



The Rules for the Redistribution of Seats- history and reform

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The *Parliamentary Voting System and Constituencies Bill 2010-11* will introduce new Rules for the Redistribution of Seats. This Note sets out how the current Rules for the Redistributions of Seats in the Commons have evolved from the Speaker's Conference in 1944 and should be read in conjunction with Standard Note 5570 [Reducing the size of the House of Commons](#). The Conference recommended an electoral quota for Great Britain calculated from the qualified electorate and a 25 per cent tolerance on either side and that the total number of Members of the House of Commons should remain substantially the same with the Northern Ireland seats fixed at 12; the number of Scottish seats should be not less than 71 and the number of Welsh seats not less than 35. This was swiftly enacted in the *House of Commons (Redistribution of Seats) Act 1944*. In the period 1944 to 1958, the primacy of equality rule was diluted in five ways by further legislation:

- Abolition of strict 25 per cent rule
- Introduction of separate quotas for England, Wales and Scotland
- Greater presumption against inconveniences of disruption.
- Mandatory local inquiries in certain circumstances
- A longer period between reviews of 10 to 15 years, rather than 3 to 7

Thereafter, the Rules were only subject to minor change by statute, mainly to take account of changes in local authority structures. The Rules were consolidated in the *Parliamentary Constituencies Act 1986*. The Parliamentary Boundary Commissions were able to use their discretion to cross local boundaries, in an attempt to achieve greater equality in the size of constituencies, but internal inconsistencies in the Rules have led to a gradual increase in the

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number of seats. Although the Commissions have been much more successful than before in achieving constituencies of equal size, there have been a number of proposals for reform, summarised in this Note.

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1 The 1944 Rules

The Speaker's Conference 1944 marked the start of proposals for regular boundary reviews, with permanent boundary commissions. As the electoral expert, Iain McLean has shown, the Conference agreed to over-representation of Scotland and Wales in strict numerical terms.¹ The background papers and Conference Minutes are available in the Parliamentary Archives.² Legislation swiftly followed.

The *House of Commons (Redistribution of Seats) Act 1944* implemented the recommendation from the Speaker's Conference for the redistribution of seats in the Commons to be

- based on an electoral quota for Great Britain calculated from the qualified electorate and a 25 per cent tolerance on either side;
- local and parliamentary boundaries to coincide where convenient; the Commissioners were to be permitted to depart from strict application of the rules if felt desirable, due to special geographical considerations;
- the total number of Members of the House of Commons to remain substantially the same with a target for Great Britain of 591; and the Northern Ireland seats be fixed at 12; the number of Scottish seats to be not less than 71 and the number of Welsh seats not less than 35.³

These considerations have remained substantially the same in the next 60 odd years, but with some significant developments sketched out below.

The 1944 Act allocated primacy to the achievement of equal constituencies over the principle of respect for local government boundaries. It also authorised an initial review to subdivide abnormally large constituencies in time for the 1945 election. The bulk of the debate in Parliament was on representation for the universities and for the City of London.

The Rules were therefore first tested in the 1947/48 redistribution, which gave the Commissions an opportunity to undertake a full review of all constituencies as stipulated in the 1944 Act. Rule 4 stated that as far as practicable, having regard to Rule 1 (which set an electoral quota for Great Britain) the electorate of any constituency "shall not be less than the electoral quota by more than approximately one quarter of the electoral quota". Rule 5 provided "as far as practicable having regard to the foregoing rules" for respect for local government boundaries. The English and Welsh Boundary Commissions made informal representations to the Home Secretary for the relaxation of Rule 4 because of its strict formula. The Home Secretary, Chuter Ede, therefore introduced a Bill to achieve this which became the *House of Commons (Redistribution of Seats) Act 1947*.⁴ There was further opportunity for debate when the Commissions' reports were laid before the House prior to being enacted in the *Representation of the People Act 1948*. These were partisan debates,

¹ "Are Scotland and Wales overrepresented in the House of Commons? *Political Quarterly* 66 1995 p250-68

² <http://www.parliament.uk/business/publications/parliamentary-archives/archives-highlights/archives-speakerconf/>

³ Cmnd 6534 May 1944

⁴ See his second reading speech HC Deb 13 December 1946 c1560

with the Conservatives accusing the Labour Government of gerrymandering since at the request of the Commissions, it had decided to create 17 new seats by dividing larger seats.⁵

Finally, the *Representation of the People Act 1949* consolidated and amended the Rules slightly 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. The main changes until 1958 are summarised below.

