



## BRIEFING PAPER

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# The Parliamentary Constituencies Bill 2019-21

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## Summary

The [Parliamentary Constituencies Bill 2019-21](#) was introduced on 19 May 2020. It had [its Second Reading](#) in the House of Commons on 2 June 2020.

The Bill received royal Assent on 14 December 2020.

### The Bill

The *Parliamentary Constituencies Bill 2019-21* as introduced sought to amend the [Parliamentary Constituencies Act 1986](#). The 1986 Act gives the Boundary Commissions their statutory basis, governs the constituency boundary review process and sets the Rules of Redistribution that the Commissions must follow.

If the Bill's key changes, as introduced, were as follows:

- The number of MPs will be fixed at 650;
- The 2018 Review, which would have reduced the number of MPs to 600 will no longer be implemented. Ministers will no longer be required to lay legislation (a draft Order in Council) to implement the 2018 Review.
- The next review, due to start in 2021, will have to be completed by the Boundary Commissions by 1 July 2023. It will be based on the number of registered electorates as of 1 December 2020;
- The next review after the 2023 Review will have to be completed by 1 October 2031; with subsequent reviews required to report by the 1 October every eight years thereafter;
- Recommendations of the Boundary Commissions will be no longer require Parliamentary approval and government ministers will have no power to alter recommendations;
- The public consultation phase will be amended to allow for public hearings in the secondary stage of consultation rather than in the initial stage. The time allowed for public consultations from 2031 will remain the same overall (24 weeks) but will be split into three eight-week periods. The consultation stages of the 2023 Review will be have a shorter duration as a result of the shorter time available for the 2023 Review.
- The Boundary Commissions will be given more flexibility to use local government and ward boundaries that have yet to come into force.

The provisions of the Bill would extend and apply to the whole of the United Kingdom. The matters to which the provisions of the Bill relate are not within the legislative competence of the Scottish Parliament, the Senedd Cymru/Welsh Parliament or the Northern Ireland Assembly, and no legislative consent motion is being sought in relation to any provision of the Bill.

The Bill would come into force on Royal Assent.

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The Government has published [Explanatory Notes](#) for the Bill. The [Bill page](#) on the Parliamentary website also provides links to an [Impact Assessment](#) and a [Delegated Powers Memorandum](#) from the Cabinet Office.

### Second Reading

The Labour Party tabled a [reasoned amendment](#) to the decline to give a Second Reading of the Bill. The reasoned amendment was rejected on division and the Bill then passed its Second Reading without a division.

The key objections to the Bill, as introduced, were

- the removal of Parliament's role in having a final say by voting implementing the Commissions' recommendations;
- the possible impact of the Coronavirus pandemic on the electoral data to be used for the 2023 Review (electoral registers as they are at 1 December 2020);
- the interaction between the 5% rule and local ties;
- the possible impact on the Union of the reduction in seats in Scotland and Wales.

### Committee stage

The [Committee stage](#) of the Bill made two important changes.

In response to concerns about the completeness of electoral registers during the coronavirus pandemic, the Government agreed to bring forward an amendment at the Committee stage. The amendment altered the data to be used for the 2023 Review as the electoral register of 2 March 2020, before the full impacts of coronavirus took hold.

The Government agreed a backbench amendment to add Ynys Môn to the list of protected island constituencies that are not subject to the strict electoral quota requirements in the Rules of Redistribution. This will be Wales' first protected constituency.

### Remaining Commons stages

The [Report stage and Third Reading](#) were taken on 14 July 2020. Opposition members brought forward proposed new clauses in an attempt to widen the 5% tolerance to 7.5% and to guarantee a minimum number of seats for Scotland, Wales and Northern Ireland. An amendment was also tabled to retain Parliamentary approval on the outcome of a review. These issues had been considered at Committee stage and rejected. They were also rejected on Report. A new clause to alter the definition of electorates used in the review process (to allow for estimates of unregistered voters to be included) was not moved.

The Bill then passed its Third Reading without division and was sent to the House of Lords.

### Lords stages

The Bill had its [Second Reading](#) on 27 July 2020.

The House of the Lords amended the Bill on its [Report Stage](#). Only one change had Government support: to require the Government to submit a draft Order in Council, implementing the recommendations of the Commission, no later than four months after the reports of the Commissions have all been laid before Parliament unless there are exceptional circumstances. The amended Bill passed its [Third Reading](#) on 15 October 2020 and was sent back to the Commons.

Other changes made to the Bill, but which were opposed by the Government, were to hold reviews every ten years instead of eight; to widen the 5% tolerance to 7.5%; a new clause to alter the way Commissioners are appointed to safeguard their independence, and a new clause to require the Secretary of State to lay before Parliament “proposals for improving the completeness of electoral registers for the purposes of boundary reviews”.

## Ping pong

On 10 November 2020 the Commons [considered Lords amendments](#). The Commons rejected all the amendments that the Government had opposed in the Lords. The Lords accepted the Commons reasons for rejecting the amendments on [26 November 2020](#).

The Bill received Royal Assent on 14 December 2020.

## Background to the Bill

In March 2020 the [Government announced](#) that it would not implement the reduction in the number of seats in the House of Commons to 600. This had been due to happen when the recommendations of the most recent boundary review, the 2018 Review, were implemented. The Review was conducted by the four independent Boundary Commissions, one for each part of the UK.

Under the current law, the Boundary Commissions would have been required to start their next review in early 2021, based on the number of registered electors on 1 December 2020. They would also have been required by to base their calculations on 600 seats for the House of Commons. Reviews are currently required every five years.

The Commissions must follow the Rules of Redistribution contained in the [Parliamentary Constituencies Act 1986](#), as amended.

Instead the Government wants to maintain the number of seats at 650. One reason given for the change is that following the UK’s exit from the European Union MPs will have greater workloads. Reducing the size of the House to 600 seats was meant to reduce the cost of politics. The Government estimates the cost of retaining the 50 MPs that would otherwise have been abolished is approximately £116m over ten years, adjusted for inflation.

The Government also said it would require reviews less frequently and abolish the requirement that Parliament should vote to approve the recommendations. The Government is also proposing changes to the consultation requirements.

The Government is **not** proposing altering the primacy of the rule on the size of electorates of recommended seats. They will still need to be within 5% of the electoral quota.

Parliamentary constituency boundaries are reviewed periodically primarily to keep take account of population movement.

The current boundaries of Parliamentary constituencies resulted from the Fifth Periodical Review. The Fifth Review in Scotland was completed in 2004 and the boundaries first used in May 2005. This was the year the number of seats in Scotland was reduced from 72 to 59 as a result of the re-creation of the Scottish Parliament. In the rest of the UK, the Fifth Review was implemented in time for the May 2010 General Election. The current constituencies are based on registered electors from February 2000 (England), June 2001 (Scotland), December 2002 (Wales) and May 2003 (Northern Ireland).

The last major changes to the Rules of Redistribution were in 2011. The [\*Parliamentary Voting System and Constituencies Act 2011\*](#) inserted into the 1986 Act new rules that the Commissions had to follow. The passage of the that legislation is detailed on the [Parliamentary web pages for the Act](#).

It was the 2011 changes, introduced by the Coalition Government of 2010-15, that were meant to reduce the House of Commons from 650 seats to 600. Constituencies had to be within 5% of the electoral quota with the exception of four island constituencies (Orkney and Shetland, Na h-Eileanan an Iar and two seats on the Isle of Wight).

The electoral quota was calculated by dividing the registered electorate of the UK by the number of seats. As the four island seats were protected, this was calculated as the electorate of the UK minus the electorates of the four excepted islands seats which was then divided by 596. Reviews were meant to be conducted every five years.

The first review under the new rules was meant to be completed in 2013. The review was abandoned in January 2013 before final recommendations were produced, and a new deadline for final recommendations was set for 1 October 2018. The reports of the Boundary Commissions were handed to the Government in September 2018.

Once the Commissions hand over their reports their role in the process ends. The UK Government must then lay the reports. This must be done "as soon as may be". The Government is then responsible for laying a draft Order in Council to give effect to the new boundaries before Parliament "as soon as may be". Both Houses of Parliament must approve the draft Order.

A draft Order for the 2018 recommendations has not been produced.

# 1. Periodical reviews

Parliamentary constituency boundaries are reviewed periodically. This is principally so that constituencies are altered to take account of changes in population over time. Changes are also made to reflect local government boundary changes that may occur, so that administrative boundaries coincide as much as possible.

The reviews are undertaken by Boundary Commissions. There are four Commissions, one each for the four nations of the United Kingdom. The Commissions are independent of Government and must follow the Rules of Redistribution.

The [Parliamentary Constituencies Act 1986](#), as amended, sets out the rules that the Commissions must follow when formulating constituency boundaries. The Act also currently sets out that reviews should be held every five years. There are also some provisions relating to the public consultation steps that must be followed during a review. See the Library briefing [Parliamentary boundary reviews: public consultations](#) for the current requirements.

The legislation does not specify in detail all aspects of the review process. The Boundary Commissions are able to administer many aspects of the review as they see fit. For example, when each stage of the review will commence; how to publicise the review and its stages; where public hearings will be held; how most aspects of the hearings are administered, and how each Commission will publish and publicise its proposals and documents are for the Commissions to decide.

## 1.1 Historical background

### Pre-1940s

Periodic reviews of constituency boundaries were introduced in the 1940s. Before the Second World War the review of constituencies had been ad hoc and related to major electoral reforms, in 1832, 1867-8, 1884-5 and 1917-18. Redistributions occurred at each review but in an era before universal suffrage, the principle of votes having equal weight was not a primary concern.

It eventually became accepted that equal voting rights needed to be accompanied by equality of representation and that there needed to be numerical equality of electors between constituencies. By 1917 this had become a settled principle and the report of the Speaker's Conference of that year stated that "each vote shall as far as possible, command an equal share of representation in the House of Commons."<sup>1</sup> The recommendations of the Speaker's Conference of 1917 were that each seat should ideally have a population of 70,000.<sup>2</sup> The House of Commons instructed the Commissions to consider populations rather than electorates, unless the proportion of electorate compared to the population was "abnormal". In the end, all three Commissions (England and Wales were combined) used populations as the basis for their deliberations.

### Introduction of Periodical Reviews

In January 1942 a committee was appointed to inquire into various electoral matters. It was chaired by the Registrar General, Sir Sylvanus Vivian. In its report, published in December 1942, the Committee reiterated that the equal representative status of MPs

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<sup>1</sup> Conference on Electoral Reform. Letter from Mr. Speaker to the Prime Minister, Cd 8463

<sup>2</sup> Ibid, p4

and the territorial nature of representation were essential features of the British electoral system.

The Committee recommended that there should be three permanent statutory Boundary Commissions, one for England and Wales, one for Scotland and one for Northern Ireland. The Commissions should be answerable to Parliament via the Speaker of the House of Commons to ensure party allegiances would not affect decisions on redistribution. The committee also recommended that the commissions should carry out a general review of constituencies once in the lifetime of every full-term Parliament.<sup>3</sup>

On whether to use population or registered electorate the Committee noted:

The choice obviously lies between total population and qualified electorate. With the present extensive Parliamentary franchise...the two criteria produce virtually identical results except in the case of regions containing an abnormal proportion of persons under adult age.<sup>4</sup>

The Speaker's Conference of 1944, established to consider a variety of electoral matter, was asked to consider the question of detailed rules for the Boundary Commissions to redistribute parliamentary constituencies.

The Conference subsequently agreed that there should be four Commissions, one for each of the four constituent parts of the UK. It also recommended a set of rules the Commissions should follow. These said that redistribution should be on the basis of an electoral quota for Great Britain calculated from the qualified electorate and with 25% tolerance on either side, Local and Parliamentary boundaries would coincide 'where convenient' and the Commissioners were to be permitted to depart from the strict application of the rules if they felt that this was desirable because of special geographical considerations such as area, shape and accessibility of a constituency.

It recommended that these Commissions would carry out reviews at intervals of not less than three and not more than seven years. The reviews should be based on registered electorate.<sup>5</sup>

Legislation was then passed by Parliament to implement the Speaker's Conference recommendations.

The *House of Commons (Redistribution of Seats) Act 1944* established the four permanent Boundary Commissions and the Rules of Redistribution that the Commissions had to follow when making their recommendations (see section 2.1 for the current Rules of Redistribution below).

The 1944 Act required the Boundary Commission for England to undertake an immediate Special Review of "abnormally large" constituencies (those 20 seats with an electorate that exceeded 100,000).

The four Boundary Commissions were then required to conduct an initial review of all Parliamentary seats with a view to keeping them under constant review.

The 1944 Act stated that the size of the House of Commons was to remain substantially the same with a target for Great Britain of 591 and a fixed number of seats for Northern Ireland. The number of Scottish seats was set at not less than 71 and the number of

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<sup>3</sup> Report of the Committee on Electoral Machinery, Cmd 6408, 1942

<sup>4</sup> Ibid, p18

<sup>5</sup> Conference on electoral reform and redistribution of seats. Letter from Mr. Speaker to the prime minister, Cmd 6534, 24 May 1944

Welsh seats not less than 35, which meant, by implication, the number of seats in England should be around 485.

So far as was practical, constituencies should not cross county boundaries and local government boroughs and districts should not be split between seats.

The new rules allocated primacy to the achievement of equal constituencies over the principle of respect for local government boundaries. Electorates of constituencies should be within 25% of the electoral quota set for the review. The rules, however, gave the Commissions some discretion to depart from the strict application of the rules if “special geographical considerations, including in particular the size, shape and accessibility of a constituency, appear to them to render a departure desirable.

The legislation also set the frequency of review to every 3 to 7 years.

## Changes from the late-1940s to 2011

The rules and timings of periodical reviews have been altered by Parliament from time to time. The main changes before 2011 were:

- Abolition of the strict requirement that electorates should be within a threshold of plus or minus 25% of the GB quota in 1947. These changes to the rules allowed greater discretion for the Commission and led to a presumption of avoiding disruption of existing boundaries over mathematical considerations. The Boundary Commission for England in particular had experienced difficulties in recommending constituencies within 25% of the quota. These were introduced by the *House of Commons (Redistribution of Seats) Act 1947*.
- The *Representation of the People Act 1949* consolidated the rules in the 1944 and 1947 Acts and amended them in relation to the City of London, and increased the number of seats overall for Great Britain to 613, because of the loss of university and City seats. University seats were abolished by the *Representation of the People Act 1948*.
- Introduction, by the *House of Commons (Redistribution of Seats) Act 1958*, of separate quotas for England, Scotland and Wales (Northern Ireland already had a separate quota).
- Mandatory local inquiries were introduced from 1958 if certain conditions were met;
- The frequency of reviews has been altered more than once. The reviews were originally to take place every 3 to 7 years. After opposition to the scale of changes in the First Review, held only five years after the Initial Review, the timing was changed to reviews every 10 to 15 years in the 1958 Act. A further change was made in 1992 to speed up reviews to every 8 to 10 years.
- Following a Speaker’s Conference in 1978, the number of seats in Northern Ireland was increased from 12 to between 16 and 18, to be fixed by the Northern Ireland Boundary Commission.<sup>6</sup> Northern Ireland had been under-represented in the Commons to compensate for the existence of a devolved parliament at Stormont. There were concerns at the time of the ongoing under-representation during the Troubles and Direct Rule.
- The 1986 *Parliamentary Constituencies Act* was a consolidation measure that brought together the legislative provisions relating to the redistribution of

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<sup>6</sup> *The Boundary Commissions* notes that evidence to the Speaker’s Committee was published, and it is summarised at pp 105-107. It also notes that the presumption was for 17 and only for 16 or 18 if the Boundary Commission made the case for it

## 10 The Parliamentary Constituencies Bill 2019-21

Parliamentary constituencies in one enactment. There was no substantive debate as the Act was a consolidation measure and made no changes to the law.

## 2. Current Rules of Redistribution

The current Rules of Redistribution in schedule 2 of the *Parliamentary Constituencies Act 1986*, as inserted by the *Parliamentary Voting System and Constituencies Act 2011*, fixed the number of seats in the House of Commons at 600.

The *Parliamentary Voting System and Constituencies Bill* was introduced on 22 July 2010. details of the passage of the Bill can be [found on the Parliament website](#), including the Library briefing produced for Second Reading.<sup>7</sup> It received Royal Assent on 16 February 2011. The proposals to alter the voting system for the House of Commons from first past the post to AV were subsequently rejected in a nationwide referendum.<sup>8</sup> However, the provisions in the Act relating to fewer and more equal sized constituencies were retained.

A single electoral quota would be used across the whole UK. The rules also allocated the seats between the four nations proportionally based on the electorates of those nations (minus the excepted islands seats). This would end the over-representation of Welsh seats.

