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Constituency boundary reviews and the number of MPs

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Summary

Constituency boundaries are kept under regular review to ensure Members of Parliament represent roughly the same number of constituents at Westminster. The reviews are carried out by the Boundary Commissions for England, Northern Ireland, Wales and Scotland. These are independent bodies that propose constituencies that must meet the Rules for Redistribution set out in statute. These Rules were changed in 2013 to include the requirement that the House of Commons has 600 seats; and the requirement that all these constituencies (with the exception of four island seats) have electorates within 5% of the electoral quota. This is the total number of voters in the UK divided by the total number of constituencies (with the exception of the four island seats and their electorates).

The 2013 Review was the first to use these new Rules and would have reduced the size of the House of Commons to 600. The review was halted after then Deputy Prime Minister Nick Clegg announced he would instruct his party to vote against the implementation of the Boundary Commissions' proposals. A vote was avoided; the date the Commissions were required to report was changed to 2018. After the Commissions report in 2018, the Secretary of State must lay their reports before Parliament. The Secretary of State must then lay before Parliament a draft Order in Council to give effect to the proposed boundary changes. This Order requires the approval of both Houses of Parliament.

Regular reviews of constituency boundaries have been carried out since 1944, although there have been some changes to the timing, the implementation and the Rules for the reviews. Scotland and Wales were historically over-represented at Westminster. Scotland lost this position in 2001, and Wales will too after the next review is implemented. Historically, the number of MPs has varied, but it has been over 600 since the 19th century.

The new Rules for Redistribution have raised some concerns. The 2013 Review proved disruptive to existing constituency boundaries. To avoid this disruption, some argue that the Boundary Commissions should be allowed to propose more unequal constituencies; and should split wards when proposing constituencies. There have also been calls for using population data instead of the electoral register, which is incomplete and may prove more incomplete after Individual Electoral Registration took effect in December 2015 (for more information, see Library Briefing Paper 6764 [Individual Electoral Registration](#)). The idea that the Boundary Commissions should create more marginal seats has also been discussed.

1. The review process

The UK is divided into constituencies that each send one Member of Parliament to Westminster. Since 1944, four Boundary Commissions (one for each constituent part of the UK) have regularly reviewed constituency boundaries. The [Parliamentary Voting System and Constituencies Act 2011](#) changed the rules the Boundary Commissions must follow when carrying out a review. The process by which constituency boundaries are changed is set out in the [Parliamentary Constituencies Act 1986](#), as amended.

1.1 Composition of the Boundary Commissions

The four Boundary Commissions are independent, non-political and impartial bodies. Their independent footing ensures the impartiality and fairness of the review process and prevents accusations of gerrymandering.¹

The ex officio Chairman of each Commission is the Speaker of the House of Commons. The Deputy Chairmen must be High Court judges but there are no specific qualifications required for the other Boundary Commissioner positions.

1.2 The Rules for Redistribution

The [Parliamentary Voting System and Constituencies Act 2011](#) altered the Rules for Redistribution by introducing a new schedule into the [Parliamentary Constituencies Act 1986](#). [Section 11](#) of the 2011 Act specifies that the Rules now require:

- The number of constituencies in the United Kingdom shall be 600;
- The electorate of any constituency shall be—
 - (a) no less than 95% of the United Kingdom electoral quota, and
 - (b) no more than 105% of that quota
- There are exceptions to this rule:
 - Protected constituencies: Orkney and Shetland, and Na h-Eileanan Siar continue to exist as they are, and the Isle of Wight shall have two constituencies;
 - Constituencies with an area of more than 12,000 square kilometres, and where the Boundary Commission concerned are satisfied that it is not reasonably possible for the constituency to comply with the numerical rule;

¹ An Encyclopaedia of Parliament by Wilding and Laundry defines gerrymandering as dividing a country into electoral districts in such a way as to give a political advantage to the party in power and gives details of the term's origin:

The word perpetuates the memory of Governor Gerry of Massachusetts, who resorted to this stratagem in 1812, and is formed by coupling his name with the latter half of the word 'salamander'. The story runs that while a group of politicians were studying an electoral map one of them, commenting on the unusual shape of one of the constituencies, remarked, 'It looks like a salamander,' whereupon another rejoined, 'You mean a gerrymander!'

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- There is scope for greater variation in size for the constituencies in Northern Ireland;
- The electoral quota is calculated by dividing the electorate of the UK, minus that of the protected constituencies, by 596 (the total seats minus the four protected constituencies);
- Each constituency shall be wholly within one of the four parts of the United Kingdom (England, Wales, Scotland and Northern Ireland);
- A constituency shall not have an area of more than 13,000 square kilometres;
- A Boundary Commission may take into account, if and to such extent as they think fit—
 - (a) special geographical considerations, including in particular the size, shape and accessibility of a constituency;
 - (b) local government boundaries as they exist on the most recent ordinary council-election day before the review date;
 - (c) boundaries of existing constituencies;
 - (d) any local ties that would be broken by changes in constituencies;
 - (e) the inconveniences associated with such changes.

Under the previous Rules, the electoral quota was used alongside other considerations, but it was given primacy under the provisions of the *Parliamentary Voting System and Constituencies Act 2011*. The other main difference is the restriction of the total number of seats in the House of Commons to 600.

Library Briefing paper 5628, [*The Rules for Redistribution of Seats – history and reform*](#), sets out how the current Rules for the Redistribution of seats in the House of Commons have evolved from the Speaker's Conference in 1944 and looks at calls for reform of the Rules.

