential status or legal capacity to vote, the Officer must enter their name and any other relevant personal data, as prescribed in regulations, in a register of electors. Furthermore, the Cabinet Office must issue guidance to enable a registered person to conclude when his or her name will be entered on the register.

If the Officer refuses to enter a person's name in a register of electors that person may make an objection under Part 5, which specifies how the person can make an objection.

Eaghtyrane, I beg to move that clauses 9 and 10 stand part of the Bill.

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**The President:** Mr Mercer.

**Mr Mercer:** Thank you.

I beg to second and reserve my remarks.

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**The President:** Hon. Members, I put clauses 9 and 10. If there be dissent, please indicate now. The ayes have it. The ayes have it.

Mr Henderson to move clauses 11 to 17, inclusive.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

1915 These all take Part 3 of the Bill, together, and concern the preparation, publication and maintenance of the register. They are, in the main, procedural in nature.

Clause 11 obliges the Officer to publish a full and updated register of electors for each ward, district and constituency, as applicable, once a year. The clause further makes provision for what should happen if the date of publication is to change.

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Clause 12 builds on the provisions of clause 11 and makes clear that to compile the updated register the Officer must use the following information: relevant personal data, which has been processed to compile the most recent full and updated register; all alteration notices published since the publication of the most recent full and updated register; information provided by the registrar of each district pertaining to those members who have died; and any other relevant data.

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The personal data may be submitted by the data subject or another person and any Department or Statutory Board may disclose the information to the Officer to the extent necessary for the purposes of verification.

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Clause 13 sets out requirements following the publication of the registers, including that the Officer must place the updated registers in the Central Registry, with copies to the clerk of the local authorities, and each new entry should be allocated a unique registration number. In the event that no register of electors has been prepared for a polling district or has not been made available for inspection or has not been updated, the applicable part of the register previously in force must be taken to be the relevant part of the register for that district. Regulations which are required to be made under this section require Tynwald approval.

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Clause 14 makes clear that copies of the registers should be available for inspection at the Cabinet Office and at such places, in each district, that the Cabinet Office determines. The Officer must also cause public notice to be given during the seven days before each relevant registration date of the places where the registers of electors, and the list of claims and objections, may be inspected.

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Clause 15 sets out how changes are to be made to the register.

Clause 16 finishes the cycle and sets out when the Officer must remove relevant personal data of an eligible elector.

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The final clause in this part is clause 17, which is an important clause in ensuring that an individual is able to take part in the democratic process of elections. It provides that even where

the relevant personal data of a person does not appear on the last published alternation notice, the Cabinet Office may still permit that person to vote in an election. Any person who objects to the exercise of the Cabinet Office's discretion may make an objection under Part 5.

Eaghtyrane, I beg to move that clauses 11-17 inclusive do stand part of the Bill.

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**The President:** Mr Mercer.

**Mr Mercer:** Thank you.

I beg to second and reserve my remarks.

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**The President:** Now, Mrs Poole-Wilson

**Mrs Poole-Wilson:** Thank you, Mr President; and I would like to thank the mover and the officers and drafters for their assistance with a couple of matters that I noticed on close read of the Bill.

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I have amendments to clause 13 and to clause 14 which have been previously circulated; and, Mr President, I hope it is in order to move the three amendments on the clauses amendments page at this point.

*Amendments to clause 13*

1. Page 17, line 32, in subsection (3) for 'paragraph 14 of Schedule 1' substitute «paragraph 19 of Schedule 1».

2. Page 18, line 10, in subsection (6) for 'paragraph 14 of Schedule 1' substitute «paragraph 19 of Schedule 1».

*Amendment to clause 14*

3. Page 19, line 10, in subsection (3)(a) omit 'and the time within which'.

**The President:** Thank you.

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Mrs Lord-Brennan.

**Mrs Lord-Brennan:** Thank you, Mr. President.

I would like to second those amendments, please.

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**The President:** Does any Member wish to speak?

Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

I would just like to add my support to Mrs Poole-Wilson's currently proposed amendments and indeed forthcoming amendments. I just want to place on record my thanks to Mrs Poole-Wilson for her diligent inspection of the Bill and spotting these particular errors/inconsistencies. I am grateful that she has taken the amount of time in doing so and that we are able to rectify it at this stage, Eaghtyrane.

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**The President:** Thank you.

Mrs Poole-Wilson, do you wish to reply?

**Mrs Poole-Wilson:** Thank you, Mr President.

No, I do not have anything further to add. I hope the amendments are self-explanatory.

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I beg to move.

**The President:** Thank you.

We move to the vote, then.

1990 I will take clauses 11 and 12 together. I put the question that clauses 11 and 12 do stand part of the Bill. I take Council to be in assent. If there be any dissent, please indicate this now. The ayes have it. The ayes have it.