### The current rules are:

**Rule 1** states that the number of constituencies in the United Kingdom shall be 600. This change was the first time that the number of seats had been fixed.

**Rule 2** gives primacy to the principle that constituency electorates should be broadly equal, subject to the exception outlined in other parts of the rules. It provides that 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

This is subject to the requirements of Rules 4, 6 and 7.

Rule 2 also provides the method of calculating the quota. It is the average registered electorate of the UK (minus the four excepted constituencies in Rule 6).

The Boundary Commissions noted that the combination of the reduction in seats and the strict application of the 5% rule would give rise to significant changes to many existing seats. While it would continue to have regard to existing constituency boundaries (see Rule 5), it warned that existing seats that fell within the required range should not be automatically considered to be 'protected from change'. The level of required change in one part of a region would inevitably have knock-on effects in another part of a region.<sup>9</sup>

**Rule 3** states that every constituency must be wholly within one of the four nations of the UK. The allocation of the number of seats in each nation is set out in rule 8.

**Rule 4** says a constituency cannot be larger than 13,000 square kilometres in area. If it is over 12,000 square kilometres then a Boundary Commission can waive the 5% rule. The largest seat (under the old rules), by area is currently Ross, Skye and Lochaber, which is 12,606 square kilometres.

**Rule 5** says that a Commission may consider other factors when considering its recommendations but these are subordinate to Rules 2 and 4.

The factors that it may take into account are:

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<sup>7</sup> See Library briefings [The Parliamentary Voting System and Constituencies Bill \[Bill 63 of 2010-11\]](#), prepared for Second Reading, and [The Parliamentary Voting system and Constituencies Bill: summary of amendments](#)

<sup>8</sup> The results are detailed in the Library briefing, [Alternative Vote Referendum 2011](#)

<sup>9</sup> See the Boundary Commission for England's [Guide to the 2013 Review](#), p9

- (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 attendant on such changes.

Rule 5 also gives the Boundary Commission for England the discretion to take account of regional boundaries within England. In the 2013 and 2018 Reviews the Boundary Commission for England did not recommend constituency boundaries that crossed regional boundaries.<sup>10</sup>

Rule 5(b) states the local government boundaries that must be considered by the Boundary Commissions are those before the review date. Rule 9 (see below) sets the review date. It meant that for the 2018 Review, where the review date was 1 December 2015, the local government boundaries used in England and Wales were those that existed on 7 May 2015. In Scotland and in Northern Ireland, the local government boundaries used were those in place on 22 May 2014.

This gives rise to occasions where local government boundaries that are used by the Boundary Commissions are no longer in force by the time their recommendations are implemented, particularly in England. Local government boundaries are reviewed by separate independent commissions. They operate on different timescales and cycles.

For example, in Bath and North East Somerset the Local Government Boundary Commission for England conducted a review into local government boundaries in 2017-2018. New ward boundaries were implemented in May 2019. The recommendations of the Parliamentary Boundary Commission for the two constituencies of Bath and North East Somerset in the 2018 Review are based on ward boundaries from May 2015 that no longer exist.

**Rule 6** lists the four protected constituencies that are not subject to the requirement to have an electorate within 5% of the quota. These are:

- Orkney and Shetland, comprising the areas of the Orkney Islands Council and the Shetland Islands Council;
- Na h-Eileanan an Iar, comprising the area of Comhairle nan Eilean Siar;
- Two seats covering the Isle of Wight.

There were attempts to also include other exemptions during the passage of the 2011 legislation. Opposition amendments made provision for an exemption for Cornwall and the Scilly Isles to eliminate the need for a cross-border 'Devonwall' seat, and for Ynys Môn to be included in the exempt island seats. These were unsuccessful.

**Rule 7** contains the formula for the calculation of the special provision for Northern Ireland.

It allows the Commission in some circumstances to recommend constituencies which fall slightly above or below the UK range of +/- 5%, in accordance with a prescribed formula. This rule was included to compensate for the possibility of the Boundary Commission for Northern Ireland being unable to recommend constituencies that complied with Rule 2 as a result of the allocation of seats between the nations.

The explanatory notes to the Rule explain:

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<sup>10</sup> The regions of England were based on the now abolished European Parliamentary election regions (minus Gibraltar) and were the same as the statistical regions used by the Office for National Statistics

Since the result of *rule 3* is that a whole number of constituencies is allocated to each part of the UK (which is done as set out in *rule 8*), it will almost always be the case that the number of constituencies allocated to a part of the UK is very slightly higher or lower, by a fraction of a constituency, than its purely theoretical entitlement. This may have a consequential effect on the average size of a constituency in Northern Ireland which, because of the smaller electorate in Northern Ireland compared to other parts of the UK, might constrain the ability of the Boundary Commission for Northern Ireland (BCNI) to recommend constituencies within the parity principle in *rule 2*.<sup>11</sup>

**Rule 8** provides the method to assign the number of seats between the four nations based on the proportion of registered electors within each nation. This is done using the Sainte-Laguë method.

**Rule 9** provides interpretation on terms included in Rules 1-8. This includes the definition of the 'review date'. This is two years and ten months before the deadline for the final reports to be delivered to the Government. The review date is important for calculating the registered electorate and for determining which local government boundaries the Boundary Commissions can have regard to.

Appendix 2 contains the Rules as set out in schedule 2 of the 1986 Act before the passing of this Bill.

## 2.1 2013 Review

This was the sixth periodical review of Parliamentary constituency boundaries, generally known as the 2013 Review. It was the first Review commenced under the new Rules of Redistribution inserted by the 2011 Act.

The four Parliamentary Boundary Commissions announced the commencement of the 2013 Review on 4 March 2011.

The electoral quota for the whole of the UK was 76,641 registered voters. This gave a 5% tolerance of seats with electorates no smaller than 72,810 and no larger than 80,473, subject to the exceptions for the island seats and the greater leeway for the Boundary Commission for Northern Ireland. These calculations were based on the electorate at 1 December 2010.

The calculations would have given England 502 seats (down 31), Scotland 52 seats (down 7), Wales 30 seats (down 10) and Northern Ireland 16 seats (down 2).

Three of the four Commission published their initial proposals in the autumn of 2011. Wales published theirs in January 2012.

Revised proposals were published in October 2012, except in Scotland. Scotland published in September 2012.

On 6 August 2012, the then Deputy Prime Minister, Nick Clegg, announced that plans to reform the House Lords were to be dropped by the Coalition Government. In response to that he also said that the Liberal Democrats would not vote to approve the Order implementing the recommendations of the Boundary Commissions if and when they were brought forward. The Deputy Prime Minister said that, in his view, the two reforms should progress together:

I reasonably believe that the constitutional reform package was exactly that—a package—and since this is the first time that either of the coalition parties has been

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<sup>11</sup> Explanatory notes Rules to be inserted to the 1986 Act, Parliamentary Voting System and Constituencies Act 2011, [Section 11: Number and distribution of seats](#)

unable to deliver on a major coalition agreement commitment, it is therefore right to rebalance things and not to proceed with an unbalanced package.<sup>12</sup>

In the absence of any change to the law the Commission had to continue with their work. In response to questions about the continuation of the boundary review the Deputy Prime Minister went on to say

As I have explained, the primary legislation is as it is, and no one is proposing that we repeal it. My own view—I have made this perfectly public—is that it would be better not to complete the outstanding stages of the Boundary Commission investigations.<sup>13</sup>

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 because changing the deadline for reports had the consequential effect of changing the review date. It meant that the electoral data and local government boundaries that the Commissions should have regard to were now in 2015.

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.

The original budget for the reviews was £11.9 million. The Boundary Commissions had spent around £7 million by the time the review was halted.<sup>14</sup>

## 2.2 2018 Review

The four Parliamentary Boundary Commissions announced the commencement of the 2018 Review on 24 February 2016.

The electoral quota for the whole of the UK was 74,769. This means constituencies were required to have electorates between 71,031 and 78,507, based on the December 2015 data used for the review.

The allocation of seats per country is shown in the table below, with comparative figures from the 2013 Review and the current number of seats.

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<sup>12</sup> [HC Deb 3 September 2012 c39](#)

<sup>13</sup> [Ibid, c43](#)

<sup>14</sup> [PQ 901197](#), 21 November 2013

Number of seats - House of Commons			
	Current number of seats	2013 Review allocation	2018 Review allocation
England	533	502	501
Scotland	59	52	53
Wales	40	30	29
Northern Ireland	18	16	17
<b>Total</b>	<b>650</b>	<b>600</b>	<b>600</b>

Sources:  
Boundary Commissions, various reports

Note:  
The 2013 Review was abandoned and 2018 Review has not been implemented

Initial proposals were published in September and October of 2016. Revised proposals followed in October 2017 in England, Scotland and Wales. The Boundary Commission for Northern Ireland published their proposals in January 2018.

All four Commissions delivered their final recommendations, as required by the current law, to the Government in September 2018. Once the Commissions have delivered their reports, their involvement in the review finished.

The process to implement the recommendations of a boundary review is outlined in Section 4. It requires the Government to lay the reports before Parliament and lay a draft Order in Council. The draft Order implements the boundary recommendations and must be approved by both Houses of Parliament. The reports were laid and published on 10<sup>th</sup> September.<sup>15</sup>

No draft Order has been laid by the Government. If the provisions of the Bill are approved the requirement to lay the draft Order for the 2018 Review will cease.

The 2018 Review was estimated to have cost £8 million.<sup>16</sup>

The Fifth Periodical Review was the last review conducted under the pre-2011 changes. It created the current Parliamentary constituency boundaries. The Fifth Review cost £13.6 million.<sup>17</sup> Of that, £10.8 million was expenditure by the Boundary Commission for England.

## 2.3 2023 Review

If the proposed changes in the *Parliamentary Constituencies Bill 2019-21* are enacted the next review will be required to recommend 650 seats for the House of Commons rather than 600.

<sup>15</sup> See Library Insight, [The Boundary Review: September 2018 update](#) for more information

<sup>16</sup> [PQ 3035, 11 July 2017](#)

<sup>17</sup> [PQ HL6293, 11 November 2009](#)

The next Review will be based on the December 2020 electorate. While the number of seats remains the same (650), the total electorate of the UK has increased by roughly 2 million since the last time constituency boundaries were reviewed.<sup>18</sup>

## 2.4 Regional allocation of seats

Under the provisions of this bill, the electoral quota for constituencies is calculated by dividing the UK electorate minus the electorate of the island seats by 646 (all constituencies minus the new four island seats).

Although it is not possible to calculate the electoral quota the Boundary Commissions will use, we can approximate this by using the 2019 electorate. The UK Parliamentary electorate (minus the electorate of the island constituencies) at 1 December 2019 was 46,907,785. This gives an electoral quota of 72,613. Seats can have an electorate between 68,982 and 76,243.

There are 232 current seats with an electorate that falls within the acceptable range. This does not mean, however, that these seats will not be changed: it may be necessary to change them in order to create surrounding seats that also meet the quota.

The table below shows the number of seats each region would be allocated using this electoral quota (excluding the four island seats). The table also shows the current number of seats each region has and the difference between the new and current number.

Boundary Review: seats allocation by region based on 2019 electorate (excluding islands)					
Region	Registered voters	Seat allocation (rounded)	Current seats	Difference	
England	39,364,700	542	532	10	
East	4,469,748	62	58	4	
East Midlands	3,478,897	48	46	2	
London	5,422,192	75	73	2	
North East	1,921,999	26	29	-3	
North West	5,383,886	74	75	-1	
South East	6,454,655	89	83	6	
South West	4,193,464	58	55	3	
West Midlands	4,157,363	57	59	-2	
Yorkshire and The Humber	3,882,496	53	54	-1	
Northern Ireland	1,296,305	18	18	0	
Scotland	3,932,929	54	57	-3	
Wales	2,313,851	32	40	-8	
<b>Total</b>	<b>46,907,785</b>	<b>646</b>	<b>647</b>	<b>-1</b>	

Source: ONS, [Electoral statistics, December 2019](#)

The region due to lose most seats under these proposals is Wales (-8). This is because a UK-wide quota will end the historic over-representation of Wales. The region gaining most is the South East (+6). This is before adding in the additional seat that region will gain on the Isle of Wight. Scotland stands to lose three seats, while Northern Ireland retains the

<sup>18</sup> Constituency boundaries were last reviewed by the four Boundary Commissions between 2000 and 2007. Current constituencies are based on registered electors from February 2000 (England), June 2001 (Scotland), December 2002 (Wales) and May 2003 (Northern Ireland). The UK electorate in December 2000 was 44.8 million.

same number and England as a whole would gain 10 (not including the additional seat on the Isle of Wight).

## 3. Background to the 2011 changes

Various concerns had been expressed at the operation of the Rules of Redistribution before the changes enacted in 2011.

The main areas of concern were the general increase in the size of the House of Commons, the increasing time it was taking reviews to occur, particularly in England, and the continuing over representation of Wales.

There were also perceptions of bias in the electoral system. The Commissions are impartial and do not consider the likely electoral outcome of their recommendations. However, the interaction of the factors within the Rules of Redistribution and the timescales of reviews meant that the principle of votes carrying equal weight was weakened by the situation where the two main parties would have gained significantly different numbers of seats with the same share of the vote.

The size and distribution of seats created by a boundary review are not the only factor that determines whether parties are treated equally. The decline of two-party elections, the distribution of votes across the whole of the country, and the performance of third parties have wiped out most of the perceived bias that benefitted the Labour Party in the run up to the 2011 Rule changes.

### 3.1 2010 General Election

In his speech on political reform on 26 May 2009, David Cameron, then Leader of the Opposition, said that a Conservative government would reduce the number of MPs.<sup>19</sup> The Conservative party manifesto for 2010 subsequently said that a Conservative government would reduce the number of MPs by 10 per cent.<sup>20</sup>

The Liberal Democrats have a long-standing policy of electoral reform, preferring the Single Transferable Vote (STV) system. The Liberal Democrat 2010 manifesto committed to reducing the House of Commons by 150 seats with MPs elected by STV.<sup>21</sup>

The Labour manifesto proposed a non-partisan Parliamentary Boundary Review to examine the rules for the redistribution of seats, together with a referendum on introducing the Alternative Vote (AV) system for elections to the Commons.<sup>22</sup>

Following the 2010 General Election, the Coalition Government announced its programme for government on 20 May 2010.<sup>23</sup> The section on political reform promised “a Referendum Bill on electoral reform, which includes provision for the introduction of the Alternative Vote in the event of a positive result in the referendum, as well as for the creation of fewer and more equal sized constituencies.”<sup>24</sup>

### 3.2 The ‘ratchet effect’ and the number of MPs

The previous rules gave the Boundary Commissions more discretion over the interpretation of the rules and this led to the gradual increase in the number of seats in the House of Commons, the so-called ‘ratchet effect’.

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<sup>19</sup> [David Cameron: Cutting the Cost of Politics](#), 8 September 2009

<sup>20</sup> [Conservative Party manifesto 2010](#), p8

<sup>21</sup> [Liberal Democrat Manifesto 2010](#), p88

<sup>22</sup> [Labour Party manifesto 2010, A future fair for all](#), p9:4

<sup>23</sup> [The Coalition: our programme for Government](#), 20 May 2010

<sup>24</sup> *Ibid*, p27

The pre-2011 Rules of Redistribution required the Commissions to create constituencies with electorates “as near the electoral quota as is practicable” having regard to the other rules. Rules 1 to 4 included provisions on the number of seats and which local government boundaries the Commissions should have regard to.

However, the rules also gave the Commissions considerable discretion to create constituencies with smaller electorates than the quota. Rules 5 and 6 included provision for the Commissions to depart from the strict application of the Rules 1 to 4 if it was desirable to avoid disparities in the electorates of certain seats or if geographical considerations were relevant (for example if a Commission recommended a large geographic but sparsely populated constituency).

The result of the discretionary powers in Rules 5 and 6 was a tendency for the number of seats to increase at each review. This was because each review added more seats, so the following review started with more seats to include in the calculation of the electoral quota. So, the Boundary Commissions would typically use their discretionary powers in Rules 5 and 6 to increase the number of seats again, and so on.