1.3 Review stages

Under current legislation, a boundary review proceeds through four stages:

- Each Boundary Commission publishes initial recommendations for constituencies based on the Rules for Redistribution. The Commissions must make their proposals available to the public and accept written representations during the initial consultation, a 12 weeks period starting with the publication of the proposals. Between the fifth and the tenth week of this initial consultation period, the Commissions must hold public hearings;
- The Commissions must publish the representations received, and records of public hearings held, following the end of the initial consultation period. Further representations are invited on the matters discussed in this published material for a period of four weeks (the secondary consultation period);
- If a Boundary Commission decides to change its proposals after the end of the secondary consultation, the revised

- recommendations have to be published and are subject to a further 8 weeks public consultation. Public hearings are not held;²
- The Boundary Commissions must report to the Secretary of State before the 1st of October every five years (the next year is 2018). If there is a reason not to meet the deadline, the Commissions must submit a report on their progress to the Speaker, to be laid before Parliament.³

The requirement to produce progress reports did not exist prior to the *Parliamentary Voting Systems and Constituencies Act 2011*. This Act also required the Boundary Commissions to hold public hearings: before, they had held local inquiries. Details of the consultation process are given in Library Briefing paper 6223, [The Sixth General Review of constituency boundaries: public consultations](#).

1.4 Implementation of the recommendations

Section 3 of the *Parliamentary Constituencies Act 1986* (as amended) requires the Secretary of State 'as soon as may be' after the submission of each report by the Boundary Commissions to lay the report before Parliament. After all four reports have been submitted the Secretary of State 'shall lay before Parliament the draft of an Order in Council for giving effect to the recommendations contained in them.' This also has to be done 'as soon as may be'.⁴ The deadline is therefore not defined, but this is a statutory duty to take action following submission of the final reports and one which must be exercised within a reasonable timescale.

The Government may not modify the recommendations of any of the Parliamentary Boundary Commissions, unless it has been expressly requested to do so (in writing and with reasons) by the relevant Parliamentary Boundary Commission (section 3(5B) of the *Parliamentary Constituencies Act 1986*). Section 4(2) of the 1986 Act states that in such a case, the Secretary of State must also lay before Parliament the reasons for the modification.

The draft Order in Council needs to be approved by both Houses of Parliament for the new boundaries to come into effect. If the draft Order is debated but not approved, the Government may then amend the draft and lay an amended draft before Parliament for approval (Section 4(4) of the 1986 Act).⁵

However, there is no precedent for the use of this amending power, and the constraints of the Rules for Redistribution may limit the capacity for altering the recommendations of the Boundary Commissions.

Once the draft Order in Council has been approved by Parliament, the Government is required to submit it to be made by Her Majesty in Council. The new constituencies must come into force all at once, so the Order takes effect at the next general election. Under the terms of the *Fixed Term Parliaments Act 2011* the next general election is due to

² Parliamentary Voting System and Constituencies Act 2011, Part 2, [Section 12](#)

³ Parliamentary Voting System and Constituencies Act 2011, Part 2, Section 10

⁴ S10, *Parliamentary Voting System and Constituencies Act 2011*

⁵ Guide to the 2013 Review, Boundary Commission for England, p15

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be held in May 2020 (unless an early election is triggered under its provisions). Any by-elections held in the meantime have to be held on the basis of the old (existing) constituencies.

The validity of an Order in Council, once made, may not be called into question in any legal proceedings

Approving the Order

The legislation requires both Houses to pass the Order for the new boundaries to take effect. The Acts are silent as to the consequences if the Order is not approved although the legal effect is clear; the law simply does not change and the current boundaries continue in force under the existing statutory instruments made under section 3 of the *Parliamentary Constituencies Act 1986*.

There was a precedent for such boundary orders not being approved by both Houses in 1969. Initially, James Callaghan, as Home Secretary, attempted to bring in new legislation to require the Boundary Commissions to make changes in their recommendations which had been presented in 1969. This was the *House of Commons (Redistribution of Seats) (No 2) Bill 1969-70*. The Bill met stiff opposition in the Lords and it was lost in October 1969 when the two Houses could not agree. Therefore, the Home Secretary laid the Orders before the Commons on 12 November 1969 and moved that they be not moved. The Commons rejected the Orders by 303 votes to 250.⁶ The Orders were not moved in the Lords, given the outcome in the Commons.⁷

When Edward Heath won the general election of June 1970, his Government reintroduced the same Orders, which passed both Houses in October 1970 and were implemented before the 1974 general election.⁸

It may also be worth noting that the minority Labour Government passed the *House of Commons (Redistribution of Seats) Act 1979* to amend the Rules for Redistribution in respect of the number of seats in Northern Ireland. This followed a Speaker's Conference set up in 1977 to review the number of Westminster seats in Northern Ireland, given the continuance of direct rule there.

1.5 Boundary reviews: cost

Information about the total cost of previous boundary reviews has been provided in Parliamentary Questions:

- 2013 Review: £11.9 million was made available; the Boundary Commissions had used around £7 million by the time the review was halted;⁹
- Fifth Periodical Review: £13,606,618;¹⁰

⁶ [HC Deb 12 November 1969](#) c429

⁷ [HC Deb 29 October 1970](#) c240

⁸ For a full history, see *The Boundary Commissions: Redrawing the UK's map of Parliamentary constituencies* DJ Rossiter, R.J. Johnston, and CJ Pattie 1999

⁹ [WQ 901197](#)

¹⁰ HL Deb 11 November 2009 [cWA 174](#)

- Fourth Periodical Review: £4,953,000;¹¹
- Third Periodical Review: £1,295,783;¹²
- Second Periodical Review: £95,238.¹³

¹¹ Boundary Commission for England, Fourth Periodical Review (report), Appendix K

¹² HC Deb 27 April 1983 [c324-5W](#)

¹³ HC Deb 10 November 1969, [c27W](#)

2. The number of MPs

The 2018 review of constituency boundaries will reduce the size of the House of Commons to 600. Library Briefing Paper 10/55 [The Parliamentary Voting System and Constituencies Bill](#) and Library Briefing Paper 5570 [Reducing the size of the House of Commons](#) give details of earlier attempts to reduce the number of MPs.