1.1 Amendment of Rule 4

The 1947 Act therefore removed Rule 4 and substituted Rule 5A “The electorate of any constituency shall be as near the electoral quota as is practicable having regard to the foregoing rules”. Not only was the 25 per cent rule abolished, but by putting the new electoral quota after Rule 5 the application of the electoral quota was subordinated to considerations of local government areas, while leaving the Commissions considerable discretion in the interpretation of the rules.⁶

1.2 Introduction of electoral quotas for each part of the UK

The First Periodic Review reports were published in 1954 and took effect in the May 1955 general election. After the first periodic reviews were finished, court action took place which eventually resulted in the *House of Commons (Redistribution of Seats) Act 1958*. In *Harper and another v the Home Secretary* the plaintiffs argued that the draft Order in Council had not complied with the Rules as the English Boundary Commission had wrongly calculated the electoral quota. Mr Harper was the Conservative Lord Mayor of Manchester. Instead of using a quota for Great Britain, the Commission had decided to divide the English electorate by the target number of seats for England, to ensure that the number of seats for England did not rise. Had the Commission used the Great Britain quota England would have had 519 seats rather than the 506 allocated in the Second Review.

Although initially granted an injunction, the Court of Appeal overturned this a few days later, holding that questions as to whether the Commission had followed the correct procedure were for Parliament rather than the courts, and that it was unable to detect any error in the Commission’s approach.⁷ The electoral expert Henry Rawlings later criticised this, noting “the Commission clearly misinterpreted and misapplied the rules in the 1944 Act.”⁸

The contradiction between the Rules was resolved by the *House of Commons (Redistribution of Seats) Act 1958*. This Act introduced separate electoral quotas for Scotland, Wales and England (Northern Ireland already had its own quota). The Commissioners were given greater latitude to depart from the quota to leave constituencies undisturbed by section 2(2) which read:

It shall not be the duty of a Boundary Commission in discharging their functions...to aim at giving full effect in all circumstances to the rules set out in the second schedule to the principal act, but they shall take account, as far as they reasonably can, of the inconvenience attendant on alterations; and references in the section to giving effect to those rules shall be considered accordingly.

⁵ See *the Boundary Commissions* 1999 DJ Rossiter, RJ Johnston and CJ Pattie p85-87 for full discussion

⁶ For the text of the 1944 rules, as amended by the 1947 Act, see Box3.2 from *The Boundary Commissions: Redrawing the UK’s map of Parliamentary constituencies* D.J. Rossiter, R.J. Johnston and C.J. Pattie 1999

⁷ 332 AELR a, 238 1955

⁸ *Law and the Electoral Process* Hf Rawlings 1988 pp 57-58 and Erskine May 21st ed p26

The debate on the 1958 Bill demonstrated broad agreement that local ties were of greater importance than strict mathematical equality. The Home Secretary, R.A Butler, said: “the effect of the Bill is to bring in a presumption against making changes unless there is a very strong case for them”. This was a response to the First Periodic Review which had caused strong opposition to change; after 5 years, 170 constituencies had had their boundaries altered, often in a major way.⁹ There had been 43 separate Orders for England and Wales brought forward separately; 31 of these were debated in two all-night sittings on 16 December 1954 and 26 January 1955. This was the last time that separate Orders were laid before the House.¹⁰ In contrast the 1958 Act enjoyed broad political support.