Clause 13, I put first of Mrs Poole-Wilson's amendments. I take Council to be in agreement. If there be dissent, please indicate now. The ayes have it. The ayes have it.

1995 Clause 13, then, as amended. I take Council to be in agreement. If there be dissent, please indicate now. The ayes have it. The ayes have it.

Clause 14, I put the amendment in the name of Mrs Poole-Wilson. I take Council to be in agreement. If there be dissent, please indicate now. The ayes have it. The ayes have it.

Clause 14, as amended. I take Council to be in agreement. If there be dissent, please indicate this now. The ayes have it. The ayes have it.

2000 I put clauses 15, 16 and 17. I take Council to be in agreement. If there be dissent, please indicate now. The ayes have it. The ayes have it.

I turn now to clause 18. Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

2005 Clause 18 obliges the Chief Secretary to make two appointments from persons employed in the Cabinet Office, namely an Electoral Registration Officer and a Deputy Electoral Registration Officer. It will be the duty of the Deputy to act when the Officer is unavailable.

Eaghtyrane, I beg to move that clause 18 stands part of the Bill.

2010 **The President:** Mr Mercer.

**Mr Mercer:** Thank you.

I beg to second and reserve my remarks.

2015 **The President:** I put clause 18. If there be dissent, please indicate now. The ayes have it. The ayes have it.

Clause 19. Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

2020 Clause 19 particularises the assistance that must be given to the Officer by the registrar of each district, by local authorities and by any person who owns or occupies premises.

2025 If a clerk of a local authority either refuses or knowingly fails to carry out any duty necessary for the fulfilment of the local authority's obligations, such refusal or failure is an offence for which that person is liable on summary conviction to a fine. Proceedings for this can only be brought with the consent of the Attorney General.

Similarly, any person who owns or occupies premises who also knowingly gives false information also commits an offence.

Eaghtyrane, I beg to move that clause 19 stands part of the Bill.

2030 **The President:** Mr Mercer.

**Mr Mercer:** Thank you.

I beg to second and reserve my remarks.

2035 **The President:** Mrs Poole-Wilson

**Mrs Poole-Wilson:** Thank you, Mr President.

2040 On reviewing clause 19 I noted the term 'of full age' which, on consultation with the drafters as it is not a defined term and as the voting age in the Isle of Man is 16, it was determined it would be preferable to replace 'of full age' with 'aged 16 years or older'.

So I would like to move the amendment in my name:

*Amendment to clause 19*

*4. Page 22, line 6, in subsection (1) for 'of full age' substitute «aged 16 years or older».*

**The President:** Mrs Lord-Brennan.

2045 **Mrs Lord-Brennan:** Thank you. I beg to second.

**The President:** Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

2050 Again, I am grateful to Mrs Poole-Wilson for her observations and examination of the Bill and I am supportive of the amendment, Eaghtyrane.

**The President:** Hon. Members, I put the vote, then, on the amendment first.

I take Council to be in agreement. If there be dissent, please indicate. The ayes have it. The ayes have it.

2055 I put clause 19, then, as amended. If there be dissent, please indicate now. The ayes have it. The ayes have it.

Clauses 20, 21 and 22, and Schedule 1 to be moved together. Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

2060 Clause 20 specifies that any person who claims to be entitled to have his or her name on the register or whose name is on the register but who objects to being marked 'J', or to the entry of another person, or to a claim by another person can make a claim or objection to the Officer. This Officer in turn must give notice of such claims and objections and maintain records containing such information as may be prescribed in regulations. These records will be available  
2065 for public inspection.

Clause 21 specifies the procedure for the determination of such claims including notification provisions, and refers to Schedule 1 which makes further provisions for hearings to be heard and determined by the High Bailiff including the process of the hearing, the powers of the High Bailiff and the process to be followed on any appeal from the High Bailiff.

2070 Finally, clause 22 provides when the Officer must, in accordance with regulations, modify the register of electors in accordance with the result of any claim or objection and also contains provisions pertaining to jurors, namely that on the register they should be marked with a 'J', and a list sent in accordance with the legislation to the Clerk of the Rolls.

Eaghtyrane, I beg that clauses 20, 21, Schedule 1 and clause 22 stand part of the Bill.

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**The President:** Mr Mercer.

**Mr Mercer:** Thank you.

I beg to second and reserve my remarks.

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**The President:** Mrs Poole-Wilson

**Mrs Poole-Wilson:** Thank you, Mr President.

2085 The amendment in my name to Schedule 1 is similar to the amendments moved previously to clause 13 in that it is corrective. When amendments were made in another place to the Schedule

some of the referencing and cross-referencing was affected, and so the amendment in my name is to correct that.