The first major research and recommendation for a revision of the rules came in the Home Affairs Select Committee report in 1986-87. It concluded that the ratchet effect was a fundamental defect in the rules.<sup>25</sup>

The evidence submitted by the Home Office concluded that there was an urgent need to deal with this conflict between the rules. The Home Office favoured amending Rule 7 to create a single electoral quota for the UK and the number of seats was fixed at the then current total (650 seats). Applying a UK-wide quota at the time it would have led to a reduction of 12 seats in Scotland and 6 in Wales. The Home Office also said it was worth considering whether to amend rule 5 so that there was no longer a presumption towards rounding up the theoretical entitlement to seats to the next whole number.<sup>26</sup>

The final recommendation of the Home Affairs Select Committee was that the Rules of Redistribution should be altered to state number of seats for each nation was fixed a “not substantially more than” the existing numbers, but that a fixed divisor should be used for calculating the quota for each of the nations. This would have stabilised the number of seats and retained the over-representation of Scotland and Wales.<sup>27</sup>

On the over-representation of Scotland and Wales, the Committee noted that the different electoral quotas for each part of the UK “must be regarded as an intended consequence of the 1949 Act” and it did not recommend a single UK-wide quota, noting “In our judgment it would not be feasible on political grounds to change the rules so as to provide a uniform electoral quota for the whole United Kingdom.”<sup>28</sup>

The over-representation of Scotland was ended after the re-establishment of the Scottish Parliament. The number of seats in Scotland was reduced in 2005 after the Boundary Commission for Scotland’s Fifth Periodical Review. It used the electoral quota for England in its review, reducing the entitlement of Scotland from 72 seats to 59.

The ratchet effect was most significant in England because of the larger number of seats. The Boundary Commission for England itself called for a review of the Rules for Redistribution on a number of occasions on the ground that they are internally

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<sup>25</sup> Home Affairs Select Committee, *Redistribution of Seats*, Second Report, HC 97 1986/87

<sup>26</sup> *Ibid*, p15

<sup>27</sup> *Ibid*, para 14

<sup>28</sup> *Ibid*, para 19

inconsistent. In Chapter 6 of the report of the Fifth Review the Commission commented again on the need for legislative change:

6.33 On more than one occasion in the past, including in previous periodical reports, we and our predecessors have not only recommended that the legislation by which we work should be changed but we have also suggested how it should be changed. For example, in 1986, our predecessors gave evidence to the Home Affairs Committee about the difficulties in applying the legislation. In 1995, following an internal study of the conduct and outcomes of the fourth general review, our predecessors were invited by the Home Office to submit their findings. In 1999, again at the invitation of the Home Office, we submitted our views on the changes that we considered should be made to the Rules for Redistribution of Seats and to the Parliamentary Constituencies Act 1986.

6.34 The introduction of new legislation over the years has provided a number of opportunities to amend the current, unsatisfactory rules and procedures (e.g. the Boundary Commissions Act [1992](#) and the Political Parties, Elections and Referendums Act 2000 to name two). However, the statutory rules and procedures remain unaltered.<sup>29</sup>

The Committee on Standards in Public Life (CSPL) considered electoral boundary matters in its review of the Electoral Commission in 2007.<sup>30</sup> The legislation establishing the Electoral Commission had provided for the Electoral Commission to take on the responsibility for boundary reviews. This was repealed in 2009 as a result of the CSPL report.

The CSPL noted that there appeared to be a broad consensus amongst most academics, the Boundary Commissions, the Electoral Commission and many politicians that there was a need for a review of the Rules for Redistribution.

In its final recommendations the CSPL called for such a review and said it 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.'<sup>31</sup>

The Labour Government responded to the 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. The exceptions 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."<sup>32</sup> Despite the response no such review was commissioned.

When the Government introduced the [Parliamentary Voting System and Constituencies Bill in 2010](#), commentators were surprised at the 'arbitrary' choice of 600 seats. In a short pre-legislative inquiry, the Political and Constitutional Reform Committee heard evidence from several witnesses that the number chosen by the Government had not been preceded by analysis of the functional needs of the House of Commons. The Hansard Society told the Committee that it could find no rationale for the reduction to 600 members noting that there was "real concern" the number had been "plucked from thin air– 600 simply being a neat number."<sup>33</sup>

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<sup>29</sup> Boundary Commission for England, [Fifth Periodical Review](#), Cm7032, 2007, p487

<sup>30</sup> Committee on Standards in Public Life, [Review of the Electoral Commission, Eleventh Report](#), Cm 7006, January 2007,

<sup>31</sup> *Ibid*, p47

<sup>32</sup> [The Government response to the Committee on Standards in Public Life's Eleventh Report, review of the Electoral Commission, Cm 7272](#), November 2007.

<sup>33</sup> Political and Constitution Committee, [What next on the redrawing of parliamentary constituency boundaries?](#), Eighth Report, HC 600 2014-15, p21

One of the concerns expressed by those giving evidence was that the reduction in the number of seats was not being accompanied by a similar reduction in the size of the “payroll vote”. This has traditionally been used to describe MPs who hold positions from which they would have to resign in order to oppose the government. This includes ministers and their parliamentary private secretaries.<sup>34</sup>

The then Deputy Prime Minister, Nick Clegg, defended the choice of 600 constituencies during the Bill’s Second Reading debate:

We settled on 600 MPs, a relatively modest cut in House numbers of just less than 8%, because it saves money-about £12 million each year-and because we think it creates a House that is sufficiently large to hold the Government to account while enabling us all to do our jobs of representing our constituencies. It also creates a sensible average number of constituents...76,000...that we already know is manageable because there are already 218 seats that are within 5% of that number. That is why we feel 600 is about right.<sup>35</sup>

### 3.3 Frequency of pre-2011 reviews

The 1944 Act had set the frequency of reviews at every three to seven years, with timings based on the submission date of the First Review. In 1958 this was altered to every 10-15 years as the shorter period was considered to be too disruptive. In 1992 the frequency was shortened eight to 12 years as there were concerns that the length of reviews was creating constituencies based on out of date data.

Concerns have been expressed for some time about the length of time that the review process takes. The Committee on Standards in Public Life (CSPL) noted in its eleventh report on the Electoral Commission in 2007 that any review of the Rules for Redistribution should examine the time taken to conduct reviews, particularly in England.<sup>36</sup>

In research commissioned in 2006 by the CSPL on boundary reviews, the authors examined the frequency of reviews. The report noted that in comparable countries, ten year was the maximum. It noted that the case for more frequent reviews was that equal sized constituencies could be maintained even when the population changed. However, the CSPL also noted that the case against frequent redistributions was the inconvenience, noting “constituencies are communities which should not be disrupted unnecessarily just to satisfy the principle of equal representation.”<sup>37</sup> MPs could face boundary change, possibly significant ones, at every election.

The link between MPs and their communities and the connections between communities in an area has long been recognised. James Callaghan, then Home Secretary, said in 1969 in a debate on boundary reviews, “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.”<sup>38</sup>

The 2011 Act introduced five- yearly reviews. A report by the British Academy on the *Parliamentary Voting and Constituencies Bill 2010-11* highlighted another potential argument against introducing five-yearly reviews in the light of the Coalition Government’s proposal for fixed-term Parliaments. It noted that reviews every five years

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<sup>34</sup> See the [Institute for Government explainer](#) on the payroll vote for more information

<sup>35</sup> [HC Deb 6 September 2010, c 39](#)

<sup>36</sup> Committee on Standards in Public Life, [Review of the Electoral Commission, Eleventh Report](#), Cm 7006, January 2007,

<sup>37</sup> Butler and McLean, [Report to the Committee on Standards in Public Life: the electoral Commission and the Redistribution of seats](#), 2006, p4

<sup>38</sup> [HC Deb 19 June 1969, c742](#)

mean that, with fixed-term Parliaments, a new set of constituencies would be in place approximately 18 months before every general election.

It then went on to note that if an early general election occurred it would then cause further disruption, “parties would be competing to represent seats while making representations for the configuration of their replacements”.<sup>39</sup>

The Political and Constitution Select Committee produced a report in 2014 on the operation of the new Rules of Redistribution. On the frequency of review, the Boundary Commission for England’s evidence suggested that the new five-yearly review had been challenging because of the size of the task of reviewing 500 seats in a short time frame.

In oral evidence to the Committee, the Deputy Secretary to the Commission said:

I think the English commission would like to have a longer period of time between reviews. If you were to do 10-yearly reviews rather than five-yearly ones, we could go back to the system that we had in the past under which we reviewed the whole of England on a rolling basis. Rather than trying to do it all in one go, which almost broke us administratively last time, we could actually progress round the country.<sup>40</sup>

The Committee noted that there were strong arguments either way on the 5-year frequency and made no specific recommendations.

The Government response to the Committee, published in 2016, said at that time it had no plans to change the existing statutory requirement for boundary reviews to be conducted every five years.<sup>41</sup>

### 3.4 Public consultations

The 2011 Act made changes to the way the review process was conducted and how the public should be consulted on the proposals, as summarised in the box opposite.

Before the 2011 changes the public consultation, process was based on an inquiry system. When initial proposals were published, the Boundary Commissions invited written submissions. If enough written submissions were received an assistant commissioner would conduct a quasi-judicial inquiry.

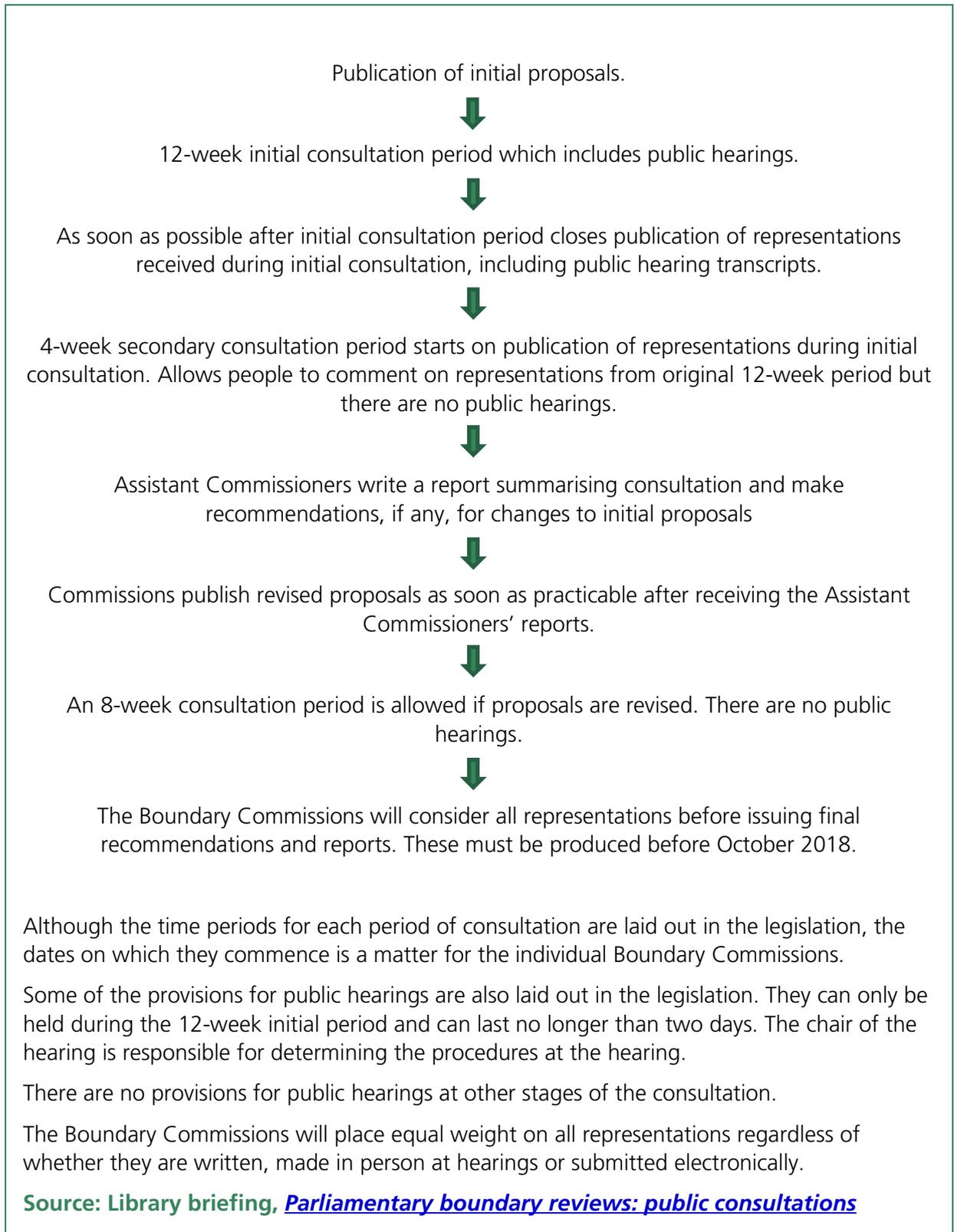
There was no statutory procedure for local inquiries and the operation of them was left to the discretion of the assistant commissioner. The Coalition Government argued that inquiries were not an effective way to seek opinion and were dominated by political parties and their legal representatives.

#### Summary of current consultation stages

<sup>39</sup> British Academy, [Drawing a New Constituency Map for the United Kingdom the Parliamentary Voting System and Constituencies Bill 2010](#), p46

<sup>40</sup> Political and Constitution Committee, [What next on the redrawing of parliamentary constituency boundaries?](#), Eighth Report, HC 600 2014-15, p29

<sup>41</sup> [Government Response to the Political and Constitutional Reform Committee’s Eighth Report of Session 2014-15 What next on the redrawing of parliamentary constituency boundaries?](#), Cm 9203, February 2016, p10



During the Fourth Periodical Review the shortest local inquiry took little over an hour and the longest, eight days.<sup>42</sup> In a report commissioned by the Committee on Standards in Public Life in 2006, as part of its review of the Electoral Commission, the authors argued

<sup>42</sup> Rossiter, Johnston and Pattie, *The Boundary Commissions: redrawing the UK's map of Parliamentary constituencies*, Manchester University Press, 1999, p235

that there was a strong case for speeding up the process of the reviews. They suggested possible ways of improving the inquiry process:

- 3.6.1. Carrying out inquiries on a regional basis;
- 3.6.2. Scrapping the second consultation period with revised recommendations (a practice that serves more as a safety valve than as a source of important changes);
- 3.6.3. Endowing the Commission with a greater discretion about the issues which the Inquiries should address. More generally, an increase in staff and other resources would also accelerate the review process;
- 3.6.4. Removing the right of local authorities to trigger inquiries – on the grounds that local authorities typically reflect only the partisan opinion of the controlling party. Local authority arguments are much more heeded when put forward on an all-party basis and not just emerging from the ruling group. Therefore a possible compromise would be to allow a local authority to trigger an inquiry only when the vote in the authority to do so was passed [unanimously].<sup>43</sup>

The report suggested sweeping changes:

- 4.6. A longer period should be allowed for comment on initial proposals- perhaps two months rather than one or even the minimum of twelve weeks now recommended by the Cabinet Office for all Departmental consultations. This could be combined with much shorter time limits for the subsequent stages. It can be argued that the Commissions should accept, as a Final Recommendation, the Assistant Commissioner's Report if it accorded with the Rules and if the evidence broadly supported the original proposals. Only if the Assistant Commissioner had acted outside the Rules or misdirected himself should there be a right of appeal. Such a procedure would be unworkable now, as the Rules contradict one another. But if the Rules were rewritten to be mutually consistent, it could become workable.<sup>44</sup>

In its Fifth report the Boundary Commission for England also commented on inquiries. It said that the one-month period for representations to be made after the publication of the Commissions' proposals was too short, since it did not fit in with many local authority meeting cycles.<sup>45</sup>

The 2011 Act revised the statutory provisions for public consultations and abolished inquiries. They were replaced with public hearings. The *Parliamentary Voting System and Constituencies Bill*, as introduced, made provision for a single 12-week consultation period with no public inquiry stage. If revised proposals were published then a second 12-week consultation was allowed, again with no public inquiries.

The Political and Constitutional Reform Committee Select Committee, among others, criticised the changes in relation to public consultation, saying:

The Bill would both abolish local inquiries for proposed boundary changes, and give the Boundary Commissions significantly less scope to make alterations to constituency boundaries than has been the case up until now. This will affect significantly how people can engage with the Commissions' proposed recommendations. Until now, Boundary Commissions have been able to take account of representations as they have seen fit. If, however, a representation under a future review proposed a boundary change that would break the rule on constituency equalisation, then, however strongly felt that representation might be within the locality, a Boundary Commission could not implement it, at least, not without making other boundary changes elsewhere, which had not been part of its original proposals.<sup>46</sup>

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<sup>43</sup> Butler and McLean, [Report to the Committee on Standards in Public Life: the electoral Commission and the Redistribution of seats](#), 2006, pp5-6

<sup>44</sup> Ibid, p7

<sup>45</sup> Boundary Commission for England fifth Periodical Report, Cm 7032, 2007, p487

<sup>46</sup> Political and Constitutional Reform Committee, [Parliamentary Voting System and Constituencies Bill](#), HC 437 [incorporating HC 396-i-iii], paragraph 115

During its passage the Bill was amended to allow for public hearings. These would give interested parties an opportunity to set out their views, but without the cross-examination and inquisitorial aspects of the old inquiries.