During the twentieth century there was a steady increase in the number of Parliamentary constituencies from 615 in 1922 to 625 in 1950, 630 in 1955, 635 in 1974, 650 in 1983, 651 following the splitting of Milton Keynes in 1992, and 659 from 1997-2005. At this point, the overrepresentation of Scotland was abolished and the size of the House of Commons reduced to 646. Since 2010, there have been 650 MPs.

The reasons for the incremental growth in the number of seats and the concerns that were voiced by the Home Affairs Select Committee in a report published in February 1987¹⁴ are noted in chapter 3 of the guidance booklet from the Boundary Commission for England, which it published at the start of the fifth review in 2000:¹⁵

25. The cause of the incremental growth is the combined effect of the Rules for Redistribution of Seats contained in Schedule 2 of the Parliamentary Constituencies Act 1986... Rule 8 defines the electoral quota (the figure to which constituency electorates should approximate) as the total electorate of England divided by the existing number of seats. Any extra seats created under rules 5 and 6 (for reasons of electoral parity and geography) in one review are therefore included in the divisor for calculating the electoral quota for the next review, thus creating a ratchet effect.¹⁶

The table below gives information about the total number of MPs elected at each general election from 1832-2015.

¹⁴ *Redistribution of seats*. Home Affairs Select Committee second report with proceedings & appendices. HC 97 1986/87

¹⁵ *The Review of Parliamentary Constituencies in England*, Boundary Commission for England, 2000.

¹⁶ *Ibid*, p7

Members elected at general elections, 1832-2015

<u>Election</u>	<u>Total number of Members elected</u>
1832	658
1835	658
1837	658
1841	658
1847	656
1852	654
1857	654
1859	658
1865	658
1868	658
1874	652
1880	652
1885	670
1886	670
1892	670
1895	670
1900	670
1906	670
1910 January	670
1910 December	670
1918	707
1922	615
1923	615
1924	615
1929	615
1931	615
1935	615
1945	640
1950	625
1951	625
1955	630
1959	630
1964	630
1966	630
1970	630
1974 February	630
1974 October	635
1979	635
1983	650
1987	650
1992	651
1997	659
2005	646
2010	650
2015	650

Source: Rallings & Thrasher, British Electoral Facts 1832-2006,
House of Commons Library Briefing Papers

3. The 2018 Review

The 2013 Review of constituency boundaries was halted. The next review must report between 1 September and 1 October 2018.

The Boundary Commissions launched their reviews on 24 February 2016. They confirmed the electoral quota for the 2018 Review is 74,769. This means constituencies must have an electorate between 71,031 and 78,507.¹⁷ The table below shows how many seats are allocated to each part of the UK.

The 2018 Review: allocation of seats

Country	Electorate	Current allocation	Allocation under the 2013 Review	New allocation	Reduction from current
England*	37,294,494	533	502	501	32
Northern Ireland	1,243,369	18	16	17	1
Scotland**	3,842,736	59	52	53	6
Wales	2,181,841	40	30	29	11
Total	44,562,440	650	600	600	50

* Electorate excludes the electorate of the Isle of Wight

** Electorate excludes the electorate of Orkney and Shetland and Na h-Eileanan Siar

Source: Boundary Commission for Wales, Library Briefing Paper 6445 *Revised proposals for new constituency boundaries*

There is no statutory timetable for the review (although there are rules about the duration of the consultation periods). Based on the previous review, the timetable could look like this:

- End of February 2016: commencement of the review;
- September 2016: publication of the initial recommendations, followed by the first round of public consultation (12 weeks);
- March – May 2017: second round of consultation (4 weeks);
- September 2017: publication of the revised recommendations, followed by another consultation period (8 weeks);
- After 1 September but before 1 October 2018: submission of the final report.

The Secretaries of State responsible for laying the 2018 reports before Parliament are:

- The Secretary of State for Scotland receives and must lay before Parliament the report by the Boundary Commission for Scotland;

¹⁷ Boundary Commission for Wales, [2018 Review](#), 24 February 2016; Boundary Commission for England, [2018 Review](#), 24 February 2016; Boundary Commission for Scotland, [2018 Review of UK Parliament constituencies](#), 24 February 2016; Boundary Commission for Northern Ireland, [Current Review](#), 24 February 2016

- The Secretary of State for Northern Ireland receives and must lay before Parliament the report by the Boundary Commission for Northern Ireland;
- The Chancellor of the Duchy of Lancaster receives and must lay before Parliament the reports by the Boundary Commission for England, and the Boundary Commission for Wales (the latter could also report to the Secretary of State for Wales).

The Chancellor of the Duchy of Lancaster will be responsible for laying before Parliament the draft Order in Council to give effect to the recommendations contained in the four reports.¹⁸

¹⁸ The *Chancellor of the Duchy of Lancaster Order 2015 (SI 2015/1376)* provides that the Chancellor of the Duchy of Lancaster may exercise certain functions concurrently with the Secretary of State. These include functions under the *Parliamentary Constituencies Act 1986*.

4. The 2013 Review

The four Parliamentary Boundary Commissions announced the commencement of the 2013 Review on 4 March 2011. The deadline for the final reports from each of the Boundary Commissions for the 2013 Review was 1 October 2013.

