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Assembly

## Research and Information Service Briefing Paper

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# Proxy voting – long-term illness

**Ray McCaffrey**

This information is provided to Members of the Legislative Assembly (MLAs) in support of their duties, and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

# 1 Introduction

This briefing paper has been prepared following a request from the Committee on Procedures. The committee asked for information on the provision for proxy voting in other legislatures for reasons of long-term illness.

The research looked at the Scottish Parliament, Senedd and House of Commons. There is currently no provision for proxy voting in Dáil Eireann.

## 2 Provisions in other legislatures

### 2.1 House of Commons

Provision for a proxy vote on the grounds of long-term illness or injury was included in the proxy voting scheme in October 2022. This was a temporary extension to the scheme intended to originally expire on 30 April 2023, but was extended to 30 June 2023 and then to May 2024 date (the end of the 2019 Parliament).<sup>1</sup>

In May 2024, the Chair of the Procedure Committee wrote to the Leader of the House requesting that the provisions for long-term injury or illness be placed on a permanent footing, otherwise they would expire after the Prime Minister called a general election. No action was taken, so the arrangements expired.<sup>2</sup>

Following the general election:

On 16 October 2024, a motion from the Leader of the House of Commons to allow proxy voting for MPs with serious long-term illness or injury, until the end of the 2024-25 parliamentary session, was published.<sup>3</sup>

The House agreed the motion and temporary provision for members to avail of a proxy vote for long-term illness or injury was reinstated until the end of the

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<sup>1</sup> House of Commons Library, Proxy voting in divisions in the House of Commons, December 2024: <https://researchbriefings.files.parliament.uk/documents/CBP-8359/CBP-8359.pdf>

<sup>2</sup> As above

<sup>3</sup> As at footnote 1

2024-25 parliamentary session. Details of the temporary provision are provided below in section 2.1.1.

During the debate on the reinstatement of the temporary provisions, the Leader of the House, Lucy Powell MP, said she had asked the Procedure Committee to provide recommendations on the proxy voting scheme.

The Shadow Leader of the House, Chris Philp MP, supported the motion but raised a number of issues:

Clearly, if a Member of Parliament has a serious long-term illness or injury, it is reasonable that that Member can still exercise his or her vote even if absent. However, I should like to know how the threshold will be defined. Who decides whether a particular Member has or has not met the threshold, and what sort of evidence will be required? Might it be, for instance, a doctor's certificate? That may be the kind of question that the Procedure Committee will answer.<sup>4</sup>

In response, Lucy Powell said that she agreed that these were issues the Procedure Committee could explore:

The Shadow Leader of the House asked some important questions about issues that I have, in fact, asked the Chair of the Procedure Committee to consider further. Requiring notes from consultant-level doctors about reasons for absence is fairly onerous. There are certain illnesses that fall into the category, and questions have been raised in the past by Members and others about how some of those decisions have been reached, so I think it important that we maintain this option. I certainly did not want a situation where a Member undergoing treatment for cancer, for example, was unable to apply for a proxy vote.<sup>5</sup>

The Procedure Committee commenced its inquiry on 26 November 2024.

### **2.1.1 Proxy voting scheme**

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<sup>4</sup> House of Commons Official Report, 23 October 2024: <https://hansard.parliament.uk/Commons/2024-10-23/debates/1D8B22C5-0BF5-410D-BF45-E875AF9A9EEC/VotingByProxy#contribution-85C594BF-0C1E-48E6-9C6B-F1F2CEF7BF7B>

<sup>5</sup> As above

Relevant extracts from the House of Commons Proxy Voting Scheme and accompanying guidance are reproduced in Figure 1.

Proxy voting scheme	Proxy voting guidance
<p><b>This scheme will take effect from 25 November 2024</b></p> <p>A. Eligibility</p> <p>1. Proxy voting is available:</p> <ul style="list-style-type: none"> <li>(a) to new mothers, new fathers and adoptive parents;</li> <li>(b) in circumstances where there have been complications related to childbirth or pregnancy, in circumstances of miscarriage or baby loss, or where there is a need for extended absence for fertility treatment;</li> <li>(c) in cases of serious long-term illness or injury, for the remainder of the current Session; and</li> <li>(d) in cases of risk-based exclusion from the parliamentary estate.</li> </ul>	<p><b>Serious long-term illness or injury proxy voting</b></p> <p>You are eligible to apply for the scheme if you have a statement from a hospital consultant stating that, for reasons of serious long-term illness or injury, you are unable to vote in divisions for a period of one month or more. Your application will be assessed by the Parliamentary Health and Wellbeing Service, who will then make a recommendation to the Speaker. The Speaker will make the decision about whether to grant the proxy voting arrangement.</p> <p>These arrangements are in place until the end of the current Session.</p> <p><b>How long can a proxy voting arrangement last?</b></p> <p>A serious long-term illness or injury proxy voting arrangement can last for a minimum of one month and a maximum of seven months in the first instance. At the end</p>

2. A Member should demonstrate eligibility for the scheme under paragraphs 1(a) and 1(b) by self-certifying that they meet the eligibility requirements.