The 1958 Act also introduced mandatory local inquiries in certain circumstances, which tended to emphasise the importance of local ties and local government boundaries. It has been calculated that in the Third Periodic Review nearly half of the constituencies underwent some change of boundary or name following the local inquiries. The Act ensured that reviews would be less frequent; reviews would take place between 10-15 years, rather than the 3-7 envisaged in the 1949 Act.¹¹

In the period 1944 to 1958, therefore, the primacy of equality had been diluted in five ways:

- Abolition of strict 25 per cent rule
- Introduction of separate quotas for England Wales and Scotland
- Greater presumption against inconveniences of disruption.
- Mandatory local inquiries in certain circumstances
- A longer period between reviews of 10 to 15 years, rather than 3 to 7

2 1972 onwards

Thereafter, the Rules were subject to tidying up and alteration in respect of the constituent parts of the UK. From the time of the Second Periodic Review in 1969 the Commissions had provided a commentary of the reasons for the approach adopted in redistribution for the first time.

2.1 Local boundaries

Firstly, provisions in Rule 4 relating to observation of county borough, metropolitan borough, burgh and county district boundaries were repealed in the *Local Government Act 1972* (and corresponding legislation in Scotland and Northern Ireland) so that the Commissioners were given discretion to cross the boundaries of the new districts, many of which were too large to form one constituency and too small for two. For England and Wales only county and London boroughs were to be respected; in Scotland, the legislation merely constrained the Commission to ‘regard’ for boundaries of local authority areas. For Northern Ireland, the only regard was that no ward be split between two constituencies. As David Rossiter et al show in

⁹ For accounts of the difficulties, see *The Boundary Commissions* pp92-94

¹⁰ See Standard Note 322 Parliamentary Constituency Boundaries; The Fifth Periodic Review, part 6 for the details of parliamentary debates on redistribution orders since 1832

¹¹ “The 1983 Boundary Commission: Policies and Effects” *Electoral Studies* [1983]; “The Parliamentary Boundary Commission” July 1994 *Parliamentary Affairs*

The Boundary Commissions this enabled the Commissions to ensure that the majority of its recommendations for constituencies were within 10 per cent of the electoral quota.¹²

2.2 Alterations of Rules for Northern Ireland and Scotland

Secondly, 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 Commission.¹³ Northern Ireland representation had been fixed at 13 following the creation of the Irish Free State 1922; this was reduced to 12 following the abolition of the Queen's University seat in the *Representation of the People Act 1948*. Following pressure from Unionist MPs concerned at under-representation during continuing Direct Rule, the Callaghan Government agreed to the increase in the *House of Commons (Redistribution of Seats) Act 1979*.

In contrast, the *Scotland Act 1998*, section 86 amended the Rules to reduce the number of Scottish seats. This was achieved by:

- omitting Rule (1) which set a minimum number of seats in Scotland at 71
- requiring that the next periodic review after the creation of the Scottish Parliament use the quota for England, rather than for Scotland, thus amending Rule 5

In addition the section protected the Westminster island constituency of the Orkneys and the Shetlands from being joined with another from sharing local government boundaries (new Rule 3A) Attempts to secure the same protection for the Na h-Eileanan An Iar (Western Isles) constituency were unsuccessful.¹⁴

2.3 The Foot case

The extent to which the Commissions were given discretion to interpret the Rules was illustrated by the case brought by Michael Foot then leader of the Labour Party, together with the General Secretary and National Agent of the Party, who initiated the action as individuals rather than on behalf of the party.¹⁵ The Boundary Commission for England had just completed its Third Periodic Review and was preparing to submit its report to the Home Secretary when Mr Foot sought orders restraining the submission of the report on the ground that the Commission had failed to give proper weight to the principle of equal representation in Rule 5. The local government changes in the 1970s had led to much wider-ranging recommendations than in previous periodic reviews. The Court of Appeal found against Foot:

It is clear, in our judgment, that ..the requirement in rule 4 that 'so far as practicable' constituencies shall not cross country or London borough boundaries must be regarded as taking precedence over the requirement in rule 5 concerning the size of the electorate for each constituency. This appears from the facts that (1), rule 4 is on its face not qualified by reference to rule 5, whereas rule 5 provides that the electorate of any constituency shall be as near as the electoral quota as is practicable having regard to the foregoing rules, which of course include rule 4; and (2) the second limb of rule 5 authorises departure from rule 4 only in the circumstances there specified...The