The Boundary Commissions agreed, for the purposes of the 2013 Review, that the total UK electorate was 45,678,175, which gave an electoral quota for the whole of the UK of 76,641. This meant that every constituency in Great Britain, apart from the specific exceptions given to four island constituencies in the *Parliamentary Voting System and Constituencies Act 2011*, had to have an electorate no smaller than 72,810 and no larger than 80,473. Separate calculations applied in Northern Ireland.¹⁹

The then Deputy Prime Minister Nick Clegg announced on 6 August 2012 that plans to reform the House Lords were to be dropped and that the Liberal Democrats would not vote to approve the Order implementing the recommendations of the Boundary Commissions.

In the absence of any statutory requirement to desist, the Boundary Commissions had to continue with their work. In October 2012, an amendment was tabled to the *Electoral Registration and Administration Bill 2012-13* during the Committee stage in the House of Lords. The amendment postponed the date on which the Boundary Commissions would have to submit their final reports to the Secretary of State to 2018. This had the effect of ending the 2013 review. The amendment was passed in January 2013 and the Bill received Royal Assent on 31 January 2013. All four Boundary Commissions subsequently announced that the 2013 Review would therefore cease.

4.1 England

Under the method of allocating the number of seats for each constituent part of the UK, the Boundary Commission for England announced that England would have 502 constituencies, a reduction of 31 from the current number. Two seats in England are exempt from the strict numerical requirements of the Rules of Distribution; these are the two seats allocated to the Isle of Wight.

The Boundary Commission for England was required to arrange at least two and no more than five public hearings, to last no more than two days, in each region. The number of hearings in each region was based on the number of constituencies each region had been allocated.²⁰

For further details of the sixth review in England see Briefing paper 6229 [Constituency boundaries: the Sixth General Review in England](#) and Briefing paper 6068 [Initial proposals for new constituency boundaries: England](#) which looks at the extent to which the proposed constituencies

¹⁹ See Library Briefing Paper 5677 [Sizes of constituency electorates](#)

²⁰ Boundary Commission for England, [A Guide to the 2013 Review](#), Published 28 June 2011, p6

could be identified with existing seats and which constituencies would have been most affected by the proposals.

The Boundary Commission for England published initial recommendations on 13 September 2012 and revised proposals on 16 October 2012; the eight week public consultation on the revised proposals closed on 10 December 2012.²¹

4.2 Scotland

The Boundary Commission for Scotland issued a press release on 4 March 2011 which stated that Scotland would have 52 constituencies, a reduction of 7.²² There are two constituencies in Scotland that are preserved and exempt from the requirement for constituencies to be within 5% of the electoral quota. These are the constituencies of Na h-Eileanan an Iar, and Orkney and Shetland.²³

The Commission published its initial proposals on 13 October 2011 and had to arrange at least two and no more than five public hearings, to last no more than two days, to hear oral representations.²⁴ The Commission published its revised proposals on 13 September 2012; the eight week public consultation on the revised proposals closed on 7 November 2012.²⁵

For further details of the review in Scotland see Library Briefing Paper 6227 [Constituency boundaries: the Sixth General Review in Scotland](#) and Library Briefing Paper 6098 [Initial proposals for new constituency boundaries: Scotland](#).

4.3 Wales

Wales was allocated 30 Parliamentary constituencies in the 2013 Review, a reduction of 10.²⁶ None of the constituencies in Wales are exempted from the strict parity rule, although during the passage of the *Parliamentary Voting System and Constituencies Bill* an unsuccessful attempt was made to exempt the island of Ynys Môn.

The initial proposals for Wales were published on 11 January 2012, and the Commission had to arrange for at least two and no more than five public hearings. Revised proposals were published on 13 September 2012. The eight week public consultation on the revised proposals closed on 18 December 2012.²⁷

For further details of the review in Wales see Library Briefing Paper 6226 [Constituency boundaries: the Sixth General Review in Wales](#) and Library

²¹ Boundary Commission for England, Consultation on revised proposals goes live, press release 16 October 2012

²² Boundary Commission for Scotland, [Sixth Periodic Review of Westminster Constituencies](#), Press release 4 March 2011

²³ Ibid, p1

²⁴ Boundary Commission for England, [A Guide to the 2013 Review](#), Published 28 June 2011, p6

²⁵ Boundary Commission for Scotland, [Revised Proposals - Sixth Review](#), September 2012

²⁶ Boundary Commission for Wales, [Newsletter](#), 4 March 2011

²⁷ Boundary Commission for Wales, [Boundary Commission for Wales Publishes Revised Proposals for Parliamentary Constituencies](#), 24 October 2012

Briefing Paper 6195 [*Initial proposals for new constituency boundaries: Wales*](#).

4.4 Northern Ireland

The 2013 review would have reduced the number of constituencies in Northern Ireland from 18 to 16.²⁸ The electoral quota in Northern Ireland was the same as for the rest of the UK, 76,641, but the Boundary Commission for Northern Ireland had slightly more leeway in the strict arithmetical application of the quota to proposed constituencies. Northern Ireland seats had to have electorates within the range of 70,583 to 80,473. There are no constituencies in Northern Ireland which are exempt from the parity rule.

The Commission's initial recommendations were published on 13 September 2011. The Commission had to arrange for at least two and no more than five public hearings and published its revised proposals on 16 October 2012. The public consultation on the revised proposals closed on 10 December 2012.

For further details of the review in Northern Ireland see Library Briefing Paper 6225 [*Constituency boundaries: the Sixth General Review in Northern Ireland*](#) and Library Briefing Paper [*Initial proposals for new constituency boundaries: Northern Ireland*](#).