Government amendments were brought forward at Report stage in the House of Lords. They provided for a public hearing process in the initial 12-week period of consultation and a 'counter-proposal' consultation stage where all the representations from the initial 12-week period were to be published online to allow the public to comment on them.

The new public hearing process received some criticism. The Political and Constitution Committee report on boundary reviews in 2014 heard that the public hearing process was less well attended than anticipated and had mixed results in feeding into the recommendations process. In evidence from the Commissions the Committee heard that hearings did not add much to the evidence received in the written evidence although questions asked by the assistant commissioner conducting the hearing could tease out some extra information.<sup>47</sup>

The Commissions agreed on a specific point which the Committee took up and turned into a recommendation. Public hearings would be more useful if they took place after written representations had been received, rather than during the initial consultation period. The Committee recommended that the Boundary Commissions continue to be required to hold public hearings on their recommendations before reporting to the Secretary of State, but that these hearings should not be required to take place during the initial consultation period.<sup>48</sup>

In the Government's response to the Committee in 2016, it said it had no plans to legislate to change boundary reviews before the then next scheduled review (2018 Review). The Government's view at the time was that the process had been effective:

The evidence suggests that the consultation process for the unfinished 2013 boundary review worked well and that the Boundary Commissions listened to practical concerns raised about proposed constituencies and took them into account in their recommendations. For example, in England, the Boundary Commission for England received some 49,500 written and oral representations in relation to the proposed constituencies in the Commission's initial proposals which resulted in 60% of the proposed constituencies being changed materially in the Commission's subsequent revised proposals.<sup>49</sup>

### 3.5 Local government boundaries

As noted in the Section 3.3, the review of local government boundaries is done by separate independent commissions and on a different cycle.

This can cause issues for Boundary Commissioners in creating constituency boundaries. The long-established practice of the Commissions has been to use local government boundaries and wards as the building blocks of Parliamentary constituencies.

It is not uncommon for local government boundaries and Parliamentary constituency boundaries to fall out of sync. Once Parliamentary constituency boundaries are set, they tend to remain in place for several general elections. In the meantime, local government boundaries can be revised and implemented which means sometimes boundaries are no

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<sup>47</sup> Political and Constitution Committee, [What next on the redrawing of parliamentary constituency boundaries?](#), Eighth Report, HC 600 2014-15, p26

<sup>48</sup> Ibid, p27

<sup>49</sup> [Government Response to the Political and Constitutional Reform Committee's Eighth Report of Session 2014-15 What next on the redrawing of parliamentary constituency boundaries?](#), Cm 9203, February 2016, p9

longer synchronised. Returning officers are used to running elections where the ward and constituency boundaries are no longer coterminous.

The major issues that have arisen in previous reviews is where a Commission must use particular local government and ward boundaries from a particular date, even when they know these are going to be out of date when the final recommendations are published. This can cause confusion for voters wanting to comment on proposals during the public consultations.

The Political and Constitutional Reform Select Committee heard evidence from the Boundary Commission for Scotland that it would be helpful if Boundary Commissions were able to take account of local government boundary changes that were due to take effect.

This would be when orders have been made, and all stages of the local government boundary review process had been completed, but the changes had not yet come into effect. The Committee recommended that this change should be made.<sup>50</sup>

In the Government's 2016 response to the report it acknowledged the issue but declined to commit to any changes. it said:

The Government welcomes the fact that this issue has been brought to its attention through the Committee's work. It is crucial that the Boundary Commissions are given specific dates at which the electorate figures and local government boundaries are fixed for the purposes of undertaking a boundary review. Therefore, while the Government acknowledges the impact of significant changes to local government boundaries, it is not minded to change the rules for the distribution of Parliamentary constituencies in order to provide absolute clarity on the basis for boundary reviews.<sup>51</sup>

### 3.6 Electoral bias?

The Boundary Commissions are impartial, and they pay no attention to patterns of voting in any elections. Party representatives and MPs can make submissions to the Boundary Commissions as part of the public consultation process, but their submissions are not given any more weight than those of members of the public.

Therefore, accusations of 'gerrymandering' by the Commissions are unfounded. Gerrymandering is when electoral districts are created in such a way as to give a political advantage to the party in power. This can give rise to odd shaped districts to incorporate supporters and exclude opponents. It is relatively common in the USA, where redistricting is almost entirely in the hands of whichever party controls the state senate.<sup>52</sup> The term originates in the USA:

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!'<sup>53</sup>

<sup>50</sup> Political and Constitutional Reform Committee, [What next on the redrawing of Parliamentary boundaries?](#), HC 600, 2014-15, pp35-6

<sup>51</sup> [Government Response to the Political and Constitutional Reform Committee's Eighth Report of Session 2014-15 What next on the redrawing of parliamentary constituency boundaries?](#), Cm 9203, February 2016, p12

<sup>52</sup> See for example, *New York Times*, [What Is Gerrymandering? And Why Did the Supreme Court Rule on It?](#), 27 June 2019

<sup>53</sup> Wilding and Laundry, *An Encyclopaedia of Parliament*, 1958

However, the recommendations of the Commissions will inevitably have some effect on the potential re-election of sitting MPs. After each review there is speculation about how much the review has favoured one party or another.

A known outcome of the first-past-the-post (FPTP) electoral system is the disproportionality between vote share and share of the seats won in an election, which usually favours the larger parties. However, since the 1970s commentators have noted electoral bias within the system. This is where the parties are not treated equally in the translation of votes into seats.

An article in *Parliamentary Affairs* in 2010 examined the relationship between electoral bias and boundary reviews:

Bias occurs when the parties are treated unequally in the process of allocating seats: if one party would get a larger share of the seats with a given share of the votes than would another party with the same vote share.<sup>54</sup>

## Suggestions of electoral bias before 2015

The British Academy briefing on the *Parliamentary Voting System and Constituencies Bill*, based on work by expert academics in electoral systems, explains how the bias in the system operated by modelling what the election results would have been if both main parties had gained equal shares:

The nature of such bias was readily identified by asking whether the two largest parties – Labour and the Conservatives – would have obtained the same share of the seats if they had obtained equal shares of the votes cast.

...

In such 'notional elections' Labour would have had 85 more seats than the Conservatives in 1997, 142 more in 2001, and 111 in 2005.<sup>55</sup>

One aspect of the bias is population movement, which can be corrected to a certain degree by redistribution but is hard to eliminate completely.

In written evidence to the Political and Constitutional Reform Select Committee's inquiry in 2014-15, Professor Johnston explained how the Rules of Redistribution had gradually favoured the Labour Party.

The electoral quotas in Scotland, Wales and England were different before 2005. The over-representation on Scotland and Wales meant their quotas and therefore average constituency size (electorate) were smaller than England. Both countries were regarded as much better electoral territory for Labour than for the Conservatives.

In England, as Johnston explains, there was a tendency for Labour to do better in constituencies with smaller electorates:

Many inner-city areas – where Labour is generally the stronger of the two parties – tend to lose electors between redistributions whereas suburban and rural areas tend to grow, making Conservative-held seats on average larger with time.<sup>56</sup>

He also points out that turnout tends to be lower in the urban seats that return Labour MPs than the more suburban and rural areas that tend to return Conservative MPs. The combination of these factors meant that Labour-leaning areas had fewer electors per

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<sup>54</sup> Galina Borisjuk, Colin Rallings, Michael Thrasher, Ron Johnston, Parliamentary Constituency Boundary Reviews and Electoral Bias: How Important Are Variations in Constituency Size?, *Parliamentary Affairs*, Volume 63, Issue 1, January 2010, Pages 4–21

<sup>55</sup> British Academy, [Drawing a New Constituency Map for the United Kingdom the Parliamentary Voting System and Constituencies Bill 2010](#)

<sup>56</sup> [Ron Johnston - written evidence](#) RPB0001, Ordered to be published 13 Oct 2014

constituency so that fewer votes were needed to win seats there than in Conservative-leaning areas.

In the 2014 evidence to the Committee, Professor Johnston wrote:

If the 2015 general election was to be fought in 600 new constituencies, therefore, the 'unfairness' that currently advantages Labour might have been substantially reduced: as it is, because the Sixth Review was aborted, the allocation of seats relative to votes then could well favour Labour by 50-60 seats again in the existing 650.<sup>57</sup>

The Hansard Society pointed out the difficulty in eradicating electoral bias in written evidence to the Political and Constitutional Reform Committee's earlier inquiry into Government's proposals for voting and parliamentary reform. It noted that other factors influence electoral bias, not just boundaries reviews:

Electoral bias is not static – while there is currently bias in favour of the Labour Party, previously there was bias in favour of the Conservative Party. Furthermore, research has demonstrated that electoral bias is also the product of several factors above and beyond the unequal size of constituencies, namely differential turnout levels, geographical distribution of support and increased multi-party competition. The Government's proposals will therefore not eradicate the current bias entirely.<sup>58</sup>

In an article in 2009, Johnston et al also noted that reforming the Rules of Redistribution would not, on its own, alter the biases resulting from uneven sized constituencies, noting that a "substantial body of research has shown that although this is a contributor to the biases", that differing turnout levels and the efficient spread of support was more important.<sup>59</sup>

## Suggestions of Electoral bias since 2015

Since that inquiry the electoral landscape has been transformed. Labour's advantage in Scotland has been wiped out and party-politics has been complicated by the nature of the Brexit debate.

An article published by Democratic Audit, in January 2020, indicate that differential constituency size has given the Labour Party a modest advantage of about 18 seats since 2010 but that other factors have wiped that out.

Changes in third party vote distribution and the better 'efficiency' of the Conservative vote has led to an overall bias of how the electoral system has worked in favour of the Conservatives. Although not to the same extent as the advantage experienced by Labour in the 2001 and 2005 elections. Efficiency means that a party does not pile up either surplus votes in safe seats or wasted votes in those where they have little chance of winning. This used to favour the Labour Party. Since 2015 though, Labour has lost nearly all its seats in Scotland, where many seats were won by large majorities, and the Conservative Party has been more successful in winning key marginals. It has also won seats areas with declining electorate, that used to be Labour leaning, in areas such as the so-called red wall.<sup>60</sup>

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<sup>57</sup> Ibid

<sup>58</sup> Political and Constitutional Reform Committee, [Government proposals for voting and parliamentary reform - written evidence](#), HC 396, 9 September 2011

<sup>59</sup> Ron Johnston, Iain Mclean, Charles Patties and David Roositer, Can the Boundary Commissions Help the Conservative Party? Constituency Size and Electoral Bias in the United Kingdom, *The Political Quarterly*, Vol. 80, No. 4, October-December 2009

<sup>60</sup> Tim Smith, Democratic Audit, [Why did the Conservatives' large lead in vote shares produce only an 80-seat majority?](#), 22 January 2020

## 4. Implementing new boundaries

The 1986 Act sets out how the new boundaries recommended by the Boundary Commissions are implemented. Once the Boundary Commissions have delivered their reports to the Government their role is completed.

### 4.1 Laying the reports

Once the UK Government receives the reports from the four Boundary Commissions, it must lay them before Parliament. The legislation states the Government must do this “as soon as may be”. The exact timing is up to the Government. Once laid they can be published.

### 4.2 Draft Order in Council

After the reports have been laid then the Government is responsible for drawing up a draft Order in Council, a type of statutory instrument, and laying it before Parliament. The Government may not alter the recommendations unless instructed to do so by a Boundary Commission.

The draft Order must be laid “as soon as may be”. In some previous reviews the draft Order has been laid at the same time as the reports. In others there has been a delay between the two. Since 2011 only one draft Order covering the whole UK is required, as the review process has been synchronised. In previous reviews separate draft Orders have been laid and approved for each nation as each Commission has completed its review.

Once laid the draft is laid it is subject to the affirmative procedure, meaning both Houses of Parliament must approve it.

If either House rejects the draft Order, or is withdrawn by leave of either House, the Government may then lay a new draft Order. At this stage the Government may make modifications to the Order without needing input from a Commission. An amended draft Order would still need to be approved by both Houses of Parliament.

No Government has modified a draft Order resulting from a periodical review.

### 4.3 Implementing the Order

Once the draft Order in Council has been approved by Parliament the Government submits it to Her Majesty in Council. Here it is approved and the Order is made.

Once the Order is made it will come into force on a day after it has been made. This day is specified in the Order.

The new constituency boundaries specified in the Order are then used for the first time after the next dissolution of Parliament. Dissolution occurs at the end of a Parliament and marks the start of a general election campaign.

The 1986 Act states that any Order made under the Act “shall not be called in question in any legal proceedings whatsoever”.<sup>61</sup>

By-elections will sometimes occur after an Order in Council has been made. As the new boundaries cannot be used until the next general election after an Order has been made, a by-election must be held on the boundaries that existed at the start of the Parliament.

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<sup>61</sup> Section 4(7) of the 1986 Act

## 5. Relevant Bills in the 2017-19 session

The last attempt to change the Rules of Redistribution was made in the 2017-19 session. The [Parliamentary Constituencies \(Amendment\) Bill 2017-19](#) was a Private Member's Bill, sponsored by Afzal Khan MP (Labour). The Bill was given a Second Reading on [Friday 1 December 2017](#) but made no further substantive progress. A similar Bill was introduced in by former Labour MP Pat Glass. She had drawn fourth place in the Private Members' Bill Ballot in 2016-17.<sup>62</sup>

The [Library briefing paper on the 2017-19 Bill](#), details the changes the Bill proposed. The Bill recommended retaining the House of Commons at 650 seats and lengthening review frequencies to every ten years.

It would also have required the Boundary Commissions to use more recent electoral data than the data from 2015. The 2018 Review was in progress at the time.

If successful it would have required the Commissions to start their work again. The Bill made provision for the final reports to be handed to the Government by October 2020, instead of 2018, and for subsequent reviews to be held every ten years.

The Bill would also have allowed for constituencies to be within 7.5% of the electoral quota rather than the 5% currently required, but it did not seek to remove the primacy of the requirement that recommended seats be within a certain range of the electoral quota.

One reason for modifying the range of tolerance was because leading academics had conducted research that indicated the greatest disruption to existing seats under the rules to reduce the House of Commons to 600 seats was the narrow range allowed.

In written evidence to the Political and Constitutional Reform Select Committee's inquiry on boundary reviews in 2014-15, Ron Johnston, David Rossiter and Charles Pattie, noted that it was the 5% rule that caused the disruption:

One point that we must stress is that, contrary to some initial views expressed in 2010-2011, the reduction in the number of MPs from 650 to 600 was not a substantial cause of the disruption to the map of constituencies in the Boundary Commissions' provisional and revised recommendations during the aborted Sixth Review. As we show in detail in our report, that disruption was caused by the introduction of the uniform national quota and the 5% tolerance; whatever the number of MPs between 600 and 650, the extent of the disruption would have been very similar.<sup>63</sup>

The Committee recommended that the tolerance should be widened to 10% either side of the electoral quota.<sup>64</sup> When responding to the report in 2016, the Government said:

A variance of +/- 10% would be a margin of 20 percentage points which would be too large and would undermine the basic principle of equally sized constituencies. Therefore, the Government does not agree that the allowable variance should be increased.<sup>65</sup>

The Government's *Parliamentary Constituencies Bill 2019-21*, as published, makes no change to the 5% tolerance range included in Rule 2

<sup>62</sup> [Parliamentary Constituencies \(Amendment\) Bill 2016-17](#)

<sup>63</sup> [Ron Johnston et al- written evidence](#), Ordered to be published 13 Oct 2014

<sup>64</sup> Political and Constitutional Reform Committee, [What next on the redrawing of Parliamentary boundaries?](#), HC 600, 2014-15, p22

<sup>65</sup> [Government Response to the Political and Constitutional Reform Committee's Eighth Report of Session 2014-15 What next on the redrawing of parliamentary constituency boundaries?](#), Cm 9203, February 2016, p7

## 6. The Bill as introduced

### Summary

The *Parliamentary Constituencies Bill 2019-21* will fix the number of MPs in the House of Commons at 650.

The next boundary review, using the amended Rules of Redistribution, must be completed before 1 July 2023. The Bill states that the 2023 Review will continue to be based on the electorate as of 1 December 2020.

The Bill removes the requirement that Ministers lay a draft Order in Council to implement the recommendations of the 2018 Review (which included reducing the number of MPs to 600).

The timing of subsequent reviews will be altered. The first review after the 2023 review must be completed by 1 October 2031 and then subsequent reviews will be every eight years thereafter. Reviews will be based on electorate data from the December two years and ten months before the deadline for the reports.

Reports containing the recommendations from the completed reviews will now be submitted to the Speaker of the House of Commons instead of a minister. The Speaker will then lay the report before Parliament. The Commissions will then be permitted to publish their reports.

