



BRIEFING PAPER

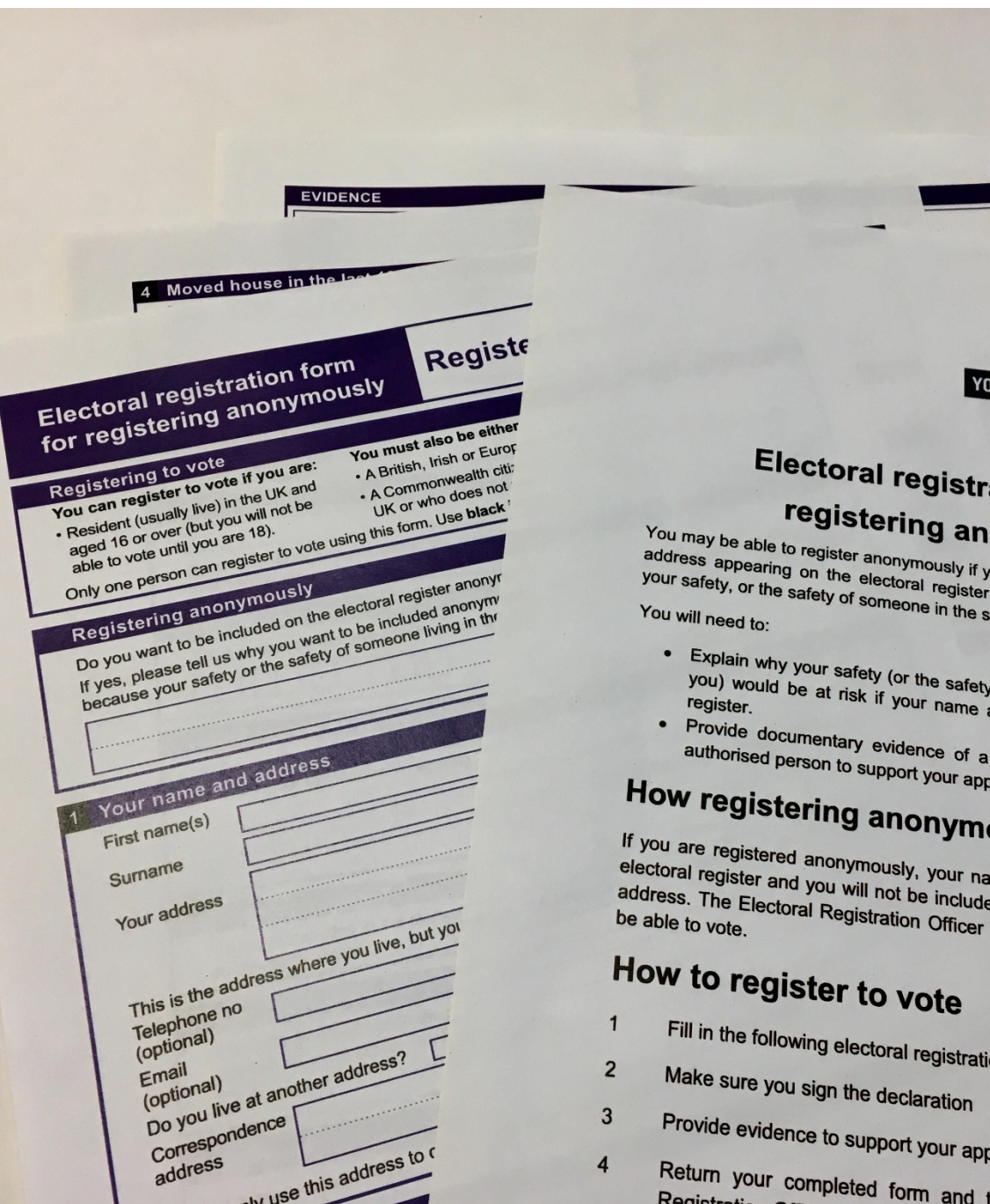
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Anonymous electoral registration

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Summary

Anonymous registration allows people whose safety would be at risk if their name or address were listed on the electoral register, for example survivors of domestic abuse, to register to vote without their details made public.

