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Our ref: MP314287
Your ref: EN/HERD01002/01110531

John Mann MP
House of Commons
London
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21st June 2011

Dear John

Thank you for your letter of 20 May, forwarding correspondence from your constituent Mr Greg Herdman of 43 St John's Drive, Clarbrough, regarding why citizens of the Republic of Ireland are entitled to vote in UK elections.

In view of Mr Herdman's concerns, it might be helpful if I explain the background to the issue.

The Representation of the People Act 1983 sets out those entitled to vote at UK Parliamentary, European Parliamentary and local government elections as those who have attained the age of 18 and who are British citizens, citizens of Commonwealth countries who are resident in the UK on a permanent basis or have leave to remain, and resident citizens of the Republic of Ireland. As a result of provisions in the Maastricht Treaty 1992 resident citizens of other European Union (EU) Member States became eligible to vote here at European Parliamentary elections in 1994 and at local government elections in 1996. UK citizens resident in other EU Member States benefit from similar rights.

Citizenship of the country of residence is the normal prerequisite for the right to vote at elections in most democracies, including other EU States. However, the rights of Commonwealth and Irish citizens in the United Kingdom in this respect are slightly different.

The Representation of the People Act 1918 provided that only British subjects could register as electors (others, defined in the Act as "aliens", were excluded from voting). In 1918 the whole of Ireland was a part of the United Kingdom of Great Britain and Ireland. The term "British subject" then included any person who owed allegiance to the Crown, regardless of the Crown territory in which he or she was born. In general terms this included citizens who became Commonwealth citizens.



Following the Government of Ireland Act 1920 and the consequent partition of the island of Ireland, the then Irish Free State, remained part of the Commonwealth, and so Irish citizens, like the citizens of other Commonwealth countries, were able to vote when resident in the United Kingdom.

Following the declaration of a Republic of Ireland, the Ireland Act 1949 recognised that the state had "*ceased to be part...of His Majesty's dominions*" and so was no longer part of the Commonwealth. However, the Act also stipulates that the Republic of Ireland is "*not a foreign country for the purposes of any law*" in the United Kingdom and its territories. The Ireland Act 1949 therefore has the effect that citizens of the Republic of Ireland are not to be treated as "aliens", and preserved their voting rights.

The entitlement of resident Commonwealth and Republic of Ireland citizens to vote in parliamentary elections reflects our historic ties with Republic of Ireland and Commonwealth countries, and the reciprocal arrangements in place between Ireland and the United Kingdom. Since 1985 British citizens resident in the Republic have been entitled to vote in elections to the Irish Parliament.

On those occasions when it has considered this issue, Parliament has taken the view that the existing rights of groups which have entitlement to vote should not be disturbed, and that, other than special arrangements for resident citizens of Commonwealth countries and the Republic of Ireland, foreign nationals should be required to obtain British citizenship before being able to vote.

Mr Herdman may also wish to note that the Parliamentary Voting System and Constituencies Act 2011 made provision enabling anyone who, on the date of the referendum, was registered to vote in Westminster parliamentary elections (as set out in the Representation of the People Act 1983) to be entitled to vote in the referendum on the voting system for the House of Commons.

It is entirely appropriate that the franchise for the referendum asking which voting system should be used to elect MPs mirrored that for Parliamentary elections themselves.

Yours ever

Mark

MARK HARPER