I beg to move:

*Amendment to Schedule 1*

*5. Page 31, line 10, in paragraph 2(b) for 'paragraph 6(a)' substitute «paragraph 8(a)».*

**The President:** Mrs Lord-Brennan.

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**Mrs Lord-Brennan:** I beg to second.

**The President:** We move, then, to a vote.

2095 I deal first with clause 20. I take Council to be in agreement. If there be any dissent, please indicate now. The ayes have it. The ayes have it.

Clause 21. If there be any dissent, please indicate now. The ayes have it. The ayes have it.

The amendment in the name of Mrs Poole-Wilson. I put the amendment. If there be any dissent, please indicate now. The ayes have it. The ayes have it.

2100 Clause 22 and Schedule 1, as amended. If there be any dissent, please indicate now. The ayes have it. The ayes have it.

Clause 23. Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

2105 Clause 23 provides an enabling power for regulations to be made to prohibit and/or restrict what can be done with the register of electors.

Eaghtyrane, you will note that this Bill contains no provisions with regard to the edited register, which appears in the current legislation. This Bill, if approved, will make the edited register a thing of the past. The only register that will exist is the full register and, with restrictions on its use, people whose name appears on the register are afforded additional privacy. Regulations may make non-compliance an offence.

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Eaghtyrane, I beg to move that clause 23 do stand part of the Bill.

**The President:** Mr Mercer.

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**Mr Mercer:** Thank you.

I beg to second and reserve my remarks.

**The President:** I put clause 23. If there be dissent, please indicate now. The ayes have it. The ayes have it.

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Clause 24. Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

Clause 24 provides a general power for the Council of Ministers to make regulations to give effect to the Act, specifies certain matters that regulations must make provision for and where non-compliance would be an offence. Any regulations must be approved by Tynwald before they come into force.

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Eaghtyrane, I beg to move that clause 24 stands part of the Bill.

**The President:** Mr Mercer.

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**Mr Mercer:** Thank you.

I beg to second and reserve my remarks.

2135 **The President:** I put clause 24. If there be dissent, please indicate now. The ayes have it. The ayes have it.  
Clause 25. Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.  
2140 Clause 25 provides two financial provisions in relation to this Bill. The first permits expenses incurred by the Treasury, the Cabinet Office, the Clerk of the Rolls, the High Bailiff and the Officer to be paid out of moneys provided by the Treasury. The second allows the Cabinet Office, subject to Treasury concurrence, to prescribe fees that the Central Registry can impose under clause 24(2)(b) for the supply of copies of the register and other documents.  
Eaghtyrane, I beg to move that clause 25 stands part of the Bill.

2145 **The President:** Mr Mercer.

**Mr Mercer:** Thank you. I beg to second.

2150 **The President:** I put clause 25. If there be dissent, please indicate now. The ayes have it. The ayes have it.  
Clause 26. Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.  
2155 Clause 26 makes clear that personal data disclosed by the Treasury under the Census Act can be processed by the Cabinet Office or the Officer for the purposes of compiling or reviewing a register of electors. Any processing, however, must comply with the data protection legislation.  
Eaghtyrane, I beg to move that clause 26 stands part of the Bill

2160 **The President:** Mr Mercer.

**Mr Mercer:** Thank you. I beg to second.

2165 **The President:** I put clause 26. If there be dissent, please indicate now. The ayes have it. The ayes have it.  
Clause 27. Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.  
2170 Clause 27 makes necessary consequential amendments to other pieces of primary legislation. I do not intend to list every amendment which, in the main, are changes to the terminology. However, most notably, this clause inserts a clause into the Census Act 1929 to, in effect, create a legal gateway to allow for the disclosure of data by the Treasury to the Officer for the sole purpose of verifying information submitted under this Bill.  
Eaghtyrane, I beg to move that clause 27 do stand part of the Bill.

2175 **The President:** Mr Mercer.

**Mr Mercer:** Thank you.  
I beg to second and reserve my remarks.

2180 **The President:** I put clause 27. If there be dissent, please indicate now. The ayes have it. The ayes have it.  
Finally, Mr Henderson, the final clause, 28.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

2185 Clause 28 has the sole purpose of repealing the Registration of Electors Act 2006 in its entirety.

Eaghtyrane, I beg to move that clause 28 stands part of the Bill.

**The President:** Mr Mercer.

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**Mr Mercer:** Thank you.

I beg to second and reserve my remarks.

2195 **The President:** I put the question. If there be dissent, please indicate now. The ayes have it. The ayes have it.

That concludes the clauses stage of the Registration of Electors Bill 2020.

I would like to thank the mover who has had a very busy morning today; and you, Hon. Members.