An application must be submitted to an electoral registration officer in writing and must provide certain evidence that the person applying is at risk.

The required evidence must be either:

- A current court order including an interdict, non-harassment order, a forced marriage protection order, an injunction, a restraining order a domestic violence protection order or a female genital mutilation protection order.

The types of order or injunction are set out in law, therefore other types of court orders cannot be accepted as evidence.

Or

- An attestation from a qualifying officer supporting the application. An attestation is a statement that if the applicant's name and address were on the register, the applicant's or another member of the household's safety would be at risk. Attestations must be in writing and must be signed and dated by the qualifying officer who must specify a period between one and five years for which it has effect.

A qualifying officer must be a refuge manager, registered medical practitioner (for example GP, nurse or midwife), a senior social worker, a police officer above the rank of Inspector or the Director General of the Security Services or the National Crime Agency

This briefing lists the types of court order and qualifying officers in Section 2.1.

The system for registering anonymously was introduced in 2006. In 2016 the Government committed to consult on reforming the anonymous registration. In March 2017 it produced a policy document, [A democracy that works for everyone: survivors of domestic abuse Policy Statement](#), which contained proposals to extend the number of court orders that could be used as evidence.

The level of evidence had been criticised by some for making anonymous registration too difficult or complex for many. Women's Aid criticised the system, saying that for women living in a refuge it was "an almost insurmountable challenge" to register to vote stating that. Many victims do not involve the courts and therefore do not have access to the appropriate court orders. The very senior levels of qualifying officers meant that it was difficult for survivors to access them. Women's Aid experience of survivors of domestic violence was that fewer than half of domestic abuse survivors have involved the police or the criminal justice system and that health professionals were more likely to come into contact with victims.

The Government's proposals were to expand the types of permissible court orders to include Domestic Violence Protection Orders and Female Genital Mutilation Orders, both newer orders that were not included within the scope of the scheme (the scheme had been modified before to include new types of court orders).

It also proposed increasing the number of people able to act as qualifying officer. This included lowering the rank of police officer required to allow an officer to attest. The

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proposals also considered adding more junior social workers, refuge managers and registered health professionals to the list of qualifying officers able to attest.

Following consultation, the level of social worker able to sign off on an attestation remained at director level. However, the rank of police officer who can attest has been reduced to inspector, generally the rank of police force leads for domestic violence. Registered health professionals and refuge managers are also now included.

The changes to include the new court orders and expand the list of qualifying officers were approved in 2018.

1. What is anonymous registration?

Anonymous registration is a special category of electoral registration. It allows people whose safety would be at risk if their name or address were listed on the electoral register, for example survivors of domestic abuse, to register to vote but without their details appearing on the full or edited electoral register.

Until 2006 there were no provisions for individuals to register anonymously. Latest figures for England and Wales show that there were over 3,300 anonymous entries on the electoral register in December 2019. The numbers have grown steadily in England and Wales from 500 in 2008 to 2,650 in 2018.¹ In Scotland about 200 voters were registered anonymously in December 2019. This is an increase from 130 in December 2018.²

Anonymous registration was introduced by Section 10 of the *Electoral Administration Act 2006*, which inserted Sections 9B and 9C to the *Representation of the People Act 1983*. The detailed rules are set out in secondary legislation. There are three statutory instruments covering the three legal jurisdictions of the UK.³

All voters are required to give basic personal information to their local Electoral Registration Officer (ERO) so that the ERO can check that they are eligible to register to vote.

In addition the applicant must provide evidence to satisfy the ERO that their safety or that of any other person in the same household would be at risk if their details were made public (see Section 2).

For those registered anonymously those details will not be disclosed on the electoral register and they are automatically opted out of the open register.

A standard entry on the electoral register will give the person's name, address and their elector number. The full electoral register is a public document and it can be made available to any member of the public who wishes to consult it. However, this has to be done in person and under supervision at the local electoral services office. More detail on the sale and supply of the electoral register is available in the Library briefing, [Supply and sale of the electoral register](#).