3. A Member should demonstrate eligibility for the scheme under paragraph 1(c) by providing a written statement from a hospital consultant that the Member is, for reasons of serious long- term illness or injury, unable to attend divisions or elections in the House in person for a specified period of not less than one month. The statement must specify an end date which should not be more than seven months from the proposed start date. The Parliamentary Health and Wellbeing Service will make an assessment and, on that basis, provide a proforma to the Speaker. The proforma will translate the medical information into relevant points for the Speaker to consider.

8. The duration of the dispensation to vote by proxy under paragraph 1(c) will be a minimum of one month and a maximum of seven months from the date specified by the Speaker in the proxy voting certificate. At the end of the seven-month period, the Speaker, following an assessment by the Parliamentary Health and Wellbeing Service, may grant an

of the seven-month period, the Speaker may grant a single, time-limited extension. You will need to submit a further statement from a hospital consultant to the Parliamentary Health and Wellbeing Service.

Any period for which you suspend the proxy arrangement will count towards the maximum time for which the arrangement can apply.

### **How do you apply for the proxy voting scheme?**

To apply for a serious long-term illness or injury proxy vote, take the following steps:

1. Establish with any Member who is eligible to vote in divisions that they are willing to be your proxy and to cast your vote as and when instructed by you.
2. Email [phws@parliament.uk](mailto:phws@parliament.uk) and [speakersoffice@parliament.uk](mailto:speakersoffice@parliament.uk) with the subject line "Proxy vote application", providing the following:

extension for a further, time-limited period, only if the Member provides a further statement from a hospital consultant:

(a) stating that continuing to hold a proxy vote is necessary for the Member's continued recovery; and

(b) providing a final date by which the proxy voting period should end.

11. Proxy votes under paragraph 1(c) will cease at the end of the current Session, regardless of the specified end date.

14. Members eligible for a serious long-term illness or injury proxy vote under paragraph 1(c) should email the Parliamentary Health and Wellbeing Service (phws@parliament.uk (cc-ing the Speaker's Office for information speakersoffice@parliament.uk)), providing the written statement from a hospital consultant (see paragraph 3). Members should specify the dates on which they wish the proxy vote to begin and end, subject to i) the minimum and maximum durations set out in the scheme, and ii) the period specified in the medical statement. On application, Members should state whether, for exceptional reasons, they intend both to hold a proxy vote and to be present on the Estate, including

- A statement from a hospital consultant that you are, for reasons of serious long-term illness or injury, unable to attend divisions or elections in the House in person for a period of not less than one month. A proxy vote can only be initially granted for a period of seven months and the medical statement must cover the period being requested.
- The name of the Member who has agreed to be your proxy.
- The dates on which you wish your proxy voting arrangement to begin and end (which must be within the period specified in the hospital consultant's statement).

Members are generally expected not to be present on the Parliamentary Estate whilst holding a proxy vote. If, for exceptional reasons, you are intending to be present on the Estate, you should say so in your application email.

Your application will be assessed by the Parliamentary Health and Wellbeing Service, who will complete a proforma for the Speaker about your eligibility for a proxy

to take part in some proceedings. The Parliamentary Health and Wellbeing Service will complete a standard proforma that includes an assessment of whether it may be appropriate for a Member to attend the Estate whilst holding a proxy vote for a limited period, as part of their recovery. The Parliamentary Health and Wellbeing Service may ask to speak to the Member concerned if further information is required. The Parliamentary Health and Wellbeing Service will provide the Speaker's Office with this completed proforma.

17. A Member may apply for a proxy vote under paragraph 1(c) on any working day. Processing times may be subject to any additional information required by Parliamentary Health and Wellbeing Service, which will be on a case-by-case basis. In most cases, it will take no longer than three working days for the service to complete their assessment.

23. For proxy votes under paragraph 1(c), at the end of the initial seven-month period, if a Member wishes to extend their proxy voting arrangement, they should email the Parliamentary Health and Wellbeing Service ([phws@parliament.uk](mailto:phws@parliament.uk)) (cc-ing the Speaker's Office for information

vote. They may also provide the Speaker with advice about whether, for exceptional reasons, you should hold the proxy vote whilst being present on the Parliamentary Estate.