¹² Ibid p113

¹³ *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

¹⁴ HL Deb 22 October 1998 c1609; HL Deb 9 November 1998 c548See *Scotland Act 1998 (2nd ed)* CMG Himsworth and C.R, Munro p107

¹⁵ *The Boundary Commissions* note that the action was funded by Robert Maxwell

requirement of electoral equality is, subject to the second limb of rule 5, subservient to the requirement that constituencies shall not cross county or London borough boundaries.¹⁶

Crucially, the judgment interpreted what is now Rule 7 (taking effect of inconveniences attendant of alteration) to mean that Boundary Commission was relieved from the duty to give effect in all circumstances to the Rules. Sir John Donaldson M.R. said “The practical effect is that a strict application of the Rules ceases to be mandatory so that the Rules, while remaining very important indeed, are reduced to the status of guidelines”¹⁷

The judgment was queried by commentators who argued that Rule 7 had been designed to exempt the Commission from rigid adherence to Rule 5 (electoral quotas) and that it could not be correct to categorise Rules 1-6 as merely guidelines. The overall effect was to give the Boundary Commission greater discretion in its work.

In practice, as a number of commentators have pointed out, the Commissions were concerned to restrict the growth in the number of constituencies and so did not in practice accept the logic of the *Foot* judgment. Lord Davidson, Deputy Chairman of the Parliamentary Boundary Commission for Scotland at the time of the Third Review, told the Home Affairs Select Committee, ‘we do not subscribe to that view’ [on Rule 7]¹⁸

2.4 The *Parliamentary Constituencies Act 1986*

This Act consolidated the Rules, so that they all appeared in a Schedule to the Act. Section 2(2) of the 1958 Act (giving latitude on inconveniences attendant on alterations) became Rule 7.

2.5 The *Boundary Commissions Act 1992*

This Act speeded up the Fourth Periodical Review so that it would be completed by 31 December 1994, and ensured that the local boundaries to be used would be those in force on 1 June 1994, but did not otherwise amend the Rules. On second reading the Home Secretary, Kenneth Clarke, indicated that a speeding up was necessary to prevent the quotas used at the start of the reviews from becoming very out of date before the end.¹⁹ As noted in research in 2006 for the Committee on Standards in Public Life, until this Act, the time taken to complete periodic reviews was steadily increasing, and after this one-off, the Fifth Review for England took 7 years:

In 1954 it took the Boundary Commissioners just over 12 months to complete a general review (the First Periodical Review). In 1965-9 it took four years to complete the Second Periodical Review. In 1976-82 the Third Review took six years. In 1991-5 with accelerated arrangements, the Fourth Review was completed in four years. But in 1999-2006 seven years will have elapsed between the beginning of Fifth Review and its final implementation.²⁰

The other important feature of this legislation was reducing the frequency of reviews from between 10 and 15 years to between 8 to 12 years.

¹⁶ 1983 QB 600 631-2

¹⁷ 1983 QB 600 624

¹⁸ Home Affairs Select Committee HC 97 1986-87 *Redistribution of seats*. second report with proceedings & appendices

¹⁹ HC Deb 15 June 1992 c670

²⁰ <http://archive.cabinetoffice.gov.uk/standards/11thinquiry/research.html>

3 Calls for reform

The major concerns from the 1970s onwards were:

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

Library Standard Note 5570 [Reducing the size of the House of Commons](#) lists Bills aimed at reforming the rules. This Note looks at research suggesting that change is required.