For anonymous entries only the elector number and the letter 'N' are shown at the end of the relevant part of the electoral register after other special category electors, under the heading 'Other electors'. Other special category electors, those registered through a declaration of local connection, service voters and overseas electors, are grouped and listed alphabetically.

Unlike other electoral registration applications, applications for anonymous registration are not open to inspection at any time.

The ERO will not provide details of anonymously registered voters to anyone unless they are legally required to do so. Practical arrangements vary between local authorities but some EROs insist that all staff dealing with electoral data are DBS checked. Access to anonymous registration forms will be tightly restricted, with many authorities keeping

¹ Office of National Statistics, [Electoral statistics, UK: 2019](#), 22 May 2020

² National Records of Scotland, [Electoral Statistics - Scotland 1st December 2019](#), 24 April 2020

³ The *Representation of the People (England and Wales) Regulations 2001*, *Representation of the People (Scotland) Regulations 2001*, and *Representation of the People (Northern Ireland) Regulations 2008*, as amended

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hard copy only applications in a locked cabinet and only a small number of senior members of the team able to access these records.

Anonymous registration does not affect any other special category elector entitlement and can be combined. For example, a person may be an anonymous elector with a local connection if they meet the relevant criteria for both.

2. Requirements

An application for anonymous registration must be in writing. Those wishing to register anonymously cannot use the Government's online voter registration portal. The written application must be signed and dated by the applicant and must contain:

- the applicant's full name;
- their address;
- the reason for their application;
- documentary evidence to support their application (see below);
- evidence that an applicant lives in the same household if the applicant is someone who lives in the same household as someone whose safety would be at risk, Evidence could be a utility bill, bank statement, photocard driving licence, etc;
- evidence that that person's safety would be at risk if the applicant is someone who lives in the same household as someone whose safety would be at risk;
- a declaration that: - the evidence to support their application is genuine so far as the applicant is aware - if it is someone who lives in the same household, the person to whom the evidence relates lives in the same household and that, as far as they are aware, the evidence is genuine - the other information given is true.

The form is available from the Electoral Registration Officer at the local council or can be downloaded from the [Voter registration forms](#) section of the gov.uk website.

The applicant can chose to have correspondence delivered to an alternative address but must provide an address where they live (which could include a refuge) to fulfil the residence requirement for electoral registration. The address will be kept confidentially by the ERO and will not be published or disclosed. It is not possible to be registered by virtue of a PO Box address.

Once successful an anonymous electoral register entry lasts for 12 months and must be renewed annually.

2.1 Evidence

The evidence required to support an anonymous registration application is set at a high benchmark. This was done because anonymous registration was designed to protect those whose safety would be at risk and not for those who simply wanted to keep their name and address private.

This level of evidence has been criticised by some for making anonymous registration too difficult or complex for many. The Government announced proposals in March 2017 to reform the requirements for anonymous registration to help to remove the barriers to registration (see Section 3 below).

The requirements before 1 July 2018 were for an applicant to prove that they are risk by providing either:

- a live court order or injunction from a set list of orders and injunctions; or
- an attestation about the risk to their safety made by a qualifying officer, such as a Superintendent of Police or a Director of Social Services.

Court orders

The list of court orders and injunctions which was acceptable as evidence for anonymous registration up to 1 July 2018 was as follows:⁴