The Speaker will then make a decision about whether to grant the proxy voting arrangement. If he does, he will issue a certificate, which will appear in the Votes and Proceedings no later than the sitting day on which the arrangement takes effect. The certificate will show your name, the duration of the arrangement and the name of the Member you have chosen as your proxy.

speakersoffice@parliament.uk)), providing the required information (see paragraph 14).

**Figure 1: Extracts from the House of Commons Proxy Voting Scheme and accompanying relating to long-term illness or injury**



## 2.2 Scottish Parliament

Rule (Standing Order) 11.5A sets out the provisions for proxy voting in the Scottish Parliament. Rule 11.5A.2 states the eligibility for application for a proxy vote:

2. A member is eligible to vote by proxy for any of the following reasons:

- (a) maternity leave, paternity leave, parental leave, adoption leave, or shared parental leave;
- (b) complications arising from pregnancy;
- (c) serious long-term illness or injury;
- (d) bereavement; or
- (e) attending to a person who is near the end of their life.

The Rule on proxy voting is supplemented by a scheme issued by the Presiding Officer.<sup>6</sup> The proxy voting scheme does not offer any additional information on the definition of a serious long-term illness or injury, although it does say that the anticipated duration of the proxy should be stated.

An official from the Scottish Parliament confirmed that the Presiding Officer does not require documentation in terms of medical certificates, letters from doctors etc. before granting a request for a proxy vote.<sup>7</sup>

## 2.3 Senedd

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<sup>6</sup> Scottish Parliament proxy voting scheme: <https://www.parliament.scot/about/how-parliament-works/parliament-rules-and-guidance/proxy-voting-scheme>

<sup>7</sup> E-mail communication from the Scottish Parliament.

The rules on proxy voting in the Senedd are set out under Standing Orders 12.41A-G.

Members are eligible for a proxy vote if they meet the following criteria under SO 12.41A:

...by reason of absence from all Senedd proceedings for parental leave, long-term illness or injury, caring responsibilities or bereavement leave.<sup>8</sup>

Furthermore, SO 12.41E states:

A proxy vote may be cast only if the Presiding Officer has certified that the Member for whom the vote is to be cast is eligible under the terms of Standing Order.<sup>9</sup>

In October 2023 the Presiding Officer issued *Guidance on the proper conduct of Senedd business*, which includes information on the proxy voting scheme. It states the following in relation to long-term illness or injury and caring responsibilities:

### **Eligibility**

217. Proxy voting is available to Members who are absent from all Senedd proceedings for reasons of long-term personal illness or injury, or due to their caring responsibilities.

218. A Member must notify the Presiding Officer of their intention to take leave, and provide any additional documentation or forms of notification that the Presiding Officer deems appropriate.

219. The scheme is not compulsory and Members are free to vote in person or use any other informal pairings available to them.

220. In the event of any ambiguity, the Presiding Officer will use their discretion to determine compliance with the proxy voting scheme.

### **Duration**

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<sup>8</sup> Standing Orders of the Senedd: <https://senedd.wales/media/ue1dqdmg/so-eng.pdf>

<sup>9</sup> As above

221. The usual duration of the dispensation to vote by proxy is for a minimum of four weeks and a maximum of six months, including periods when the Senedd is in recess or dissolved. In exceptional circumstances the Presiding Officer can use their discretion to extend the duration of a proxy voting arrangement.

222. A Member must specify in writing to the Presiding Officer the dates on which the absence will begin and end, subject to the maximum durations permitted. The Member is entitled to cast a vote by proxy for the period specified in the certificate issued by the Presiding Officer under Standing Order 12.41E.

### **Publishing the arrangement**

232. On receipt of this information, and once the Presiding Officer has determined compliance, the Presiding Officer will lay a certificate setting out the name of the Member nominated as proxy and the start and end dates. The certificate will note the proxy has been granted for reasons related to parental leave, long-term illness or injury, caring responsibilities or for bereavement but will not specify any further detail in relation to the circumstances.<sup>10</sup>

Officials from the Senedd advised that there had been only one instance of a request for a proxy vote on the grounds of long-term illness being received (and accepted) since the provisions were extended to this category of absence. In that case, the Presiding Officer did not require any additional documentation beyond the written notification of the reason and the dates that the Member had provided. However, it would be for the Presiding Officer to decide on a case-by-case basis.<sup>11</sup>

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<sup>10</sup> Guidance on the proper conduct of Senedd business:  
[https://senedd.wales/media/3jvikkck/collation\\_of\\_guidance\\_eng.pdf](https://senedd.wales/media/3jvikkck/collation_of_guidance_eng.pdf)

<sup>11</sup> E-mail communication from the Senedd.