The recommended changes will be implemented without the possibility of alteration by Parliament or Ministers. Ministers will still be responsible for drawing up the draft Order in Council that will implement the recommendations of the Boundary Commissions but will have no power to alter the recommendations. The only alteration allowed will be modifications that have been requested by a Boundary Commission to rectify an error before the draft Order in Council is made.

The Bill also abolishes the requirement that a draft Order in Council be approved by Parliament. The draft Order will be submitted to Her Majesty in Council for approval as soon as reasonably practicable after the reports of the Commissions have been laid by the Speaker of the House.

Local government boundaries, especially ward boundaries, form the building blocks of the Boundary Commissions' recommendations. Currently Boundary Commissions must use the local government boundaries in place at the most recent ordinary council election before the review date. This sometimes leads to recommendations for constituency boundaries based on ward boundaries that are no longer in use. The Bill will give the Commissions the power to take account of local government boundaries that exist or are prospective. Prospective boundaries will be those that are specified in legislation following a local ward boundary review, but that have yet to be implemented.

The Bill will also make important changes to aspects of the review process. Public hearings are currently held in the initial period of public consultation after a Boundary Commission publishes its initial recommendations. The Bill will move the hearings to the secondary consultation period. In addition, the timings of the consultation periods will be amended. For the 2023 Review these will be altered to take account of the shortened review period. For subsequent reviews it will be to make all review periods the same length – eight weeks.

## 6.1 Size of the House of Commons

**Clause 5** of the Bill amends Rule 1 of [Schedule 2](#) of the 1986 Act. Rule 1 currently states that “The number of constituencies in the United Kingdom shall be 600.”

The Bill will insert ‘650’ instead of ‘600’.

The rules are also amended by **clause 6**, see below, on which local government boundaries may be considered when recommending constituency boundaries.

However, there are no changes, other than minor or consequential amendments, to the substantive functioning of the other Rules of Redistribution (summarised in [Section 2 of this paper](#) and listed in [the Appendix](#)).

Rule 2 still states that all but the excepted islands constituencies must not deviate from the electoral quota by more than 5%. Rule 7, which allows for a slightly greater degree of flexibility to the Boundary Commission for Northern Ireland because of the smaller electorate relative to the rest of the United Kingdom, is also unchanged.

The Bill, as published, makes no changes to the method of calculation of the electoral quota contained in Rule 2 other than to substitute the number 646 for the 596.<sup>66</sup> The quota is the average electorate of all existing UK constituencies on the date specified in the legislation, minus the electorates of the four exempt seats. With 650 seats in the House of Commons the quota will be calculated using the electorates of the 646 constituencies not exempt from the rules.

Constituency boundaries will continue to be wholly within one of the four parts of the United Kingdom (England, Wales, Scotland and Northern Ireland) (Rule 3). The method of seat allocation between the four nations of the UK remains the same (Rule 8) and will be allocated in proportion to the total electorate of the 646 seats not exempt from the rules.

The Bill makes no changes to the four islands constituencies exempt from electoral quota requirements. They are detailed in Rule 6 and are the Orkney and Shetland seat, Na h-Eileanan an Iar, and the two seats allocated to the Isle of Wight.

## 6.2 Frequency of reviews and delivery of reports

The Bill amends the period between reviews and how the reports from those reviews are submitted.

Currently, boundary reviews are to take place every five years. Reports were to be submitted by 1 October 2018 and then subsequently by the 1 October every 5 years. The final reports of the next review were therefore due by 1 October 2023.

**Clause 1** of the Bill alters the timings of reviews by amending section 3 of the 1986 Act.

The Boundary Commissions must submit a report under the modified Rules of Redistribution:

- before 1 July 2023;
- the next reports must be delivered by 1 October 2031.
- Subsequent reports are required before 1 October on every eighth year.

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<sup>66</sup> This is contained in paragraph 4(2) of the schedule to the *Parliamentary Constituencies Bill 2019-21*, as introduced

The Government engaged with parliamentary parties, and electoral administrator representatives before the Bill was published, and there was general acceptance of an 8-year cycle.<sup>67</sup>

Clause 1 also amends section 3 of the 1986 Act to alter how the reports of the Boundary Commissions are delivered. Currently, the Commissions must hand the reports of their final recommendations to the relevant Secretary of State or the Minister for the Cabinet Office, who then must lay them before Parliament “as soon as may be”.

The new provisions will require the Commissions to deliver their reports to the Speaker of the House of Commons. The Speaker must then lay them before Parliament. The Bill does not state when this should happen, but the presumption will be that it will be “as soon as may be”.

Once laid, as now, the Commissions may publish their final reports as they see fit. The Bill will require the Commissions to send copies of their final reports to the relevant Secretary of State or Minister for the Cabinet Office.

Clause 1 removes subsections (5) to (5c) of the existing section 3 in the 1986 Act. These require the Secretary of State to lay a draft Order in Council before Parliament to give effect to the recommendations included in the Commissions’ reports. The process to implement the recommendations is amended by Clause 2 of the Bill (see below).

Clause 1 also makes additional minor amendments to section 3 of the 1986 Act in relation to progress reports made by the Boundary Commissions. Progress reports of an uncompleted review must currently be sent to the Speaker. This will continue but the timings will be amended to take account of the new timings required for the 1 July 2023.

**Clause 7** changes the “review date” as a result of the amendment to the timings of the 2023 review included in Clause 1.

The 1986 Act, as amended by the 2011 Act, says the review date is two years and ten months before the deadline for the reports. For example, the review date for the 2018 Review (deadline 1 October 2018) was 1 December 2015.

Annual statistics of the number of registered electors are published each year based on the number of registered electors on the registers as of 1 December. This data follows work conducted by electoral registration officers in Great Britain to complete the annual canvass of electors.<sup>68</sup>

The review date is important as the electorate used for the calculations in the review are those as of 1 December in a given year. The review date is also important for which local government boundaries the Boundary Commissions must have regard to (see section 6.6 below).

Clause 7 amends the review date for the 2023 Review as a result of the shorter timescale. The review date for the 2023 Review will be 1 December 2020 (two years and seven months before the deadline for the final reports).

Subsequent reviews will revert to a review date of two years and ten months before the deadline for reports. The 2031 Review will therefore be based on electorates as of 1 December 2028.

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<sup>67</sup> [WPO HL7937\[Constituencies\]](#), 22 September 2020

<sup>68</sup> See the [UK Electoral statistics bulletins](#) for previous years.

## 6.3 Implementing new boundaries

**Clause 2** of the Bill amends the process for implementing the final recommendations of the Boundary Commissions by amending Section 4 of the 1986 Act.

Currently the Government is responsible for drawing up and laying a draft Order in Council to implement the recommendations of the Commissions. The draft Order must be agreed by both Houses of Parliament before being approved by Her Majesty at a meeting of the Privy Council.

Clause 2 amends the process by removing subsections (1) to (4) of the existing Section 4 and inserting to new subsections.

At the same time as submitting final reports to the Speaker, the Commissions must send a copy to the Secretary of State or Minister of the Cabinet Office.

The Secretary of State or Minister of the Cabinet Office remains responsible for drawing up the draft Order in Council needed to implement the new boundaries. However, Parliament will be removed from the process and will no longer be required to approve the draft Order before being made by Her Majesty in Council.

The draft Order must be submitted to Her Majesty in Council for approval “as soon as reasonably practicable” after all four reports have been laid in Parliament.

Clause 2 also abolishes the power of a government minister to make alterations to the recommendations of a Boundary Commission to be included in a draft Order in Council. Subsection (4) of the existing section 4 allows a government minister to lay a modified draft Order in Council for approval if the original draft Order is rejected or is, with the leave of the House, withdrawn by either House of Parliament.

The remaining provisions remain the same. Once approved by Her Majesty, the new constituency boundaries will take effect at the next general election. Any by-elections held between the approval of the Order and the dissolution of that Parliament will take place on the old (existing) constituency boundaries.

## 6.4 Modifications to final recommendations

As Clause 2 will remove the power of a relevant minister to amend the final recommendations, **Clause 3** of the Bill alters the provisions for making modifications on the recommendation of a Boundary Commission.

As noted in [Section 4.3](#) of this paper, a Boundary Commission may already give notice to the relevant Secretary of State or Minister for the Cabinet Office of a modification of a final recommendation. This would be if an error came to light that needed correcting before the draft Order in Council was laid before Parliament.

This will still be permitted under the new provisions in Clause 3 but will be submitted to the Speaker and not a minister, in line with the change to the delivery of the final reports. A Boundary Commission may submit to the Speaker “a statement of modifications” specifying the modifications required to correct an error as long as a draft Order in Council has not yet been submitted to Her Majesty in Council.

Any modifications will need to be laid by the Speaker before Parliament, who will also write to the relevant minister to inform them. Once laid before Parliament, the relevant Boundary Commission must publish the modification. This can be done “as they see fit”.

## 6.5 Public consultation

**Clause 4** of the Bill amends section 5 of the 1986 Act to alter the provisions for publicity and consultation.

The clause makes specific changes to the 2023 Review consultation stages to take account of the shorter review timescale. It also makes permanent changes to the consultation stages for subsequent reviews by altering the length of the various stages of consultation

The changes also move the public hearings from the initial consultation period to the secondary consultation period, to improve the effectiveness of public hearings. This is based on the feedback they had received from the Commissions.

By moving the consultation to the secondary consultation stage the Commissions would be able target where to hold hearings. Areas of particular focus, based on the evidence gathered in the initial consultation phase, could then be chosen to host a hearing.

For the 2023 Review there will be:

- An eight-week initial consultation period on the initial proposals. Any written representations must be published at the end of this consultation period.
- A six-week secondary consultation period, including public hearings, where the public can make additional representations, including counter-arguments to those responses received in the first eight-week period.
- A final four-week consultation period, to be known as “the third consultation period”, following any revised recommendations published by a Boundary Commission.

Before the third consultation period can be held the records of the public hearings must be published.

For subsequent reviews the public hearings will be held during the secondary consultation period, but each of the three stages will last eight weeks. This will maintain the current 24 weeks available for public consultation overall.

## 6.6 Local government boundaries

Local government and ward boundaries are reviewed periodically by separate independent commissions for each part of the UK. They review the electoral arrangements for local councils independently of government and are separate bodies to the Parliamentary Boundary Commissions. The recommendations of changes to local boundaries are usually implemented by secondary legislation.

Currently the Boundary Commissions must have regard to local government boundaries as they exist on the most recent ordinary council-election day before the review date. As noted in [Section 6.2 of this paper](#), this is two years and ten months before the deadline for the reports.

In practice this means that ward boundaries may change between the start a review of Parliamentary constituency boundaries and the Commission making recommendations. So, ward and Parliamentary constituency boundaries might not coincide when new constituency boundaries are implemented.

**Clause 6** will amend the current Rule 5 of the Rules of Redistribution. Rule 5 defines the other considerations that a Boundary Commission may take into account when deciding on Parliamentary constituency boundaries. These remain subordinate to the mathematical requirements of the electoral quota as defined in Rule 2.

It will allow a Boundary Commission to take account of “prospective” local government boundaries rather than just those on the review date.

The clause will also make the consequential amendment to Rule 9, which deals with definitions and interpretation of provisions in the Rules of Redistribution, to define which prospective local government boundaries may be considered. The explanatory notes to the Bill explain:

a local government boundary is “prospective” on the review date if on that date the boundary is specified in a provision of primary or secondary legislation but that provision is not yet in force.<sup>69</sup>

This will give the Boundary Commissions greater flexibility to use local administrative boundaries that are due to come into force. This will make it easier for the Commissions to recommend constituency boundaries that coincide with relevant local ward boundaries. This in turn will simplify the administration of elections for local returning officers and their staff and reduce confusion for voters.

## 6.7 Abandoning the 2018 Review

The Bill’s requirement that the House of Commons should remain at 650 seats and not be reduced to 600 has an impact on the completed 2018 Review.

The reports of the 2018 have been delivered, as required by the current law. The required draft Order in Council has not been laid before Parliament. The 1986 Act, as amended, requires a draft order in Council to be laid “as soon as may be”. There is no time limit but there is an expectation and legal requirement that a draft Order must be laid.

With the Government’s stated policy intent, and the provisions in the Bill to retain 650 seats in the House of Commons, the draft Order to implement the 2018 Review is no longer required.

**Clause 8** of the Bill relieves Government ministers of the responsibility to lay a draft Order in Council from the 2018 Review. It effectively removes the requirement of the Government to implement the 2018 Review.

**Clause 9** removes the duty of ministers to conduct a review of the reduction in the number of sets to 600. It does this by repealing Section 14 of the *Parliamentary Voting System and Constituencies Act 2011*.

The 2011 Act required a Minister to make arrangements for the review between 1 June and 30 November 2020.

## 6.8 Northern Ireland Assembly constituencies

[Section 33](#) of the *Northern Ireland Act 1998*, as amended by the *Assembly Members (Reduction of Numbers) Act (Northern Ireland) 2016*, provides that five members of the Northern Ireland Assembly are returned for each of the parliamentary constituencies in Northern Ireland.

Currently the change to the UK Parliamentary constituencies in Northern Ireland (as a result of a boundary review under the rules in the 1986 Act) will automatically amend Northern Ireland Assembly constituencies at the next Assembly election after the Order in Council under the 1986 Act comes into force.

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<sup>69</sup> Parliamentary Constituencies Bill, Explanatory Notes, p9

**Clause 10** amends Section 33 of the *Northern Ireland Act 1998* so that boundary changes for Northern Ireland Assembly elections will only take place from the first Assembly election whose notice of election is published at least six months after the Order in Council implementing new boundaries comes into force.

Clause 10 also provides for an exception to this. This would be if, during the six-month period after the Order in Council resulting from a boundary review, comes into force, the UK Parliament was dissolved prior to a UK general election to which the new constituencies apply. In this event, the new constituencies would be applied to the Northern Ireland Assembly elections from the date of the UK general election.

## 6.9 Consequential amendments

**Clause 11** explains that the Schedule to the Bill contains minor and consequential amendments. These amendments made by the Bill do not affect the validity of any Order in Council made under the 1986 Act before the Bill comes into force.

## 7. Commons Second Reading

The [Second Reading debate](#) took place on Tuesday 2 June 2020.<sup>70</sup> The Bill was given a Second Reading without a division, after a reasoned amendment tabled by the Opposition, to decline to give the Bill a Second Reading, was rejected on division.

The key elements of Labour and SNP objections to the Bill as introduced were the removal of Parliamentary scrutiny from final recommendations and the possible impact of the Coronavirus pandemic on the electoral data to be used for the 2023 Review. Other concerns voiced were the effect on the Union and the interaction between the 5% rule and local ties.<sup>71</sup>

Moving the reasoned amendment was the Labour's Shadow Minister for Young People and Voter Engagement, Cat Smith. She noted that one of the Opposition's biggest concerns was the Government's decision to end parliamentary oversight of the process. Claiming it was a power grab by the Government, she said, "it is yet another attempt to diminish scrutiny over executive power."<sup>72</sup>

Opening the debate, the Minister, Chloe Smith, rejected the criticism, saying that the automatic approval of the Boundary Commissions' final recommendations was to ensure final recommendations would be brought into effect without interference or delay:

There will be no change to the Government's obligation to give effect to the recommendations of the boundary commissions. In fact, as part of this measure, the Secretary of State's current ability to amend the Order in Council if rejected by Parliament will be removed. The Executive's power will, if anything, be reduced.<sup>73</sup>

On the data to be used for the next review (the electoral register as of 1 December 2020), opposition MPs expressed concern about the completeness of the electoral registers in the light of the ongoing coronavirus pandemic.

Voters can register to vote at any time but registration officers conduct canvasses to ensure data is as up to date as possible. The annual canvass of electors in Great Britain is conducted each summer. In Northern Ireland a canvass which take place at least every ten years. The Northern Ireland canvass has been postponed as a result of the *Coronavirus Act 2020*.<sup>74</sup> The accuracy of the registers also tends to improve in the run up to a major election.