- an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under section 3 of the *Protection from Harassment Act 1997*;
- an injunction granted under section 3A(2) of the *Protection from Harassment Act 1997*;
- a restraining order made under section 5(1) of the *Protection from Harassment Act 1997*;
- a restraining order on acquittal made under section 5A(1) of the *Protection from Harassment Act 1997*;
- a non-harassment order, interdict or interim interdict made under section 8 or 8A of the *Protection from Harassment Act 1997*;
- a non-harassment order made under section 234A(2) of the *Criminal Procedure (Scotland) Act 1995*;
- a non-molestation order made under section 42(2) of the *Family Law Act 1996*;
- an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under article 5 of the *Protection from Harassment (Northern Ireland) Order 1997*;
- a restraining order made under article 7 of the *Protection from Harassment (Northern Ireland) Order 1997*;
- a restraining order on acquittal made under article 7A(1) of the *Protection from Harassment (Northern Ireland) Order 1997*;
- a non-molestation order made under article 20(2) of the *Family Homes and Domestic Violence (Northern Ireland) Order 1998*;
- a matrimonial interdict within the meaning of section 14 of the *Matrimonial Homes (Family Protection) Scotland Act 1981*;
- a domestic interdict within the meaning of section 18A of the *Matrimonial Homes (Family Protection) Scotland Act 1981*;
- a relevant interdict within the meaning of section 113 of the *Civil Partnership Act 2004*;
- an interdict that has been determined to be a domestic abuse interdict within the meaning of section 3 of the *Domestic Abuse (Scotland) Act 2011*;
- any interdict with an attached power of arrest made under section 1 of the *Protection from Abuse (Scotland) Act 2001*;
- a forced marriage protection order or interim forced marriage protection order under any of the following provisions—
 - Part 4A of the *Family Law Act 1996*;
 - section 2 of, and paragraph 1 of Schedule 1 to, the *Forced Marriage (Civil Protection) Act 2007*;

⁴ Cabinet Office, *A democracy that works for everyone: survivors of domestic abuse Policy Statement*, March 2017, Annex A

- section 1 of the *Forced Marriage etc. (Protection & Jurisdiction) (Scotland) Act 2011*; and
- section 5 of the *Forced Marriage etc. (Protection & Jurisdiction) (Scotland) Act 2011*.

Additional acceptable evidence from 1 July 2018

The additional court orders that can now be used as evidence are:

- a domestic violence protection order (DVPO) made under section 28 of the *Crime and Security Act 2010* or section 97 of, and paragraph 5 of Schedule 7 to, the *Justice Act (Northern Ireland) 2015*; and
- a female genital mutilation protection order made under section 5A of, and paragraphs 1 or 18 of Schedule 2 to, the *Female Genital Mutilation Act 2003*.

Attestors

The list of qualifying officers who could provide an attestation for anonymous registration up to 1 July 2018 was as follows:⁵

- a police officer of or above the rank of Superintendent of any police force in England and Wales;
- a police officer of or above the rank of Superintendent of the Police Service of Scotland;
- a police officer of or above the rank of Superintendent of the Police Service of Northern Ireland;
- the Director General of the Security Service;
- the Director General of the National Crime Agency;
- any director of adult social services in England within the meaning of section 6(A1) of the *Local Authority Social Services Act 1970*;
- any director of children's services in England within the meaning of section 18 of the *Children Act 2004*;
- any director of social services in Wales within the meaning of section 144 of the *Social Services and Well-being (Wales) Act 2014*;
- any chief social work officer in Scotland within the meaning of section 3 of the *Social Work (Scotland) Act 1968*;
- any director of social services of a Health and Social Services Board established under article 16 of the *Health and Personal Social Services (Northern Ireland) Order 1972*;
- any executive director of social work of a Health and Social Services Trust established under article 10 of the *Health and Personal Social Services (Northern Ireland) Order 1991*.

Additional acceptable attestors added from 1 July 2018

The list of qualifying officers who could provide an attestation for anonymous registration added from 1 July 2018 are:

- medical and healthcare professionals registered with the General Medical Council (GMC) or the Nursing and Midwifery Council (NMC);

⁵ Cabinet Office, *A democracy that works for everyone: survivors of domestic abuse Policy Statement*, March 2017, Annex B

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- refuge managers;
- the rank of police officer able to attest is now an Inspector rather than a Superintendent.