The first major research and recommendation for a revision of the Rules came in the Home Affairs Select Committee report in 1986-87. The evidence submitted by the Home Office concluded that there was an urgent need to deal with the conflict between Rule 1 and Rules 5, 6 and 7 arising from the fact that the number of seats tended to increase. The Home Office favoured amending Rule 7 and Rule 5 so that there was no longer a bias towards rounding up seats. The Home Office also noted that “the present rules allow for over-representation of Scotland and Wales, for reasons which have been considered sound in the past. But there has been no review of the statutory rules for some time.”²¹

The Home Affairs Select Committee concluded that there was a fundamental defect in the Rules and that their operation had led to a cumulative increase in the number of seats. It found:

9. The consequences of the application of Rules 5 and 6 is that whenever seats are awarded under those Rules above a review area’s entitlement on the basis of the electoral quota alone the number of constituencies recommended will be greater than the previous total. These new, higher, totals will in turn be used as divisors for calculating the electoral quotas at the next general review. At that review Rules 5 and 6 will again operate, so that the tendency for the numbers of seats to increase will be increasingly cumulative. Rule 1 provides for minimum numbers of seats for Scotland (71) and Wales (35). There is no mechanism in the Rules for offsetting increases in one country by reductions in another. Indeed it is impossible under the Rules for any reduction to take place.

The Committee noted that while the Scottish Commission had managed not to increase seats, the English Commission had awarded seats under Rule 5 to the point where it had ceased to comply with the implied maximum of 507 for England. As a solution it recommended a fixed divisor in Rule 8 and while noting that it would not be feasible on political grounds to recommend a change in the disparity of electoral quotas between the constituent parts of the UK, it did set out a proposed solution:

20 Nevertheless, we believe it ought to be explained that it would not be difficult technically to amend the Rules to achieve a uniform UK quota. All that would be required would be for each Boundary Commission to determine the United Kingdom electoral quota by dividing the total United Kingdom electorate by a fixed common number (say 650). Each Commission would then divide its regional electorate by the

²¹ Home Office evidence to Home Affairs Select Committee *Redistribution of seats*. second report with proceedings & appendices, HC 97 1986/87

United Kingdom quota to produce the region's theoretical entitlement to seats. It would also have to be provided that those entitlements could not be exceeded by more than what was required to reflect Rules 5 and 6, especially Rule 6. This change would, apart from bringing in equal standards of representation, allow for the special geographical needs of outlying areas and provide an automatic means of correcting shifts of population between the regions.²²

The Government response was sympathetic towards the view that the numbers should be stabilised but rejected the fixed divisor method as not always providing the same number of seats and thereby creating uncertainty. It did not recommend an alternative.²³

3.1 Boundary Commissions Bill 1992-3

During the passage of the Boundary Commissions Bill in 1992, the Home Secretary, Kenneth Clarke, rejected the argument that the over-representation of Scotland and Wales should be tackled, referring to it as a long standing constitutional arrangement. The Conservative Government wanted the legislation to pass quickly, in order to speed up the existing Fourth Review. The Labour Party did not divide against the bill on second reading, but the Liberal Democrats did, on the basis that the bill had been introduced without all party consultation or agreement.²⁴ Most of the parliamentary debate centred on the questions of under-registration as a result of the poll tax and the effect of local government boundary changes.

3.2 The Scotland Bill 1997-98

As noted above, section 86 of this Act provided for the floor of 71 seats for Scotland to be removed and for the next periodic review to use the electoral quota for England rather than Scotland. This provision featured in the bill as presented to Parliament and was not the result of an amendment. Debate during the passage of the Bill in the Commons indicated that the provision was considered an attempt to address the West Lothian Question rather than part of an overall revision of the Rules.²⁵ It is worth noting that the English quota was to be used only for the next review. The Scottish Commission worked quickly and the results were implemented at the 2005 general election. This was the first time that all four constituent parts of the UK did not have constituencies at the same time.