²⁸ Boundary Commission for Northern Ireland, [*Announcement of the start of the 6th Review*](#), Press release, March 4 2011

5. Legislative background

5.1 Establishing the practice of regular reviews

The *House of Commons (Redistribution of Seats) Acts 1944* established four permanent Boundary Commissions to redistribute parliamentary constituencies. This Act required the Boundary Commission for England to undertake an immediate Special Review of “abnormally large” constituencies (those with an electorate that exceeded 100,000). The four Boundary Commissions were instructed to conduct an initial review of all Parliamentary seats with a view to keeping them under constant review.

The *House of Commons (Redistribution of Seats) Act 1949* repealed the 1944 Act, but took the principle of periodic review forward and established the rules for the reviews.²⁹ The Rules for Redistribution had included a requirement that the electorates of constituencies should be based on an electoral quota for Great Britain and should be within a 25% tolerance either side of the quota. This provision for the 25% tolerance was later removed by the *House of Commons (Redistribution of Seats) Act 1947* after informal complaints from the Commissioners. The Rules gave an indication of the number of seats to be allocated across the UK but gave the individual Boundary Commissions discretion to vary the number of seats. The Commissions had to apply an electoral quota in allocating seat boundaries but had the discretion to take into account other factors, such as special geographical considerations.

The 1949 Act and later amendments were consolidated in the *Parliamentary Constituencies Act 1986*. The 1986 Act provided for the Boundary Commissions' recommendations to become law through delegated legislation. The Act was amended by the *Boundary Commissions Act 1992* to define the time period between the general reviews of all constituencies as 8 to 12 years.

5.2 Responsibility for the reviews

The *Political Parties, Elections and Referendums Act 2000* (PPERA) established the Electoral Commission and provided for the functions of the Boundary Commissions to be transferred to this new agency after the completion of the fifth general review (which was completed in 2007). However, the Committee on Standards in Public Life (CSPL) recommended in its report on the work of the Electoral Commission, published in January 2007, that this legislation should be repealed and that the responsibility for conducting Parliamentary boundary reviews should remain with the Boundary Commissions.³⁰

²⁹ The *House of Commons (Redistribution of Seats) Act 1949* (12 & 13 Geo 6 chapter 66)

³⁰ Review of the Electoral Commission, Committee on Standards in Public Life Eleventh report, Cm 7006, January 2007

The Labour Government responded to the Committee's report and agreed with the recommendation that the provisions in PPERA to transfer the work of the Boundary Commissions to the Electoral Commission should be repealed.³¹ The Labour Government also agreed with the recommendations of the CSPL report that the Boundary Committee for England should become an independent body in line with the other local government boundary commissions, and that the local and Parliamentary boundary commissions in each of the four home countries should share joint secretariats. The *Local Democracy, Economic Development and Construction Act 2009* subsequently removed the responsibility for electoral boundary matters from the Electoral Commission and made provision for an independent Local Government Boundary Commission for England (LGBCE) to take on the functions of the Boundary Committee for England.

This effectively re-established an earlier situation. The Boundary Committee for England was previously the Local Government Commission which had been established as a Non Departmental Public Body of the then Department for Transport, Local Government and the Regions by the *Local Government Act 1992*. The Local Government Commission undertook the work formerly done by the Local Government Boundary Commission for England which had been established by the *Local Government Act 1972*.³²

5.3 Changing the Rules

The CSPL report also noted that there appeared to be a broad consensus amongst most academics, the Boundary Commissions, the Electoral Commission and many politicians on the need for a review of the Rules for Redistribution. The Committee commissioned research from experts Dr David Butler and Professor Iain McLean of Nuffield College Oxford on the operation of the rules, and the resulting report included a recommended set of rules devised by Professor Ron Johnston (Bristol University) and Dr David Rossiter.³³ In its final recommendations, the CSPL stated that current legislation in relation to the conduct of Parliamentary boundary work should be reviewed and "where necessary amended before the commencement of the sixth general review due around 2012."³⁴ The Committee said a review should address the "progressive inequality of electoral quotas, and increase in the size of the House of Commons that appear inbuilt to the operation of the current rules."³⁵

³¹ The Government response to the Committee on Standards in Public Life's Eleventh Report: Review of the Electoral Commission, Cm 7272, November 2007

³² For further information about the *Political Parties, Elections and Referendums Bill 1999-2000* see Library Research Paper 00/1 available at <http://hcl1.hclibrary.parliament.uk/rp2000/rp00-001.pdf>

³³ *The Electoral Commission and the redistribution of seats* David Butler and Iain McLean 8 June 2006

³⁴ The Government response to the Committee on Standards in Public Life's Eleventh Report: Review of the Electoral Commission, Cm 7272, November 2007, p11

³⁵ *Review of the Electoral Commission, Committee on Standards in Public Life Eleventh Report*, Cm 7006, January 2007, p47

The Labour Government responded to these recommendations in November 2007 and agreed that it was appropriate to review the legislation; that the Government should commission such a review and that it should look at all aspects of the current legislation on Parliamentary boundary reviews with two specific exceptions. These were “(1) the deliberate over-representation of Wales and Northern Ireland in the UK Parliament and (2) that each constituency shall return a single MP.”³⁶ However, the Labour Government did not commission such a review.

The Coalition Government programme of 20 May 2010 included a commitment to create fewer and more equal sized constituencies.³⁷ In his 5 July statement, the then Deputy Prime Minister Mr Clegg announced that the number of seats would be reduced from 650 to 600.³⁸ This was to be effected through the *Parliamentary Voting System and Constituencies Bill*, introduced on 22 July 2010, which introduced new Rules for Redistribution into the *Parliamentary Constituencies Act 1986*. The Bill received Royal Assent on 16 February 2011. For more information on the provisions of the Bill, see Library Briefing Paper 10/55 [The Parliamentary Voting System and Constituencies Bill](#).