Several Members called for the next review to be based on the data for the December 2019 General Election rather than the December 2020 figures to ensure the data to be used was as complete as possible. Sir Jeffrey Donaldson (DUP) highlighted the issue in light of the cancellation of the Northern Ireland canvass:

...our view is that the general election datasets are the most accurate, because more people register in Northern Ireland—as I am sure is the case across the UK—for a general election. Therefore, the December 2019 dataset is very accurate.<sup>75</sup>

The Government indicated that it might bring forward amendments specifically for the next review to use alternative data for the 2023 Review:

Let me turn to the impact of coronavirus on this year's annual canvass, because it is very important. This is where the reasoned amendment tabled by Opposition

<sup>70</sup> [HC Deb 2 June 2020, c761-813](#)

<sup>71</sup> [Order paper 2 June 2020](#)

<sup>72</sup> [HC Deb 2 June 2020, c771](#)

<sup>73</sup> [Ibid. c766](#)

<sup>74</sup> Library briefing, *Coronavirus Act: Elections*

<sup>75</sup> [HC Deb 2 June 2020, c780](#)

Members contains a good point. To state the obvious, it relates only to the immediate next review, rather than to the principles of the Bill. I assure the House that I have been looking at the issue for some time and am considering carefully the options for the next boundary review to be based, on a one-off basis, on an alternative dataset not affected by the coronavirus pandemic. I will update the House on that in due course.<sup>76</sup>

The interaction between local ties and the need to have broadly equal electorates was raised by several Members. Some requested that the Government considered easing the requirement to allow 7.5% range either side of the quota. Cat Smith cited the research by leading academics that the 5% requirement caused the most disruption to the pattern of seats and local ties under the 2013 and 2018 Reviews and not the reduction of seats to 600. This majority of the disruption could be avoided by use of a 7.5% tolerance.<sup>77</sup> Winding up the debate, the Leader of the House, Jacob Rees-Mogg, rejected a widening of the tolerance.<sup>78</sup>

The effect of equalisation of constituencies on the Union was raised by Welsh and Scottish MPs (Scotland and Wales are likely to have the largest reduction in the number of seats, see [Section 2.4](#)). Chis Matheson (Labour) warned:

If we have fewer Welsh MPs and fewer Scottish MPs, the strength of the Union will be damaged. That may be an unintended consequence, but it is a consequence that Ministers must bear in mind.<sup>79</sup>

The Opposition reasoned amendment was rejected by 265 to 137. The Bill passed Second Reading without a division.<sup>80</sup>

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<sup>76</sup> [Ibid, c768-9](#)

<sup>77</sup> [Ibid, c772](#)

<sup>78</sup> [Ibid, c810](#)

<sup>79</sup> [Ibid, c798](#)

<sup>80</sup> [Ibid, c811-3](#)

## 8. Ministerial statement – June 2020

On 9 June 2020 the Government released a written statement on action to be taken as a result of the coronavirus pandemic.<sup>81</sup>

As noted above, the effect of the pandemic on the ability of electoral registration officers (EROs) to complete the annual canvass in 2020 had been raised during the Second Reading debate. Members were worried that it could lead to incomplete data forming the basis for the 2023 Review.

As a result, the Government announced in the written statement that it would allow more time for EROs to conduct this year's annual canvas in Great Britain (the Northern Ireland decennial canvas has already been postponed to next year). The annual canvas will now allow EROs more flexibility by extending the deadline for the annual canvas to February 2021.

As the December register data will now be unavailable for the 2023 Review the statement said that the Government will table an amendment during the committee stage of the Bill. It will require the 2023 Review to be based on the electoral registers as they stood at 1 March 2020:

It is intended that this data will be supplied by Electoral Registration Officers (EROs) to the Office for National Statistics (in England and Wales) and National Records of Scotland (in Scotland), and that the Chief Electoral Officer for Northern Ireland will produce the data for Northern Ireland. ONS will collate and publish the data for all four constituent nations of the United Kingdom. This approach will provide the most up-to-date electoral registration data available from the point before the impacts of Covid-19 became widespread. It will capture the registrations that took place in the run-up to the 2019 General Election, subject to any monthly updates made to the register between the election and 2 March 2020.<sup>82</sup>

This will also have the advantage of including overseas voters who had registered to vote in the December 2019 General Election. Overseas voters must renew their registration annually. As they cannot vote in local elections the number of registered voters tends to fall away after a general election, with many only re-registering when another general election becomes imminent.<sup>83</sup>

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<sup>81</sup> Written statement [HCWS278](#), 9 June 2020

<sup>82</sup> Ibid

<sup>83</sup> See Library briefing, [Overseas voters](#), for more information.

## 9. Public Bill Committee stage

The Bill's Public Bill Committee stage commenced on 18 June 2020.<sup>84</sup> Eight sessions were held, with four taking evidence and four dedicated to line-by-line scrutiny of the Bill.

The Committee reported on 30 June 2020 and the bill was amended in two ways:

- A Government amendment to alter the data to be used for the 2023 Review was agreed to. The 2023 Review will be based on the electoral registers on 2 March 2020 and not the 1 December register of 2020. This was, as noted in the previous section, in response to the concerns about the completeness of the electoral register in light of the coronavirus pandemic.
- The Government accepted an amendment with cross-party support to make the island county of Ynys Môn an excepted island seat in Wales. Consequential amendments to allow for the change were also accepted.

### 9.1 Evidence sessions

Witnesses appearing before the Committee included each of the four Boundary Commissions, political parties, academics, the Association of Electoral Administrators, the Local Government Boundary Commission for England and the Electoral Reform Society.

Much of the discussion focused on the new provisions to end the role of Parliament in approving the recommendations at the end of a review. This has become known as 'automaticity'.

The other main themes explored by the Committee were the more familiar themes of the Rules of Redistribution, including the 5% tolerance and the tensions between local ties and electoral equality.

Several witnesses pointed out that the only fundamental change to the current Rules of Redistribution proposed by the current Bill was to Rule 1: that the House of Commons would have 650 seats. All witnesses welcomed this change. The only other amendment to the Rules of Redistribution was in relation to local government boundaries in Rule 5, to allow the Commissions more freedom to consider local government ward boundaries that have been agreed but not yet implemented. This was also welcomed by witnesses.

Other themes explored by the Committee were ward splitting and the adherence of local ties, the possible impact on the UK-wide quota on the Union and the data to be used for the 2023 Review.

### Public hearings

The Boundary Commissions were asked about the proposal to move public hearings to from the initial consultation phase to the secondary phase. They welcomed the change as it would allow them to better target the location of public hearings. They pointed to the element of guess work of where to hold hearings during the first consultation period. If held in the secondary stage of consultation they could use the evidence gathered in the initial phase to better target where to hold hearings.

The secretary to the Boundary Commission for Scotland told the Committee:

It was problematic in the last review, because the public hearings were held during the initial consultation and that meant that you were trying to guess in advance

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<sup>84</sup> The Public Bill Committee sessions are [consolidated into one transcript](#), available on the Bill pages of the Parliament website

where there was likely to be particular interest. You were trying to cover the geography and population of Scotland with five hearings, so if you held one in Edinburgh and one in Glasgow, you then had a large area to cover with the three remaining ones. The Bill proposes holding public hearings and a secondary consultation, which will help, because we will then have an idea of whether to hold the ones outwith the central belt in, for example, Inverness or Hawick.<sup>85</sup>

## Automaticity

Most witnesses accepted the principle of automaticity included in the Bill but noted that safeguards on the independence of appointments to the Commissions could be strengthened. The Boundary Commissions were not asked about nor offered a view on automaticity.

Those opposed to automaticity were the witnesses from the Labour Party, Plaid Cymru and the Democratic Unionist Party. All thought an element of Parliamentary approval should be retained at the end of the process.

The SNP and the Liberal Democrats supported the automaticity in principle but raised concerns about automaticity in relation to the political nature of setting the Rules of Redistribution in legislation in the first place.

Several witnesses also pointed out that removing Parliament from its confirmatory role at the end of the process did not impede the sovereignty of Parliament. It could, at any time, pass further legislation to halt a review. Professor Sir John Curtice, from Strathclyde University, highlighted the similar situation that arose with the December 2019 General Election, which occurred after an Act of Parliament set a polling day outside of the normal functioning of the *Fixed-term Parliament Act*.

As we saw with the *Fixed-term Parliaments Act*, it is very difficult to introduce provisions that discipline the House of Commons to keep to a set of constitutional rules, given that we do not have an entrenched constitution.<sup>86</sup>

Academics Dr Alan Renwick and Professor Robert Hazell, from the Constitution Unit at UCL, supported automaticity but placed emphasis on strengthening safeguards on the appointment of Commissioners. They noted that the Boundary Commissions in the UK are regarded as among the best in the world for upholding the principle of independence. The independence of the current appointment process was not called into question. However, they called for the appointment process of Commissioners should be revised, as stated in their written evidence, “to ensure that the current independence of the boundary commissions from Government cannot be taken away by Government in the future”.<sup>87</sup>

In their written evidence to the Committee proposed four measures to strengthen the process: make the political neutrality and legal experience of Commissioners a statutory requirement; Deputy Chairs of a Commission (who must be a senior judge or equivalent) should be appointed by the Lord Chief Justice in England and Wales and not the Lord Chancellor; the Deputy Chairs should sit on the appointment panel for Commissioners; and Ministers should only appoint Commissioners from the name or names recommended by the appointment panel.<sup>88</sup>

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<sup>85</sup> [Public Bill Committee 18 June 2020, c8](#)

<sup>86</sup> [Public Bill Committee 23 June 2020, c94](#)

<sup>87</sup> [Written Evidence: Dr Alan Renwick and Professor Robert Hazell, Constitution Unit, University College London \(PCB03\)](#)

<sup>88</sup> [Written evidence submitted by Dr Alan Renwick and Professor Robert Hazell, Constitution Unit, University College London \(PCB03\)](#)

The Local Government Boundary Commission for England (LGBCE) was also asked about Parliamentary scrutiny of its recommendations. The LGBCE works to different statutory rules than the Parliamentary Boundary Commissions. The Commission also works independently of Government also has several rounds of public consultation on its proposals, but unlike the Parliamentary Boundary Commissions, draft Orders to give effect to its final recommendations are laid by the Speaker of the House of Commons.

LGBCE draft Orders are subject to the draft negative procedure, which means they are automatically 'made' after a period of forty days unless either House of Parliament explicitly rejects them by passing a resolution that the draft Order "be not made". This is usually done by a Member tabling an Early Day Motion (EDM) 'praying' that the draft Order is annulled.<sup>89</sup> Draft Orders are occasionally referred to a Delegated Legislation Committee for debate.<sup>90</sup>

The Deputy Chair of the LGBCE, Andrew Scallan, said:

It presents the opportunity to challenge; since 2010, there have been three discussions about our orders, but none has been overturned.<sup>91</sup>

The LGBCE's supplementary written evidence, submitted after Mr Scallan's appearance, confirmed that none of the 214 draft Orders submitted by the Commission since 2010 had been overturned.<sup>92</sup> The written evidence also highlighted some of the differences between the Commission with its Parliamentary counterpart. The LGBCE note:

Obviously, we appreciate that constituency boundaries may attract rather more intense party political debate than their local government counterparts and that, accordingly, even greater assurance in respect of automatic implementation might be thought appropriate. Again, this is a matter for others to determine and we merely observe that the arrangement we have works well for the LGBCE.<sup>93</sup>

## Local ties and the 5% Rule

Witnesses highlighted the tension between the principle of electoral equality and creating constituencies that respected local ties, or the disruption caused by them being broken.

Several witnesses and Committee members referred to international standards and cited OSCE (Organisation for Security and Co-operation in Europe) guidance and Venice Commission standards that the electorates of single-member seats/districts should not vary by more than 10%.

In 2013, the OSCE published [Guidelines for Reviewing a Legal Framework for Elections](#) that state that a legal framework for redistricting should ensure, as far as possible, equal weight for voters by avoiding large disparities between electorates/populations. It says exceptions could be applied for geographic considerations related to transport and communication or the desire to facilitate the representation of indigenous populations or national minorities. Redistribution should be every ten years but that redistributions should not be so frequent that they change each election.<sup>94</sup> The OSCE also publishes monitoring reports on elections it observes. On the 2019 UK General Election the OSCE reported noted:

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<sup>89</sup> The Library briefing

<sup>90</sup> See the [EDM](#) and subsequent [Delegated Legislation Committee debate](#) on the draft draft Warrington (Electoral Changes) Order 2016 for examples.

<sup>91</sup> [Public Bill Committee 23 June 2020. c110](#)

<sup>92</sup> [Written Evidence: Local Government Boundary Commission for England \(PCB04\)](#)

<sup>93</sup> Ibid

<sup>94</sup> OSCE, [Guidelines for Reviewing a Legal Framework for Elections](#), page 16

While...interlocutors expressed full confidence in the independence of the review process by the Boundary Commissions, some interlocutors anticipated further delays in enacting the review at the next stages.<sup>95</sup>

The 2013 OSCE Guidelines reference the *Code of Good Practice in Electoral Matters* of the Venice Commission of the Council of Europe. The Code was first adopted in 2002. The text of the Code states seats must be evenly distributed between registered voters or population and goes on to say that:

The permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity).

In order to guarantee equal voting power, the distribution of seats must be reviewed at least every ten years, preferably outside election periods.<sup>96</sup>

The explanatory notes to the Code say that the maximum admissible departure from the distribution criterion adopted depends on the individual situation, although it should seldom exceed 10% and never 15%, except in really exceptional circumstances.

In the UK's case a deviation from the norm would be from the distribution criterion of the electoral quota meaning that a plus or minus 10% deviation from the electoral quota would satisfy the Venice Commission criteria. The Government have argued that a plus or minus 5% deviation (and therefore a 10% range), as currently set out in the Rules of Redistribution is sufficient.

Academics Professor Charles Pattie, from the University of Sheffield, and Dr David Rossiter were questioned about the work they had done on the relationship between disruption of the pattern of seats and the 5% tolerance in the electorates of seats. In a study of the 2013 Review, they found that easing the tolerance to 7-9% gave the Commissions much more flexibility to create constituencies that minimised disruption to the current pattern of seats.<sup>97</sup> However, Professor Ian McLean, professor of politics at Oxford University, argued, "I think 5% plus or minus should be enough for the boundary commissions...to deal with difficult situations".<sup>98</sup>

Several witnesses pointed out that the next review would inevitably be disruptive regardless of the tolerances allowed because of the demographic changes that have occurred since the last review that was implemented.

On local ties, Professors Sir John Curtice and Ian McLean noted that local ties were sometimes,, as Professor Sir John put it, "in the eye of the beholder". Professor McLean told the Committee:

Conservative local ties go one way, Labour local ties go another, and Liberal Democrat local ties go yet another. Each of them, because they are paid to do so, makes a plausible case before a commissioner, who in England is deliberately chosen not to be from the area. Moving on from the mathematics, my view as a political scientist is that the local ties criterion is eminently manipulable, whereas the plus or minus 5% criterion is not.<sup>99</sup>

Darren Hughes, of the Electoral Reform Society, agreed:

I agree that it is possible to happen, and I think in some cases the community argument is very strong, but in a lot of cases it is a shield for more of a partisan

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<sup>95</sup> OSCE and Office for Democratic Institutions and Human Rights Assessment Mission, [Report on the Early General Election 12 December 2019](#), p5-6

<sup>96</sup> Venice Commission, *Code of Good Practice in Electoral Matters*, section 2.2

<sup>97</sup> [Public Bill Committee 23 June 2020, c134](#)

<sup>98</sup> [Public Bill Committee 23 June 2020, c86](#)

<sup>99</sup> [Public Bill Committee 23 June 2020, c85](#)

argument for that particular electoral cycle, which, as I say, is the sort of thing we should avoid.<sup>100</sup>

One specific area of interest to the Committee was the Welsh language. The Welsh Commission noted that it considered the Welsh language an example of a community tie. The Plaid Cymru witness made a case for the Boundary Commission for Wales to be required to make Welsh language impact assessments to take account of Welsh language communities.<sup>101</sup> Dr Lerner, from the Wales Governance Centre at Cardiff University pointed to evidence that “Welsh speakers, particularly fluent, first language Welsh speakers, tend to hold slightly different opinions on a whole range of ideas.”<sup>102</sup> Several witnesses also stated that Ynys Môn’s unique identity meant it should be given protected status and form a constituency that would not be required to meet the electoral quota requirements.

## Ward splitting

Wards are the main building block of constituencies for all Commissions. The Committee was interested in views on whether using sub-ward units, particularly polling districts, would be a better basis for constructing constituencies and how this would assist maintaining local ties.

Several witnesses said they would favour ward splitting if it would assist the Commissions in creating constituencies that kept communities together. In Scotland, where local councils have large multi-member wards with councillors elected by single transferable vote, the Scottish Commission already split wards more frequently. However, all four Commissions currently have the discretion to split wards if necessary.