3.3 Committee on Standards in Public Life research

As part of its review into the Electoral Commission, the Committee on Standards in Public Life commissioned research by the electoral experts David Butler and Iain McLean into potential issues if responsibility for the drawing of parliamentary boundaries were to be transferred to the Electoral Commission, as provided in Section 6 of the *Political Parties, Elections and Referendums Act (PPERA) 2000*. This provision was later repealed in the *Political Parties and Elections Act 2009*. The research, completed in June 2006, was published on the CSPL website.²⁶ In its summary, the research called for reform of the Rules:

The Report argues for constituencies to be determined on the basis of a uniform quota for all the four parts of the United Kingdom. This would give England about ten more

²² HC 97 1986-87

²³ Cm 308 February 1988

²⁴ http://hansard.millbanksystems.com/commons/1992/jun/30/boundary-commissions-bill#S6CV0210P0_19920630_HOC_176

²⁵ The Commons Report stages were on 6 and 12 May 1998

²⁶ Report to the Committee on Standards in Public Life The Electoral Commission and the Redistribution of Seats David Butler and Iain McLean, University of Oxford archived at <http://archive.cabinetoffice.gov.uk/standards/11thinquiry/research.html>

seats. Fairness requires substituting the arithmetic for the harmonic mean and the use of the Ste Laguë quota. These concepts are explained in Appendices.

The importance of the harmonic mean was explained as follows:

5.25 The present Rules require each constituency electorate within a fixed unit (e.g., a county or metropolitan borough) to be as close as possible to the electoral quota, where the electoral quota is the electorate for the whole U.K. divided by the number of seats in the House of Commons.

5.26. McLean and Mortimore have shown (McLean and Mortimore 1992) that this necessitates splitting theoretical entitlements at the harmonic mean, not the arithmetic mean. The harmonic mean of any two adjacent integers is always below the arithmetic mean. For instance, while the arithmetic mean of 1 and 2 is 1.50, the harmonic mean of 1 and 2 is 1.33. When the smallest indivisible units (e.g. Isle of Wight) have a qualifying electorate of more than 1.33 but fewer than 1.5 electoral quotas, they should be assigned 2, not 1, seats. (See Appendix 4 for an explanation).

5.27. This was surely not Parliament's intention, but that is undoubtedly mathematically entailed by the Rules. Because the harmonic mean is further below the arithmetic mean in small units than in large ones, one effect of using it to determine entitlements to seats is to favour small counties over large ones.

5.28. It is suggested that a redrafted set of rules should have the effect of rounding off entitlements at $\frac{1}{2}$ - i.e. the arithmetic mean. This is simply achieved by deleting 'each constituency to be as close to the Electoral Quota as possible' and substituting 'each elector to have as close to the same entitlement to representation as possible'.

In summary, the research concluded that the harmonic mean and the separate minimums for Scotland and Wales were largely responsible for the gradual rise in the number of Commons seats. It considered that the ratchet effect could be avoided by rewriting the Rules in a non-contradictory way:

7.2 A firm UK total of seats could be set before calculating quotas, using an arithmetic mean. If rounding errors caused a deviation from the target House size, the Ste-Laguë formula [Appendix 5] should be used to ensure that the target House size was reached.

Butler and McLean also recommended that the process be speeded up so that reviews took place within a couple of years, by restricting local inquiries, grouping the English constituencies sub-regionally and ensuring that Deputy Commissioners were not High Court judges. They pointed to a draft of the Rules which had been made internally consistent by the electoral experts Ron Johnston, Charles Pattie, and David Rossiter which Butler and McLean published in revised form in their Appendix 3, together with the proposed procedures for the Commissions.

3.4 The views of the Boundary Commissions

The Fifth Periodical report from the Boundary Commission for England, published in 2007, outlined their assessment of flaws in the current Rules and noted that although there had been electoral legislation, the opportunity had not been taken to amend the Rules.²⁷ After noting that the Commission had called for reform since 1986, the report set out four reasons for the increase in numbers of seats in England by 4:

²⁷ [Fifth Periodical Review Cm 7032 2007](#)

- Increase in number of electors in England;
- Additional constituencies created for special geographic reasons are counted in the denominator used to calculate the electoral quota, so are in effect double counted;
- The effect of the use of the harmonic mean, resulting in the rounding up of some constituencies with a theoretical entitlement of below 0.5;
- The extra allocation of constituencies in one review resulting in a smaller electoral quota than would otherwise be the case for the following review;