The *Parliamentary Voting System and Constituencies Act 2011* also abolished the power of the Boundary Commissions to carry out interim reviews, and provided for boundary reviews to take place every five years. The *Fixed-term Parliaments Act 2011* provides that Parliaments will normally last five years; this means reviews would take place in the first three years of every Parliament. This cycle would be disrupted if early elections were triggered under this Act.

³⁶ [The Government response to the Committee on Standards in Public Life's Eleventh Report, review of the Electoral Commission. Cm 7272](#), November 2007.

³⁷ [The Coalition: Our Programme in Government](#) 20 May 2010

³⁸ HC Deb 5 July 2010 c23

6. Reforming the Rules for Redistribution

Library Briefing paper 5628, [The Rules for Redistribution of Seats – history and reform](#), notes that the major concerns around the Rules for Redistribution from the 1970s onwards were:

- the number of seats in the House of Commons rose after every Review;
- Scotland, Wales and more recently Northern Ireland were over-represented in strict numerical terms;
- The time lag between the announcement of a review and its subsequent implementation at a general election meant that population movements were not taken into account sufficiently.

The *Parliamentary Voting System and Constituencies Act 2011* addressed the first two of these concerns by introducing the new Rules for Redistribution discussed above. These new Rules in turn have raised concerns, particularly as their effects became clear during the process of the 2013 Review.

6.1 The cost of equality

The 2011 Act had been designed to tackle a perceived problem with the previous rules: constituencies varied in size both between the constituent parts of the UK and within them, which was thought to result in unequal workloads for MPs and uneven representation for voters. The new rules were intended to create equally sized constituencies, so that one vote counts for approximately the same, no matter in which constituency it was cast.

Table 1: Average constituency electorate at four recent general elections, by country

	1997	2001	2005	2010
England	68,927	68,999	70,203	71,889
Northern Ireland	65,287	66,171	63,333	64,945
Scotland	54,806	55,291	65,287	65,383
Wales	55,015	55,718	55,767	56,625

Source: Johnston, Rossiter and Pattie, *Equality, Community and Continuity: Reviewing the UK Rules for Constituency Redistribution*, p.7

The 2013 Review, bound to propose 600 constituencies within 5% of the electoral quota, proved more disruptive to existing constituency boundaries than expected, and proposed many constituencies that crossed local government boundaries.

Even existing constituencies with electorates that fell within the allowed range were often affected in the proposals for the 2013 Review, as changes to neighbouring constituencies produced knock-on effects. The McDougall Trust published [Equality, Community and Continuity: reviewing the UK Rules for Constituency Redistributions](#) by academic

experts Ron Johnston, David Rossiter and Charles Pattie in July 2014. This report noted that of the existing 533 constituencies in England, 200 had electorates within the prescribed range, but only 78 of these were left unchanged in the Boundary Commission's initial proposals.³⁹ The authors found that “there was much more change proposed in the latest redistribution than in the one preceding it” when continuity of existing boundaries was given greater weight.⁴⁰ The extent of change that was proposed in the Boundary Commissions’ revised proposals is discussed in Library Briefing Paper 6445 [Revised proposals for new constituency boundaries](#).

The strict application of the electoral quota also means higher levels of disruption are expected at every five-yearly Review: population changes will require boundary changes that will produce knock-on effects in surrounding constituencies.⁴¹

Disruption can be confusing for voters and MPs. It also requires electoral administrators and local party organisations to adapt to the new area and population they cover. The primacy of numerical equality over other considerations, such as existing geographical identities and community ties, also challenges a longstanding understanding of constituencies:

Constituencies are not merely areas bounded by a line on a map; they are living communities with a unity, a history and a personality of their own. (James Callaghan, HC Deb 19 June 1969 c742)

The 5% rule

In [Equality, Community and Continuity: reviewing the UK Rules for Constituency Redistributions](#), Ron Johnston, David Rossiter and Charles Pattie research different ways to minimise the disruption proposed in the 2013 Review. They found that similar levels of disruption would occur even if the House of Commons was not reduced in size. They conclude that:

If the equality constraint was relaxed somewhat – from +/- 5% to +/-8% – then there would be much less disruption and that if it was relaxed even further – to +/- 10% – major problems would arise in a very small number of places only.⁴²

The Political and Constitutional Reform Select Committee undertook an [inquiry](#) into the redrawing of Parliamentary boundaries and took evidence from academics and the Boundary Commissions in the autumn of 2014. The Committee published its report, [What next on the redrawing of parliamentary constituency boundaries?](#), in March 2015. The Committee called on the Government to “make a statement no later than June 2015 on its policy on the rules for the distribution of parliamentary constituencies. This statement should respond to the

³⁹ Ron Johnston, David Rossiter and Charles Pattie, *Equality, Community and Continuity: reviewing the UK Rules for constituency Redistributions*, McDougall Trust, July 2014, p7

⁴⁰ Ibid, p10

⁴¹ Ibid, pp47-51

⁴² Ibid, p53

21 Constituency boundary reviews and the number of MPs

recommendations we have set out in this report". Briefly, the Committee's main recommendations were:

- the allowable variance for the electorate of each constituency from the UK electoral quota should be increased to +/- 10%;
- if the +/- 5% rule is not relaxed, the Boundary Commissions should be required to propose constituencies with an electorate within +/- 5% of the electoral quota for the part of the UK for which that Commission is responsible, rather than the overall UK electoral quota;
- the Committee found no compelling reason for reducing the number of MPs and recommended that legislation should be introduced to reverse the reduction in the number of MPs provided for by the *Parliamentary Voting System and Constituencies Act 2011*;
- research should be commissioned into how population data could be used as the basis for reviewing parliamentary constituency boundaries.⁴³

The previous Government did not respond to the Committee's report. Since its publication, several Parliamentary Questions have been asked about the Government's plans regarding the process of constituency boundary reviews.⁴⁴ The most comprehensive answer was given by John Penrose, Minister for Constitutional Reform, on 9 June 2015:

The Parliamentary Voting System and Constituencies (PVSC) Act 2011 provides for the number of constituencies to be reduced from 650 to 600 and the Government remains committed to equalising the size of constituencies in order to make votes of more equal value. The Government will outline its plans for constituency boundaries when it responds to the Political and Constitutional Reform Committee's report, *What next on the redrawing of parliamentary constituency boundaries?*, in due course.