Professor Pattie told the Committee that while splitting would help maintain local ties, giving the Commissions a wider tolerance would help more:

Ward splitting certainly helped to reduce the amount of disruption, but in our estimates it did not reduce disruption anything like as much as widening the tolerances moderately.<sup>103</sup>

Other witnesses noted that wards are constructed to represent communities. The witness from the Labour Party noted that, “if you split them you are further cutting community ties, and potentially creating more challenges”.<sup>104</sup>

The basis for splitting wards was also examined. The Boundary Commissions noted in their evidence that there is no single national database for polling districts. For the 2018 Review the Boundary Commission for Scotland used postcode data, telling the Committee:

...in part because there has not been an available Scotland-wide, up-to-date dataset that we could access. We create our own postcode datasets, so when we come down to split below ward level, if necessary, we do it on the basis of postcodes.<sup>105</sup>

The Boundary Commission for England told the Committee that it spent about two years between the 2013 and 2018 Reviews creating a complete dataset of English polling districts with the help of the Office of National Statistics. However, polling district reviews can be held by local authorities at any time and there is no consistent mapping of data and nor is there a process to notify or record changes to keep the dataset up to date. To

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<sup>100</sup> [Public Bill Committee 23 June 2020, c119](#)

<sup>101</sup> [Public Bill Committee 18 June 2020, c53](#)

<sup>102</sup> [Public bill Committee 23 June 2020, c128](#)

<sup>103</sup> [Public Bill Committee 23 June 2020, c137](#)

<sup>104</sup> [Public Bill Committee 18 June 2020, c41](#)

<sup>105</sup> [Public Bill Committee 18 June, c9](#)

do something similar with postcodes across England would be time and resource intensive.<sup>106</sup>

## Electoral data

The Committee examined the appropriateness of the electoral register as the basis for delineating constituencies, including the accuracy and completeness of the register.

One piece of written evidence came from Professor Toby James, Professor of Politics and Public Policy, University of East Anglia. He has written about the electoral registration data and advocates using population data. He points to the Electoral Commission research on the accuracy and completeness of the registers and how this disproportionately under-registers certain groups. He advocates using mid-year population registers as the basis for constituency boundaries but also says:

If the electoral register is to be architecture of the parliamentary constituencies for the House of Commons for this and future reviews, then steps will also need to be taken to improve the completeness of the electoral register in the long run.<sup>107</sup>

He recommends, in particular, automatic voter registration, as did some other witnesses, although electoral registration more widely is beyond the scope of the Bill.

Professor Sir John Curtice told the Committee about the potential limitations of census data for the current review:

The problem with census data, obviously, is that it is now nearly 10 years out of date. You might want to argue that the ONS produces a mid-year population estimate over time, but it does not necessarily have the detail required to set up boundaries. The second problem is that there is a disjuncture between residency and citizenship

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as long as we are going to limit the franchise to British, Irish and Commonwealth citizens, given that this country has a substantial resident non-citizen population, you are probably not going to want to go down the route of using population. That, again, is tied up with the issue of the franchise.<sup>108</sup>

The Bill as presented said that the electoral data for the 2023 Review would be from the 1 December 2020. Following the Second Reading debate, as noted in Section 8, the Government said it would introduce a Government amendment to alter the Bill to take the electoral register from the 2 March 2020. At Second Reading opposition parties had argued for the December 2019 General Election data to be used.

The Committee heard evidence from the Chief Executive of the Association of Electoral Administrators, Peter Stanyon.

When questioned about whether thousands of voters may have dropped off the registers between December 2019 and March 2020, he argued that the March 2020 register was likely to be more accurate. This was as a result of two factors. The general election, while bringing in new applications, will also bring to light information that leads to deletions:

...what happens over the elections process is that people are deleted from the register as a result of returned poll cards information coming through to registration officers. Ironically, it is usually the month after an election, when the updates are made, that we have the most accurate version of the register.<sup>109</sup>

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<sup>106</sup> [Public Bill Committee 18 June, c12](#)

<sup>107</sup> [Written Evidence: Professor Toby James, Professor of Politics and Public Policy, University of East Anglia \(PCB05\)](#)

<sup>108</sup> [Public Bill Committee 23 June 2020, c82](#)

<sup>109</sup> [Public Bill Committee 23 June 2020, c103](#)

The second reason relates to the annual canvass. Under the household canvass system of electoral registration, the 1 December register followed the canvass and registers was regarded as the most accurate. Under individual electoral registration the annual canvass no longer adds new voters. Potential new voters identified in the annual canvass are issued with an invite to register. As these gradually are returned the electoral register is updated:

As a result, whereas prior to individual registration everything took place during the canvass period and the register was as complete as it could be on 1 December, now the canvassing process seeps into January, February and March as it runs towards the traditional May dates. You will see fluctuations in registers that mean that the snapshot taken in December is not necessarily the most complete or accurate register.<sup>110</sup>

## State of the Union

Witnesses were questioned on what they thought the provisions in the Bill might do for the Union of the four nations of the UK.

The Conservative Party witness thought it appropriate for all parts of the UK to have an equal quota so all parts of the Union were represented on an equal basis. The DUP witness also thought that there would be no long-term impact on the Union.

The Plaid Cymru party witness argued that Wales should retain 40 seats. The Liberal Democrat witness said that there should be no further reduction in the number of seats across the UK without further devolution across the UK.<sup>111</sup>

Dr Jac Larnier, a research associate at the Wales Governance Centre at Cardiff University, noted the possible impact on the importance of Westminster in the longer term:

Another idea often talked about in academia is that a reduction in the number of MPs in Wales, given that people are aware that more constituencies in Wales are being scrapped than in other places, will cause people to give less importance and salience to Westminster generally.<sup>112</sup>

Professor Richard Wyn Jones, also of the Wales Governance Centre, said that equality of electorate seats should be the starting point, protecting the interests of the different nations of the UK might be better tackled in other ways:

I would concentrate on trying to improve intergovernmental relations between Edinburgh, Cardiff, London and Belfast. That is much more likely to make a difference than having 31 Welsh MPs as opposed to 40. I am afraid that there are fundamental issues around constitutional design and the attitude of the UK Government to the devolved Governments. That is where the action needs to be. Whether we have 31 Welsh MPs or 32 as opposed to the current 40 will not make any difference in terms of dealing with the big issues.

He also recommended reforming the House of Lords to “balance territorial representation”:

In many multinational internally differentiated states, the second Chamber is often used as a way of trying to balance territorial representation and, as I know you are very well aware, there are proposals for changing the House of Lords and making it more territorially representative in terms of its membership and in enhancing that role of its activities too. That would potentially be one way forward.<sup>113</sup>

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<sup>110</sup> Ibid

<sup>111</sup> [Public Bill Committee 18 June 2020, c44](#)

<sup>112</sup> [Public Bill Committee 23 June 2020, c129](#)

<sup>113</sup> [Public Bill Committee 18 June 2020, c60-1](#)

## 9.2 Scrutiny of the Bill

The Committee moved to detailed scrutiny of the Bill on 25 June 2020, with two sessions that day and two session on 30 June.

Below is a summary of the Committee stage proceedings.

### Automaticity

The first discussion on **Clause 1**, on the submission and timing of reports to the Speaker of the House of Commons, was on Labour paving amendments, supported by other opposition parties. The amendments were to facilitate amendments to Clause 2 to retain the existing arrangements where both Houses of Parliament vote on the draft Order to implement the final recommendations of the Commissions.

Some Members objected to the suggestion by some of the witnesses that MPs in Parliament could not be trusted, and that automaticity removed accountability. Clive Efford (Labour) told the Committee:

But we must also ensure that when those final decisions are published— following the rules that we have set in train to review parliamentary boundaries—that comes back before us, so that we can ensure that the views of our communities are expressed and the rules we have set have been followed. That is the right of Parliament. We are accountable to the people who elect us. The people who decide the boundaries must be accountable, ultimately, to Parliament.<sup>114</sup>

The Government rejected the arguments, with the Minister, Chloe Smith, saying:

It is important that the boundary commissions' impartial recommendations are brought into effect promptly and with certainty in order to avoid wasting public money and time and to underline the independence of the process. Clause 2 provides for proposed constituencies to be brought into effect automatically.<sup>115</sup>

The Labour Party did not push the amendments to a vote. **Clause 1** was agreed without division.

**Clause 2**, which contains the main elements of automaticity, was agreed to after a division, by 10 votes to 7.<sup>116</sup>

**Clause 3**, containing uncontentious technical provisions was agreed was agreed without debate. The provisions allow a Commission to modify a final recommendation in the event of an error coming to light, but prior to the draft Order allowing the automatic implementation is drafted.

### Consultation and public hearings

The Committee then moved on to a probing amendment by David Linden (SNP) and Ben Lake (Plaid Cymru) to remove the cap on the number of public hearings a Commission could hold, currently capped at 5 per region in England and 5 per country in the rest of the UK. This was to allow the Commissions greater scope and flexibility to cover the whole of the country/region the Commission was examining.

The Minister argued that an undetermined number of hearings could leave the Commissions open to challenges:

By mandating a particular number of hearings, we are saying that the commissions are able to deploy their technical expertise in a legally certain environment in which their independence could not be challenged for the wrong reasons—for example, on

<sup>114</sup> [Public Bill Committee 25 June 2020, c172](#)

<sup>115</sup> [Public Bill Committee 25 June 2020, c179-80](#)

<sup>116</sup> [Public Bill Committee 25 June 2020, c183](#)

the grounds of process, or on grounds such as, “You didn’t do enough hearings here,” “You did too many hearings there,” or, “You didn’t give us a fair voice here and gave somebody else an overly large voice over there.”<sup>117</sup>

The amendment was withdrawn.

**Clause 4**, on publicity and consultation was therefore agreed to without amendment and without a division.

### **Number of seats in the House of Commons**

**Clause 5**, which states the number of seats in the House of Commons should be 650, was agreed without division or amendment.

### **Local government boundaries**

On **Clause 6**, on taking account of local government boundaries, the Committee debated probing amendments tabled David Linden (SNP) and Ben Lake (Plaid Cymru) that would have stated in the Rules of Redistribution that Commission could take account of boundaries of polling districts, where useable data is available. Mr Linden told the Committee:

Polling districts are usually natural communities on their own, and are good building blocks for constituencies when wards cannot be used. Drawing constituencies using polling districts also makes the constituencies much easier to implement for the electoral administrators.<sup>118</sup>

The Government rejected the amendment as in its view it was not required to be specified in law:

...because it can already be done, and it is being done as a matter of practice in parts of the United Kingdom. On that basis, I ask the hon. Member for Glasgow East not to press his amendment.<sup>119</sup>

The amendment was, by leave, withdrawn.

The Committee then considered the probing amendments tabled David Linden and Ben Lake on loosening the restriction on the local government boundaries the Boundary Commissions may take into account. The sponsors suggested that this would give the Commissions greater flexibility. The Government rejected them on the grounds they were technically defective in that they would remove a reference to local government boundaries in force on a cut-off date. The Commissions need a reference date so that they are not working on constantly shifting local government boundaries. The amendments were withdrawn.<sup>120</sup>

The Committee then considered a probing amendment sponsored by Ben Lake (Plaid Cymru) that language should be included as an example of local ties in the Rules of Redistribution. The Government rejected the amendment on the basis that the Commissions could, and in the case of the Boundary Commission for Wales, already did take account of language as a local tie. The amendment was withdrawn.<sup>121</sup>

During the debate that **Clause 6** should stand part of the Bill, Members again discussed the tension around local ties and which local boundaries should form the basis of constituency construction. Members referenced new written evidence received from the Boundary Commission for England, provided since the Acting Secretary to the

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<sup>117</sup> [Public Bill Committee 25 June 2020, c185](#)

<sup>118</sup> [Public Bill Committee 25 June 2020, c195](#)

<sup>119</sup> [Public bill Committee 25 June 2020, c202](#)

<sup>120</sup> Public Bill Committee

<sup>121</sup> Public Bill Committee

Commission gave evidence.<sup>122</sup> The evidence gave more detail on the practical issues highlighted during the oral evidence sessions relating to ward splitting that the Boundary Commission for England faces.<sup>123</sup>

Chris Matheson (Labour) argued that the evidence the Committee had received showed that easing the 5% Rule would solve most of the issues that arise around breaking local ties and that the Committee should consider amendments tabled to that effect later in its proceedings.<sup>124</sup>

In summing up the Minister said she would look at non-statutory work her Department might be able to do to assist the Boundary Commissions in accessing different data. The clause was agreed without amendment and without a division.<sup>125</sup>

## Timing of the 2023 Review

**Clause 7** was agreed with no debate and division.<sup>126</sup> It sets the modified dates for the 2023 Review. This, as was noted during evidence sessions, is to provide for the completion by July 2023 rather than by October in a given year for subsequent reviews. The Government said this is to provide for the completion and implementation of the 2023 Review early enough to allow for electoral administrators and political parties to make arrangements for a general election on new boundaries. The next scheduled election under the *Fixed-term Parliament Act* is due in May 2024. Although the Government is committed to repealing that Act it currently remains in place.<sup>127</sup>

## Provisions relating to the 2018 Review

**Clauses 8 and 9** were agreed without debate in with no division. They make retrospective provisions on requirements that would now be redundant if the Bill is passed, namely implementing the 2018 Review and conducting a statutory review on the reduction of number of seats in the House of Commons to 600.

## Ynys Môn

The Committee considered amendment 14, moved by Maria Miller (Conservative) and supported by Conservative backbench Members, to treat Ynys Môn as an excepted island seat in Wales. The amendment was associated with New Clause 10. This made the necessary changes to the calculations of the electoral quota to exclude the newly excepted seat of Ynys Môn.

A similar amendment, amendment 11 (associated with New Clause 6), had been tabled by Opposition parties.

Mrs Miller argued that under 600 seats proposed in the 2011 legislation it was difficult to include Ynys Môn as an excepted seat. She now hoped that under the new proposals for 650 seats that it could now be included.<sup>128</sup>

The Minister confirmed that the Government would accept amendment 14 and the associated New Clause 10 to create a fifth protected seat for Ynys Môn. Amendment 14 was accepted without division, which meant amendment 11 fell.<sup>129</sup>

<sup>122</sup> Public Bill Committee

<sup>123</sup> [Written Evidence: Boundary Commission for England \(follow-up from evidence session\) \(PCB09\)](#)

<sup>124</sup> [Public Bill Committee 30 June 2020, c235](#)

<sup>125</sup> [Public Bill Committee 30 June 2020, c236](#)

<sup>126</sup> Ibid

<sup>127</sup> [Public Bill Committee 25 June 2020, c177](#)

<sup>128</sup> [Public Bill Committee 30 June 2020, c242](#)

<sup>129</sup> [Public Bill Committee 30 June 2020, c250](#)

## Extent and commencement

The final session of line by line scrutiny of the Bill commenced with **Clause 12**. This clause notes the territorial extent, commencement and short title of the Bill and was passed without division.

## New Clauses

The Committee then moved on to new clauses.

### Electoral registers – data to be used

The first to be considered was **New Clause 1**. This was the government amendment that would make the electoral registers as of 2 March 2020 as the basis for the electorate data used by the 2023 Review. This fulfilled the commitment made by the Government after Second Reading (see Section 8). At the same time the Committee also debated the Labour amendment, **New Clause 4**, which would make the dataset for future reviews as the electorate of the last general election before the review date.

The Government rejected the Labour amendment because it could result in a review being based on general election data several years older than the December register it would otherwise be based on. The Government noted that the December 2019 election was unusual and most elections have been held earlier in the year and the published register of December each year follows annual canvass work by electoral registration officers.

New Clause 1 was agreed without division.<sup>130</sup> Labour pushed New Clause 4 to a division, which was rejected by 10 votes to 7.<sup>131</sup>

### Variance from the electoral quota

**New Clause 2** was moved by the Labour Party and would have widened the allowable variance from the electoral quota from 5% to 7.5%. As noted earlier, opposition Members argued that this would make it easier for Boundary Commissions to respect local ties but the Government argued that the principle of equality was the more important. The new clause was rejected on division by 10 votes to 7.<sup>132</sup>

### Number of seats for Scotland, Wales and Northern Ireland

**New Clause 3**, moved by the Labour Party, would have guaranteed a minimum number of seats for Scotland, Wales and Northern Ireland (59, 35 and 18 respectively). An amendment from SNP and Plaid Cymru Members would have substituted 40 seats for Wales, which would have preserved the current number of seats for each of those countries.

The debate on the clause included themes explored during the evidence sessions on the wider constitutional solution to differing devolution settlements, the relative size of the component parts of the UK and how territorial representation in the UK Parliament might be reflected in the second Chamber.

The Government rejected the clause because it treated different parts of the UK differently in terms of allocation of seats to the House of Commons. The clause was withdrawn.

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<sup>130</sup> [Public Bill Committee 30 June 2020, c260](#)

<sup>131</sup> [Public Bill Committee 30 June 2020, c289](#)

<sup>132</sup> [Public Bill Committee 30 June 2020, c277](#)

### **Other new Clauses**

The final stages of the Committee scrutiny were on several new clauses moved by David Linden (SNP). These were probing amendments to the Bill and covered various topics.