3. Background to the changes introduced in July 2018

Women's Aid, an organisation that supports survivors of domestic abuse, had been campaigning with Mehala Osborne, a survivor, to broaden the list of evidence people could use to prove that they were at risk:

Women's Aid and Mehala want to see the list of evidence that survivors can use become much wider and, at a minimum, include evidence of a refuge stay, a letter from a GP or other health professional and other types of evidence from the police. We want professionals working in specialist domestic abuse organisations to be 'Qualifying Officers' who can sign letters of support.⁶

Women's Aid highlighted in their *Impact Report* of 2016-17 that fewer than half of domestic abuse survivors have involved the police.⁷ This meant many could not provide the required court order or injunction or an attestation from a senior police officer. It is also possible to provide an attestation from a 'qualifying officer' but these are very senior local authority officers or must be the Director General of the Security Service, the Director General of the National Crime Agency.

Sian Hawkins, campaigns manager for the charity, said that for women living in a refuge it was currently "an almost insurmountable challenge" to register to vote as "These are not the kind of people that survivors of domestic abuse come into contact with in everyday life".⁸

In 2016, the Cabinet Office announced it was to review the anonymous registration framework with a review to make it simpler. Chris Skidmore (Parliamentary Secretary, Cabinet Office) responded to a question from Marie Rimmer MP, about helping victims of domestic violence to register anonymously:

The Government are determined that those whose personal safety would be at risk if their details appeared on the register should be able to register anonymously. I have arranged to meet representatives from Women's Aid to discuss concerns they may have over the process of anonymous registration and have also written to my right hon. Friend the Minister for Women and Equalities to set out our plans to look at regulations on this important policy. [[HC Deb 7 Sept 2016, c318-9](#)].

The Minister repeated the commitment to work with Women's Aid and others in a [speech in October 2016](#) and at a meeting with Women's Aid Scotland [in November 2016](#).

In March 2017 the Cabinet Office published a policy statement on updating the anonymous registration regime.⁹ This indicated the intention to

- update the list of court and other orders that are acceptable as evidence of the risk to an applicant's safety, to reflect new orders which have been added to the statute book;
- lower the seniority required of attestors from both the police and social services;
- seek feedback on changing the requirement that court orders used as evidence must be live;

⁶ [Women's Aid Right to Vote campaign](#).

⁷ Women's Aid, *Impact report 2016-17*, p16

⁸ [Guardian](#), [Registering to vote anonymously to be made easier](#), 7 September 2016

⁹ Cabinet Office, [A democracy that works for everyone: survivors of domestic abuse Policy Statement](#), March 2017

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- seeking suggestions on how reducing the burden of annual renewals might be achieved.

The policy statement also asked specific questions about adding refuge managers to the list of attestors and what the definition of a refuge should be. The Government also asked if there should be a direct connection between an applicant and the refuge that the attesting manager was managing.

The policy statement invited feedback on the proposals. In September 2017 the Cabinet Office published a response to the feedback received.¹⁰

On the general proposals about whether court orders were required to be live and whether renewal should last longer than 12 months, the Government decided against any change.

The Government noted that the safety test prescribed in primary legislation states that evidence must demonstrate that an individual's safety is currently at risk. This meant that allowing spent court orders could lead EROs to question whether a court order that was spent some time ago is sufficient to demonstrate that an individual's safety is currently at risk. The Government considered also setting a time limit on how long a spent order could be considered being would be arbitrary. For similar reasons the Government concluded that extending the 12 month renewal period could call in to question whether the individual's safety was currently at risk.

Although recently spent court orders would not be sufficient on their own to provide evidence of a current risk, the Government notes that they could be helpful, in combination with other considerations, in helping a potential attestor to decide whether someone is at risk.

Court orders and other documentary evidence

The March 2017 proposals included adding to the list of court and other orders listed in Regulations that are acceptable as evidence of the risk to an applicant's safety to include:

- domestic violence protection notices (DVPNs) and domestic violence protection orders (DVPOs); and
- female genital mutilation (FGM) protection orders.

The proposals also included adding other types of documentary evidence, including:

- relevant unspent court convictions for a domestic abuse-related offence;
- criminal proceedings or evidence of bail for a domestic abuse-related offence;
- court undertakings relating to domestic abuse;
- court findings of fact that domestic abuse has taken place;
- relevant police cautions for domestic abuse;
- evidence that someone has been granted indefinite leave to remain in the UK as a victim of domestic violence; and
- evidence that someone has been granted legal aid in private family proceedings on domestic violence grounds.