In addition, the length of time taken to complete the review in England meant that the Commission were using electorate data from 2000 to establish the quota and so the constituencies first used in the 2010 election did not take account of population changes in the intervening period.²⁸

3.5 Recent academic research

The electoral experts Colin Rallings, Ron Johnston and Michael Thrasher drew some general conclusions from the Fifth Periodical Review in *Political Quarterly* in 2008.²⁹ They noted that the boundary changes had resulted in a modest benefit for the Conservatives and a loss for Labour. However, the new constituencies had not removed the “electoral bias favouring Labour stemming from the concentration of its vote in constituencies that have both smaller constituencies and smaller turnouts.” The research also noted that despite the use of the English electoral quota in the Fifth Periodical Review for Scotland, the creation of small seats due to special geographical provisions meant that the average electorate in the 59 Scottish seats was still considerably smaller than for England. They also drew attention to the substantial time lags between the determining the electoral quota and the first election fought in the new constituencies. However, the overall conclusion was that different constituency sizes were only one of several factors in the electoral system which tended to favour Labour over Conservative.

In further research published in *Parliamentary Affairs* in 2009, Rallings et al continued to argue that redistribution would not remove the disadvantage faced by the Conservatives at the polls. Instead, the geography of each party’s support was much more important; this issue would not be addressed by plans to introduce constituencies of equal size.³⁰ Although the Commissions had achieved more equality in their electorates than ever before in the Fifth Periodic Review, “the asymmetries in the translation of seats into votes that currently favour Labour result from other additional factors”; namely geography, abstention, minor party and interaction effects. The authors considered that the bias towards Labour relative to the Conservatives of 54 seats at the 2010 election remained substantial, but less than the 112 they calculated had existed at the preceding general election of 2005.

²⁸ “Parliamentary Constituency Boundary Reviews and Electoral Bias: how Important are variations in constituency size?”2009 *Parliamentary Affairs* ; see also “Can the Boundary Commissions help the Conservative party? Constituency size and electoral bias in the United Kingdom? Johnson et al October-December 2009 *Political Quarterly*

²⁹ “Changing the Boundaries but keeping the Disproportionality” January –March 2008 *Political Quarterly*

³⁰ Parliamentary Constituency Boundary Reviews and Electoral Bias: how Important are variations in constituency size?”2009 *Parliamentary Affairs* For background on the Coalition Government’s plans to achieve equality of constituency size, see Standard Note 5570 [Reducing the size of the House of Commons](#)

3.6 Statement by Deputy Prime Minister 5 July 2010

On 5 July Nick Clegg, Deputy Prime Minister, made a statement on political and constitutional reform. He announced that a bill would be introduced before the summer recess which would make explicit provisions for the boundary commissions to report on more equally sized constituencies to be completed by the end of 2013:

Our Bill will make explicit provision for the boundary commissions to report on more equally sized constituencies and for the process to be completed by the end of 2013, allowing enough time for candidates to be selected ahead of the 2015 election; and we will ensure that the boundary commissions have what they need to do that. That means that, in the event of a vote in favour of the alternative vote, the 2015 general election will be held on the new system, and according to new boundaries. These are complementary changes—the outcome of the referendum is put in place as the new boundaries are put in place, too.

The Bill will require the Boundary Commissions to set new constituencies within 5% of a target quota of registered electors, with just two exceptions: Orkney and Shetland, and —[Laughter.]

Mr Speaker: Order. I want to hear the second one.

The Deputy Prime Minister: The exceptions are Orkney and Shetland, and the Western Isles, which are uniquely placed, given their locations.

Mr Andrew Turner (Isle of Wight) (Con): What about the Isle of Wight?

Mr Speaker: Order. I am sorry to have to interrupt the Deputy Prime Minister, but the hon. Member for Isle of Wight (Mr Turner) must not, however strongly he feels, shriek from a sedentary position in that way. It is very unseemly and if, I may say so, very untypical of the hon. Gentleman, who is normally grace itself.