The Boundary Commissions are due to commence work on their next reviews of Parliamentary constituencies in spring 2016 in order to submit final reports by 1 October 2018. If approved, the new constituencies would take effect at the next General Election.⁴⁵

The Government responded to the Committee's report on 11 February 2016, saying that "the Government has no plans at this time to introduce legislation to make major changes to the boundary review framework which was set up in the last Parliament."⁴⁶

Splitting wards

Ron Johnston, David Rossiter and Charles Pattie, in *Equality, Community and Continuity: reviewing the UK Rules for Constituency Redistributions*, found that much disruption could be avoided if the Boundary

⁴³ [What next on the redrawing of parliamentary constituency boundaries?](#) Political and Constitutional Reform Committee report, 15 March 2015, HC 600 2014-15

⁴⁴ [WQ111](#), [WQ698](#), [WQ1274](#), [WQ HL3045](#), [WQ HL1149](#)

⁴⁵ [WQ1274](#)

⁴⁶ [HCWS526](#)

Commissions relaxed their policy of using wards as building blocks for constituencies.

While not a legal requirement (except for in Northern Ireland until 2011), this is a longstanding practice of the Boundary Commissions. The Commission for England continued this practice in the 2013 Review, even where it produced constituencies that would cross local government boundaries. The Commissions for Scotland, Northern Ireland and Wales were more willing to depart from it.

Using wards as building blocks proved problematic because they often represent a high number of electors, so that including or excluding one ward could easily take a proposed constituency beyond the range of acceptable electorates. Moreover, it was found that in many cases, the number of constituencies allocated to a local authority area presented a bad match with the number of wards there. For example, Leeds has 33 wards and these could not be combined to form 7 constituencies with electorates within 5% of the electoral quota.

Ron Johnston, David Rossiter and Charles Pattie noted in 2014 that while splitting even a small number of wards would significantly reduce the level of disruption and crossing of local government boundaries, there are some issues as well:

- there was no mapping data available below ward level;
- splitting wards would give the Boundary Commissions (and those responding to their proposals) a much wider range of options to choose from. This could complicate the review process;
- some see wards as areas representing communities (but others see them as purely administrative units).⁴⁷

The Boundary Commission for England has indicated that it does not rule out splitting wards in the 2018 Review, and has collected mapping data for polling stations.⁴⁸

6.2 The electoral register

The electoral register is used to calculate the electoral quota, which is used as a basis to review constituency boundaries. However, not everyone is on the electoral register, and there have been calls to use population data instead.

The Political and Constitutional Reform Select Committee called for research into this alternative in its 2015 report on constituency boundaries.⁴⁹ Political commentator Lewis Baston argued in a publication for the Constitution Society that population data is a better basis for proposing constituencies than the electoral register: the electoral register is incomplete, and using population rather than the

⁴⁷ Ron Johnston, David Rossiter and Charles Pattie, *Equality, Community and Continuity: reviewing the UK Rules for constituency Redistributions*, McDougall Trust, July 2014, p25

⁴⁸ '50 fewer MPs: Challenges for the boundary review', [The Constitution Unit blog](#), 3 November 2015

⁴⁹ [What next on the redrawing of parliamentary constituency boundaries?](#) Political and Constitutional Reform Committee report, 15 March 2015, HC 600 2014-15, para 73-6

electorate would further equality of representation (since MPs usually represent all people who live in their constituency, and not just voters).⁵⁰ This could also help to equalise the workload of MPs.

Electoral registers are always incomplete to some extent: people die and move away between publication dates. The introduction of Individual Electoral Registration (IER) was predicted to increase incompleteness. The Electoral Commission found in February 2016 that approximately 770,000 entries (or 1.7% of the total electorate) were removed from the 1 December 2015 electoral registers in Great Britain, when transitional arrangements for IER were ended.⁵¹ The Office for National Statistics found that the total number on the UK electoral registers published on 1 December was 44,722,000, a fall of 1.3% from 2014.⁵² Not all register entries refer to actual voters (some refer to voters who have died or moved away, or were fraudulently entered). For more information on IER see Library Briefing Paper 6764 [Individual Electoral Registration](#).

The Electoral Commission has published research showing that certain groups are more likely to not be included on the electoral register: young people, students, private renters, and people not born in the UK.⁵³ These groups are often based in urban areas and London in particular tends to have lower registration rates than other parts of the country. As a result, these areas are likely to be allocated fewer constituencies than they would if population data was used. Some commentators have written about the potential political consequences of this, as these groups are considered to be more likely to vote Labour or Liberal Democrat.⁵⁴ Additionally, people in these constituencies could decide to register at a later date, with the effect of increasing the electorate of these constituencies, potentially beyond the allowed range of within 5% of the electoral quota.⁵⁵

Using population data instead of the electoral register could mean that that some MPs would need to attract fewer votes than others to win a seat, because rates of voter registration differ among constituencies.

6.3 Marginal seats

There have also been calls for the Boundary Commissions to pay attention to the political characteristics of the seats they propose: the recent [The Democracy Commission](#) report published by the Institute for Public Policy Research called for the Commissions to create fewer safe, and more marginal seats. It was suggested that this could encourage greater participation among voters.