¹⁰ Cabinet Office, [A democracy that works for everyone: survivors of domestic abuse - response to policy statement](#), September 2017

In the September 2017 response document the Government stated that few respondents addressed this issue in detail. On the range of court orders, the Government confirmed that it would add domestic violence protection orders (DVPOs) and female genital mutilation (FGM) protection orders to the list of appropriate court orders. These were confirmed by the draft Order laid in December 2017 (see 3.1 below).

However, it concluded that domestic violence protection notices (DVPNs) should not be added as these are only given for a maximum of 48 hours and unlikely to fulfil the requirement for a court order to be 'live'. It did note that the majority of DVPNs are converted into DVPOs, which could then be used.

On the issue of adding to the types of documentary evidence, the Government decided not to include the other types of documentation suggested. It concluded that while the potential evidence listed would serve to prove that the individual has been a victim of domestic abuse or violence, this does not necessarily prove that the individual's safety would be currently at risk if their name and address were to appear on the electoral register.

It went on to say:

The Government recognises that many survivors of domestic violence or abuse never feel truly safe even long after any relevant court orders or other criminal evidence has expired. But it hopes that through the extended list of qualified attestors these individuals will more easily be able to explore other routes to access the scheme.¹¹

Attestors

The March 2017 policy statement included the proposals to expand the list of qualifying officers who could provide evidence by attestation the Government proposed by:

- lowering the seniority required from the police from superintendent to inspector level;
- lowering the seniority required from the social services from director of social services to social worker; and
- adding additional professions to the list of those who can attest including health professionals, domestic abuse refuge managers, domestic abuse advocates, Independent Domestic Violence Advocates or Advisors (IDVAs) or Independent Domestic Abuse Advocates (IDAAs) and Multi-Agency Risk Assessment Conference (MARAC) chairs.

The Government reported that feedback on this proposal was mixed. General support was shown for the expansion of the number of people able to attest, especially for the lowering of the police rank.

Women's Aid commented that victims of domestic abuse are frequently in contact with healthcare professionals, and with the managers of refuges, and that these individuals are therefore well positioned to be able to attest whether an individual's safety is at risk. The Royal College of General Practitioners and the Royal College of Midwives, indicated their support for the proposals.

Concerns were expressed by the Association of Directors of Adult Social Services (ADASS) and the Association of Directors of Children's Services (ADCS) in their joint response, as well as by local authorities about the lowering the seniority of social workers required to attest. Some noted that hierarchies of social workers differed and that lowering the seniority of eligible attestor to "social worker" would mean that pressure is put on

¹¹ Cabinet Office, [A democracy that works for everyone: survivors of domestic abuse - response to policy statement](#), September 2017, para 26

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individuals to attest who are not in a reasonable place to make that judgement, either being newly qualified or having minimal contact with the individual they are being asked to attest for.

The Government response of September 2017 confirmed that it intended to lower the seniority required from the police from superintendent to inspector level: “Inspectors are generally the police force leads for domestic violence and are therefore in close contact with the issues faced by victims and survivors”.¹²

The Government confirmed that certain health and medical professionals would be added to the list of qualified attestors. The draft Orders required to implement the changes (see 3.1 below) stated that medical and healthcare professionals registered with the General Medical Council (GMC) or Nursing and Midwifery Council (NMC) may act as qualifying officers for the purposes of an attestation.

Domestic abuse refuge managers will also be added but there does not need to be a direct connection between the applicant and the refuge. The Association of Electoral Administrators raised concerns that refuge managers are not members of professional bodies, meaning that Electoral Registration Officers cannot readily check them against an accredited list in the same way as other attestors which had the potential for electoral fraud. The Government concluded that refuge managers among the best placed to attest as to the risk to a person’s safety but committed to working with the AEA to address concerns.