These were:

- reducing the geographical area of a constituency where a Commission could go below the 5% tolerance for sparsely populated areas (from 12,000 sq km to 9,000 sq km);
- widening the application of Rule 7 to areas in Great Britain (which gives the Commission in Northern Ireland more flexibility over the application of the 5% Rule); and
- to reintroduce a form of interim review so Commissions could realign constituency and local boundaries where they had become non-coterminous between general reviews. This would have been as long as fewer than 1,000 electors were affected.

The clauses were withdrawn.

The Committee then agreed to report the Bill as amended.

The inserted clauses in the Bill as reported (Bill 151) became clauses 7 and 8. Subsequent six clauses from the original Bill (Bill 127) were re-numbered accordingly: original clause 7 became clause 9 etc.<sup>133</sup>

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<sup>133</sup> [Bill as amended, Bill 151](#)

## 10. Remaining Commons Stages

The [Report stage and Third Reading](#) were taken on 14 July 2020.<sup>134</sup>

At Report Stage, Opposition members brought forward proposed new clauses. Two raised issues that had been considered at Committee Stage.

**New Clause 1** attempted to widen the 5% tolerance to 7.5%. This was similar to the amendment brought at Committee Stage. The new clause at Report Stage instructed the Boundary Commissions to aim for 5% tolerance but where a Commission considered it necessary, it allowed it to go to a 7.5% tolerance. The clause was rejected on division by 342 votes to 246.<sup>135</sup>

**New Clause 2** would have guaranteed a minimum number of seats for Scotland, Wales and Northern Ireland. This was rejected on division by 339 votes to 50.<sup>136</sup>

**New Clause 3** was a probing amendment tabled by the Liberal Democrats and the Green Party that would have altered the definition of 'electorate' to be used in the Rules of Redistribution. It would have required the Electoral Commission to make estimates of those who would be eligible to vote in an election, were they to register, and include them in the calculations for the Rules of Redistribution. The Government rejected the idea and the new clause was not moved.

An amendment was also tabled to retain Parliamentary approval on the outcome of a review. The issues had been considered at Committee stage and rejected. It was also rejected on Report by 339 votes to 237.<sup>137</sup>

The Bill then passed its Third Reading without division and was sent to the House of Lords.<sup>138</sup>

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<sup>134</sup> [HC Deb 14 July 2020, c1419-84](#)

<sup>135</sup> [HC Deb 14 July 2020, c1469-72](#)

<sup>136</sup> [HC Deb 14 July 2020, c1473-5](#)

<sup>137</sup> [HC Deb 14 July 2020, c1476-9](#)

<sup>138</sup> [HC Deb 14 July 2020, c1480-4](#)

## 11. House of Lords stages

[Second reading](#) in the House of Lords took place on 27 July 2020.<sup>139</sup> The Bill passed to its committee stage without a division.

In advance of the Lords Committee Stage the House of Lords Constitution Committee published a short report on the Bill.<sup>140</sup> It commented that the provisions on the automaticity of implementing the recommendations of future reviews were welcome, saying:

Constituency boundaries ought to be determined independently of political influence and in accordance with rules protecting a robust and impartial determination process. **The removal of Parliament’s power to block Boundary Commission recommendations is constitutionally appropriate and therefore welcome.**<sup>141</sup>

However, the Committee cautioned that the House might want to consider the implications of automatic implementation of constituency boundary recommendations noting that it made “the selection and appointment of impartial Boundary Commissioners, independent of political influence, all the more important”.<sup>142</sup> It highlighted the evidence from Dr Alan Renwick and Professor Robert Hazell given to the Commons Committee stage on suggested safeguards to ensure the continuing independence and impartiality of the Commissions.<sup>143</sup>

### Committee Stage

The Committee Stage of the Bill was taken in Grand Committee. This was the first time a Bill had been considered in a Hybrid Grand Committee as a result of the coronavirus pandemic. Some Members expressed dissatisfaction that the constitutional nature of the Bill meant it should have been considered by a Committee of the Whole House and not in Grand Committee. Divisions are not permitted in Lords Grand Committee and amendments can only be agreed by unanimity.

Three sessions were held but the Bill was unamended during the Committee Stage.<sup>144</sup> Probing amendments were discussed on similar themes to those that arose in the Commons, including maintaining Parliamentary approval of the final orders, increasing 5% tolerance, the importance of local ties and guaranteed numbers of seats for Scotland and Wales.

The main new topics raised at this stage were raised by backbench peers. The subjects were:

- Making the timing of reviews every ten years instead of every eight years.<sup>145</sup>
- Altering the wording of the requirement to submit a draft of an Order in Council within six weeks of the all the reports of the Commissions have been laid, rather than “as soon as reasonably practicable”.<sup>146</sup>

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<sup>139</sup> [HL Deb 27 July 2020, c34-94](#)

<sup>140</sup> House of Lords Constitution Committee, [13th Report - Parliamentary Constituencies Bill](#), HL 122 2019-21, 4 September 2020

<sup>141</sup> Ibid, paragraph 4 – bold text is the Committee’s emphasis

<sup>142</sup> Ibid, paragraph 5

<sup>143</sup> Ibid, paragraph 6

<sup>144</sup> [Parliamentary Constituencies Bill Lords Committee Stage](#)

<sup>145</sup> [HL Deb 8 September 2020, c163-73GC](#)

<sup>146</sup> [HL Deb 8 September 2020, c173-86GC](#)

- Altering the recruitment process for Commissioners in line with the suggestions of Dr Alan Renwick and Professor Robert Hazell, as highlighted by the Lords Constitution Committee.<sup>147</sup>

The Opposition tabled an amendment to require the Boundary Commissions to assess the impact of constituency electorates of extending the Parliamentary franchise to 16- and 17-year-olds and automatic voter registration.<sup>148</sup> There were also discussions on a protected constituency for Brecon and Radnorshire and provisions to require constituencies in Devon and Cornwall to not cross the county boundary resulting from backbench amendments.<sup>149</sup>

### Report Stage

Report Stage was taken on 8 October 2020.<sup>150</sup> The Lords passed several amendments to the Bill, although only one group of amendments had Government support.

Amendments 6, 7 and 8, which the Government supported, inserted a requirement that the draft Order in Council required to implement the recommendations of the Boundary Commissions should be submitted to Her Majesty within a certain time. The amendments, tabled by Conservative backbencher, Lord Young of Cookham, still requires the Government to submit the draft Order as soon as reasonably practicable after the reports of the Commission have been received, but adds the requirement that it is must submitted “no later than four months after [the reports] have all been laid before Parliament unless there are exceptional circumstances.” The amendments also require that the Secretary of State makes a statement to Parliament for the reason of any exceptional delays.

Lord True, for the Government, said that accepting the amendment would bring more certainty that the “recommendations of the Boundary Commissions will be implemented without political interference or unnecessary or undue delay, as soon as practicable”.<sup>151</sup>

The other amendments made by the Lords, which are likely to be overturned in the House of Commons, were as follows:

- A Labour backbench amendment for reviews to be held every ten years instead of every eight years was passed by 261 votes to 240;<sup>152</sup>
- An Opposition amendment to widen the deviation from the quota for constituency electorates from 5% to 7.5% was passed by 269 votes to 235.<sup>153</sup>
- A new clause was inserted to alter the constitution of the Boundary Commissions. The provisions in the clause would have the effect of implementing the recommendations to safeguard the independence and impartiality of the Commissioners cited by the Lords Constitution Committee. The new clause, tabled by cross-bench peer Lord Thomas of Cwmgiedd, would do this by:
  - Deputy Chairs of the Boundary Commissions for England and Wales would be appointed by the Lord Chief Justice and not the Lord Chancellor;
  - Commissioners would be appointed by a selection panel comprising the Deputy Chair of the relevant Commission and two others appointed by the Speaker of the House of Commons. A report would be submitted to the Secretary of State saying who the panel had recommended;

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<sup>147</sup> [HL Deb 10 September 2020, c262-74GC](#)

<sup>148</sup> [HL Deb 8 September 2020, c187-210GC](#)

<sup>149</sup> [HL Deb 15 September c381-412GC](#)

<sup>150</sup> [HL Deb 8 October 2020, c713-812](#)

<sup>151</sup> [HL Deb 8 October 2020, c739](#)

<sup>152</sup> [HL Deb 8 October 2020, c713-30](#)

<sup>153</sup> [HL Deb 8 October 2020, c761-84](#)

- The Secretary of State could accept or reject the selection or ask the selection panel to reconsider. The Secretary of State could not select their own appointee.

The new clause was passed by 319 votes to 224.<sup>154</sup>

- A new clause was passed that requires the Secretary of State to lay before Parliament “proposals for improving the completeness of electoral registers for the purposes of boundary reviews”. The new clause, tabled by Liberal Democrat Lord Shutt of Greetland, focused particularly on capturing 16- and 17-year-olds by using data from the Department of Work and Pensions on the issue of new national insurance numbers to people ahead of their sixteenth birthday.

The new clause was passed by 293 votes to 215.<sup>155</sup>

Probing amendments on a protected constituency for Brecon and Radnorshire and to prevent constituencies in Cornwall from crossing the boundary into Devon were withdrawn.

### **Third Reading**

The amended Bill passed its Third Reading without division on 15 October 2020.<sup>156</sup>

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<sup>154</sup> [HL Deb 8 October 2020, c741-60](#)

<sup>155</sup> [HL Deb 8 October 2020, c789-803](#)

<sup>156</sup> [HL Deb 15 October 2020, c1210-3](#)

## 12. Ping pong

On 10 November 2020 the Commons considered Lords amendments.<sup>157</sup>

The Commons accepted, without division, Lord Young of Cookham's amendments that placed a four-month time limit on submission of the draft Order to implement the Commissions' recommendations.

The remaining amendments made to the Bill made by the Lords were rejected. Each were pushed to a division, which the Government won.

The Lords considered the Commons reasons for rejecting the amendments on 26 November 2020.<sup>158</sup> The Lords did not insist on the amendments made at Report Stage.

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<sup>157</sup> [HC Deb 10 November 2020, c770-832](#)

<sup>158</sup> [HL Deb 26 November 2020, c376-403](#)

## 13. Further reading

Political and Constitutional Reform Committee, [\*Parliamentary Voting System and Constituencies Bill\*](#), HC 437 [incorporating HC 396-i-iii], paragraph 115

Political and Constitution Committee, [\*What next on the redrawing of parliamentary constituency boundaries?\*](#), Eighth Report, HC 600 2014-15, p26

Cabinet Office, [\*UK parliamentary boundaries: government response to the Political and Constitutional Reform Committee's Eighth Report of Session 2014-15 What next on the redrawing of parliamentary constituency boundaries?\*](#), Cm 9203, February 2016

British Academy, [\*Drawing a new constituency map for the United Kingdom\*](#), 2010

Library briefing, [\*Constituency boundary reviews and the number of MPs\*](#), 2020

[Written evidence submitted](#) to the Public Bill Committee is also available on the Bill pages on the Parliament website.

## Appendix – Rules of Redistribution

This appendix shows the Rules of Redistribution, as contained in [Schedule 2](#) of the Parliamentary Constituencies Act 1986, as amended in 2011, but before the changes brought about by the *Parliamentary Constituencies Bill 2019-21*

### ***Number of constituencies***

#### **Rule 1**

The number of constituencies in the United Kingdom shall be 600.

### ***Electorate per constituency***

#### **Rule 2**

(1) 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.

(2) This rule is subject to rules 4(2), 6(3) and 7.

(3) In this Schedule the “United Kingdom electoral quota” means—

$$\frac{U}{596}$$

where U is the electorate of the United Kingdom minus the electorate of the constituencies mentioned in rule 6.

### ***Allocation of constituencies to parts of the United Kingdom***

#### **Rule 3**

(1) Each constituency shall be wholly in one of the four parts of the United Kingdom (England, Wales, Scotland and Northern Ireland).

(2) The number of constituencies in each part of the United Kingdom shall be determined in accordance with the allocation method set out in rule 8.

### ***Area of constituencies***

#### **Rule 4**

(1) A constituency shall not have an area of more than 13,000 square kilometres.

(2) A constituency does not have to comply with rule 2(1)(a) if—

- (a) it has an area of more than 12,000 square kilometres, and
- (b) the Boundary Commission concerned are satisfied that it is not reasonably possible for the constituency to comply with that rule.

### ***Factors***

#### **Rule 5**

(1) 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 attendant on such changes.

(2) The Boundary Commission for England may take into account, if and to such extent as they think fit, boundaries of the electoral regions specified in Schedule 1 to the European Parliamentary Elections Act 2002 (ignoring paragraph 2(2) of that Schedule and the references to Gibraltar) as it has effect on the most recent ordinary council-election day before the review date.

(3) This rule has effect subject to rules 2 and 4.

### ***Protected constituencies***

#### **Rule 6**

(1) There shall be two constituencies in the Isle of Wight.

(2) There shall continue to be—

- (a) a constituency named Orkney and Shetland, comprising the areas of the Orkney Islands Council and the Shetland Islands Council;
- (b) a constituency named Na h-Eileanan an Iar, comprising the area of Comhairle nan Eilean Siar.

(3) Rule 2 does not apply to these constituencies.

### ***Northern Ireland***

#### **Rule 7**

(1) In relation to Northern Ireland, sub-paragraph (2) below applies in place of rule 2 where—

(a) the difference between—

- (i) the electorate of Northern Ireland, and
- (ii) the United Kingdom electoral quota multiplied by the number of seats in Northern Ireland (determined under rule 8), exceeds one third of the United Kingdom electoral quota, and

(b) the Boundary Commission for Northern Ireland consider that having to apply rule 2 would unreasonably impair—

- (i) their ability to take into account the factors set out in rule 5(1), or
- (ii) their ability to comply with section 3(2) of this Act.

(2) The electorate of any constituency shall be—

(a) no less than whichever is the lesser of—

$$N - A$$

and 95% of the United Kingdom electoral quota, and

(b) no more than whichever is the greater of—

$$N + A$$

and 105% of the United Kingdom electoral quota,

where—

- N is the electorate of Northern Ireland divided by the number of seats in Northern Ireland (determined under rule 8), and
- A is 5% of the United Kingdom electoral quota.

### ***The allocation method***

#### **Rule 8**

(1) The allocation method referred to in rule 3(2) is as follows.

(2) The first constituency shall be allocated to the part of the United Kingdom with the greatest electorate.

(3) The second and subsequent constituencies shall be allocated in the same way, except that the electorate of a part of the United Kingdom to which one or more constituencies have already been allocated is to be divided by—

$$2C + 1$$

where C is the number of constituencies already allocated to that part.

(4) Where the figure given by sub-paragraph (3) above is the same for two or more parts of the United Kingdom, the part to which a constituency is to be allocated shall be the one with the smaller or smallest actual electorate.

(5) This rule does not apply to the constituencies mentioned in rule 6, and accordingly—

- (a) the electorate of England shall be treated for the purposes of this rule as reduced by the electorate of the constituencies mentioned in rule 6(1);
- (b) the electorate of Scotland shall be treated for the purposes of this rule as reduced by the electorate of the constituencies mentioned in rule 6(2).

### ***Interpretation***

#### **Rule 9**

(1) This rule has effect for the purposes of this Schedule.

(2) The “electorate” of the United Kingdom, or of a part of the United Kingdom or a constituency, is the total number of persons whose names appear on the relevant version

of a register of parliamentary electors in respect of addresses in the United Kingdom, or in that part or that constituency.

For this purpose the relevant version of a register is the version that is required by virtue of subsection (1) of section 13 of the Representation of the People Act 1983 to be published no later than the review date, or would be so required but for—

- (a) any power under that section to prescribe a later date, or
- (b) subsection (1A) of that section.

(3) “Local government boundaries” are—

- (a) in England, the boundaries of counties and their electoral divisions, districts and their wards, London boroughs and their wards and the City of London,
- (b) in Wales, the boundaries of counties, county boroughs, electoral divisions, communities and community wards,
- (c) in Scotland, the boundaries of local government areas and the electoral wards into which they are divided under section 1 of the Local Government (Scotland) Act 2004, and
- (d) in Northern Ireland, the boundaries of wards.

(4) “Ordinary council-election day” is—

- (a) in relation to England and Wales, the ordinary day of election of councillors for local government areas;
- (b) in relation to Scotland, the day on which the poll is held at ordinary elections of councillors for local government areas;
- (c) in relation to Northern Ireland, the day of an election for any district council (other than an election to fill a casual vacancy).

(5) The “ review date ”, in relation to a report under section 3(1) of this Act that a Boundary Commission is required (by section 3(2)) to submit before a particular date, is two years and ten months before that date.

(6) “ The United Kingdom electoral quota ” has the meaning given by rule 2(3).

(7) A reference in rule 6 to an area is to the area as it existed on the coming into force of Part 2 of the Parliamentary Voting System and Constituencies Act 2011.



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