⁵⁰ Lewis Baston, [Electoral Collision Course?](#), The Constitution Society, August 2014

⁵¹ Electoral Commission, [Assessment of December 2015 electoral registers in Great Britain](#), February 2016, p6

⁵² Office for National Statistics, [Statistical Bulletin: Electoral Statistics for UK, 2015](#), 24 February 2016

⁵³ Electoral Commission, [Assessment of progress with the transition to Individual Electoral Registration](#), June 2015, para 2.18

⁵⁴ See: Lewis Baston, [Electoral Collision Course?](#), The Constitution Society, August 2014 pp7, 39-43

⁵⁵ Ibid, p7

Academics Ron Johnston, David Rossiter and Charles Pattie responded to this call in a post on the [Constitution Unit blog](#). They pointed out a number of issues, including that electoral data is not available at ward level (or at sub-ward level, in case the Commissions split wards); and that it would not be possible to create marginal seats within wider areas that tend to vote for the same party.⁵⁶

⁵⁶ Ron Johnston, David Rossiter and Charles Pattie, 'Gerrymandering for democracy: an impossible goal?', *The Constitution Unit*, 4 September 2015; see also the response to this post by Sarah Birch and Matthew Lawrence, 'The number of 'safe' seats should be reduced to strengthen UK democracy and increase participation', [The Constitution Unit](#), 10 November 2015

7. Historical reviews

Before 1832 the pattern of Parliamentary representation in the UK had changed little since medieval times. There was a limited redistribution of seats when Oliver Cromwell's Instrument of Government attempted to allocate seats on a more equitable basis.⁵⁷ Places like Leeds and Manchester briefly gained seats in the House of Commons at this time but following the Restoration the pattern of Parliamentary representation reverted to the medieval pattern.

Early redistributions of seats were a result of the *Reform Acts* of the nineteenth century in 1832, 1868 and 1885 which were also associated with the extension of the franchise. A further redistribution occurred in 1918 following a Speaker's Conference on reform of the franchise, redistribution of seats and of election administration. Each time 'ad hoc' Boundary Commissions for England, Scotland, Ireland and Wales were created.

Commons Library Briefing Paper 10/55 [The Parliamentary Voting System and Constituencies Bill](#) includes an overview of the boundary reviews that took place since 1947 and the controversies attached to (some of) them. The *House of Commons (Redistribution of Seats) Act 1949* required the Boundary Commissions to submit the results of the First Periodical Review not less than three and not more than seven years from the passing of the RPA 1948. Subsequent reviews had different time scales. A table in Library Briefing Paper 3222, [Parliamentary constituency boundaries: the Fifth Periodical Review](#), gives the dates of the reports of each Boundary Commission since 1832, the dates of the Orders that implemented them and the subsequent general elections when the new boundaries were used for the first time.

Overall, the boundaries proposed in the reviews have been implemented, but some changes were made to the boundaries proposed in the Boundary Commission reports that were submitted in 1917 and 1947 (implemented through the *Representation of the People Act 1918 and 1948*).

7.1 Scotland, Wales and Northern Ireland

Scotland and Wales were overrepresented in terms of their population from the early 1920s. This overrepresentation was institutionalised within the modern boundary review system following the Speaker's Conference of 1944. Commons Library Briefing Paper 10/55 [The Parliamentary Voting System and Constituencies Bill](#) includes more information about the historical representation of Scotland, Wales and Northern Ireland in the UK Parliament.

Scotland

The *Scotland Act 1998* that established the Scottish parliament also provided that the Boundary Commission for Scotland had to use the

⁵⁷ Boundary Commission for Northern Ireland, [Boundary Commission consults on revised constituencies](#), press release 16 October 2012

electoral quota for England in future reviews, rather than the electoral quota for Scotland used in previous reviews. This meant that the number of seats in Scotland was reduced from 72 to 59 at the 2001 general election. The *Scottish Parliament (Constituencies) Act 2004* removed the statutory link between the constituencies for the Scottish Parliament and those for the House of Commons.

Wales

By contrast, the number of Welsh seats at Westminster was not reduced when the *Government of Wales Act 1998* established the Welsh National Assembly. It was argued at the time that no reduction was required because primary law-making powers remained at Westminster.

The *Parliamentary Voting System and Constituencies Act 2011* amended the *Government of Wales Act 2006* so that the constituencies for the National Assembly for Wales were de-coupled from those for Westminster. This means the number of seats in the Assembly and their constituency boundaries will be unaffected by any changes made by a Parliamentary boundary review.

Northern Ireland

The *Northern Ireland Act 1998* provides that each Westminster constituency in Northern Ireland returns 6 members to the Northern Ireland Assembly, producing a total of 108 MLAs. This number is enshrined in the Belfast Agreement of Good Friday 1998 that was signed by both the British and Irish Governments and is an international agreement, endorsed by referendums in Northern Ireland and the Republic of Ireland.

Unlike in Wales, the Northern Ireland Assembly seats were not decoupled from those in Westminster under the *Parliamentary Voting System and Constituencies Act 2011*. This means that when a Parliamentary boundary review is implemented in Northern Ireland there will be a subsequent change in the number of MLAs in the Northern Ireland Assembly. However, the *Northern Ireland (Miscellaneous Provisions) Act 2014* changed the size of the Assembly from an excepted matter to a reserved one. The Assembly can now be given the power to change its size by Order if it requests this in the future. The Act allows the Assembly to reduce the number of MLAs from six per constituency to five, or back up again. The reduction or increase must be the same in all Assembly seats; those seats are still the Westminster constituencies.

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