Including [refuge managers] in the list of possible attestors will improve the accessibility of those resident in a refuge being able to register to vote anonymously at the refuge in which they are resident. In addition, refuge managers are frequently a first point of contact for victims escaping domestic violence and abuse, often before they have reached out to the police or social services. Their inclusion will therefore serve to improve the accessibility of the scheme, especially for those who have only recently escaped abuse but also for all those who pass through a refuge on their journey to safety.¹³

The draft explanatory memorandum accompanying the draft Orders to implement this change expand slightly on the requirements for refuge managers:

In practice, an attestation from a refuge manager should show the name of the refuge, the local authority, and the broad geographical region it covers. The Electoral Registration Officer can then confirm that the refuge is registered on the ‘Routes to Support’ directory, a UK-wide online database of domestic abuse services. The Electoral Commission will be responsible for producing guidance to also encourage refuge managers to include direct contact details so the Electoral Registration Officer can contact them if required.¹⁴

However, the Government noted the concerns raised related to social workers and therefore not lower the seniority from Director of Social Services. The Government also decided not to include IDVAs, IDAAs or MARAC chairs to the list of those who can attest. While recognising that they were well placed to attest to the risk faced by an individual, the Government considered that the addition of healthcare professionals in direct contact with victims of domestic abuse better improved the accessibility of the scheme.

¹² Ibid, para 17

¹³ Ibid, para 31.

¹⁴ [Draft explanatory memorandum to the draft *Representation of the People \(England and Wales\) \(Amendment\) Regulations*](#).

Definition of a refuge

On the issue of defining a refuge the Government stated it intended to define a refuge in a way which is compatible with other areas of law, but also serves to encompass all appropriate specialist establishments that provide residential accommodation, as well as planned programmes of support, for individuals seeking help when escaping domestic violence or abuse.¹⁵

The draft Orders included the following:

“refuge” means accommodation together with a planned programme of therapeutic and practical support for victims of, or those at risk of, domestic abuse or violence.

3.1 Draft Orders

On 19 December 2017 three draft statutory instruments were laid before Parliament. These three regulations made the necessary adjustments to the anonymous registration scheme in the three legal jurisdictions of the UK to ensure the same changes to anonymous registration are introduced across the United Kingdom. They all amended the relevant earlier Orders. They were subject to the affirmative resolution procedure and had to be approved by both Houses of Parliament.

The House of Commons agreed all three draft Orders on 20 February 2018.¹⁶ They had been considered by the Delegated Legislation Committee on 3 February 2018.¹⁷ The House of Lords Grand Committee considered the draft Orders on 27 February 2018,¹⁸ and formally agreed on 1 March 2018.¹⁹

The draft Scotland Order made provisions for the anonymous registration of voters in respect of the register of UK Parliamentary electors. Legislative competence in respect of the local government register is devolved and Scottish Ministers took forward equivalent changes in respect of the local government register in Scotland, with the intention that the changes come into force at the same time.²⁰ These were made by the *Representation of the People (Scotland) Amendment Regulations 2018* after being approved by the Scottish Parliament.

The England and Wales Order made provision for anonymous registration in respect of both the register of Parliamentary electors and the register of local government electors. Legislative competence for the local government register were due to transfer to Wales once the relevant parts of the *Wales Act 2017* had been commenced. In advance of their commencement, the UK Government, with the agreement of Welsh Government, made the necessary changes to the anonymous registration for the register of local government electors in Wales in the draft *Representation of the People (England and Wales) (Amendment) Regulations*.²¹

¹⁵ Ibid, para 34

¹⁶ [HC Deb 20 February 2018, c128-30](#)

¹⁷ See General Committee Hansard for [3 February 2018](#).

¹⁸ [HL Deb 27 February 2018, c48-58GC](#)

¹⁹ [HL Deb 1 March 2018, c770](#)

²⁰ Chapter 3 of the Scottish Government publication, [Consultation Paper on Electoral Reform](#), 19 December 2017 explained the proposed changes to anonymous registration.

²¹ [Draft explanatory memorandum to the draft Representation of the People \(England and Wales\) \(Amendment\) Regulations](#).

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