The Deputy Prime Minister: The two exceptions are Orkney and Shetland, and the Western Isles, which are uniquely placed, given their locations. We have listened also to those who have very large constituencies, so the Bill will provide that no constituency will be larger than the size of the largest one now, and we intend that in future boundary reviews will be more frequent, to ensure that constituencies continue to meet the requirements that we will set out in our Bill.³¹

In response to questions, Mr Clegg indicated that the optimal size for the new constituencies would be about 75,000, based on electorates to be published in December 2010.³²

3.7 The Parliamentary Voting System and Constituencies Bill 2010-11

The *Parliamentary Voting System and Constituencies Bill* was introduced on 22 July 2010. The Bill enables the next general election to be fought under the Alternative Vote system, provided that the change is endorsed in a referendum to be held on 5 May 2011. The Bill also provides for the introduction of AV to be linked with the proposed reduction of the size of the House of Commons to 600. Until the necessary boundary changes have been made, AV cannot be introduced. However, the boundary changes take effect, whatever the result of the referendum, at the time of the next general election.

The Bill introduces new Rules for the Redistribution of Seats, beginning with a target of 600 seats for the whole of the UK. As well as reducing the number of MPs, the Bill aims to reduce

³¹ HC Deb 5 July 2010 c25

³² HC Deb 5 July 2010 c44

inequalities of electors per seat. There is to be a uniform electoral quota, based on the electoral register for December 2010. Each constituent part of the UK would be allocated a number of whole seats under the quota, using the Sainte-Laguë formula. There would be very limited separate arrangements in Northern Ireland, the smallest part of the UK, to allow more variation around the quota. A rule ensuring that seats should not vary by more than five per cent above or below the quota would have primacy and only after this would the four Boundary Commissions have regard to local boundaries and ties. The Western Isles and the Orkneys and Shetland constituencies are to be protected from change, and no constituency may be larger than 13,000 sq kilometres, the size of the current Ross, Skye and Lochaber constituency.

The boundary reviews are to be completed by September 2013. Local inquiries are to be abolished, in favour of a consultation period of 12 weeks. Boundary reviews would take place every five years thereafter; given that fixed term Parliaments are to be introduced in a separate bill, this would mean that reviews would take place in the first three years of every Parliament.

3.8 Impact on the devolved institutions of boundary reforms

Legislation to reduce the number of seats in the UK Parliament has implications for the constituencies in the devolved institutions.

Wales

Section 2 of the *Government of Wales Act 2006* provides that the constituencies for the National Assembly for Wales are the same as the parliamentary constituencies for Wales. These are currently set out in the *Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006* (SI 2006/1041). The original *Government of Wales Act 1998* also had co-terminosity for constituency boundaries.

Any change to the parliamentary constituencies for Wales would therefore feed through to the Assembly seats, unless the GOWA was modified. At present there are 40 constituency seats and 20 list seats. The *Parliamentary Voting System and Constituencies Bill* requires the constituencies for the National Assembly for Wales to be decoupled from those for Westminster, as the new electoral quota for constituencies is expected to lead to a substantial reduction in seats in Wales and would otherwise reduce the Assembly to around 45 seats.

Northern Ireland

The legislation in Northern Ireland is similar. Section 33 of the *Northern Ireland Act 1998* provides that each Westminster constituency in Northern Ireland return 6 members, creating an Assembly of 108 MLAs, elected under the Single Transferable Vote. The *Belfast Agreement of Good Friday 1998* stated:

The Assembly

2. A 108-member Assembly will be elected by PR(STV) from existing Westminster constituencies.

The Agreement was signed by both the British and Irish Governments and is an international agreement, endorsed by referendums in Northern Ireland and the Republic of Ireland.

There are no plans under the *Parliamentary Voting System and Constituencies Bill* to decouple the Northern Ireland Assembly seats from those for Westminster and these will

presumably be reduced in number to around 90 following a reduction in the number of Westminster seats in Northern Ireland.

Scottish Parliament

The Scottish Parliament moved away from co-terminosity following the *Scottish Parliament (Constituencies) Act 2004*. This legislation preserved the number of constituency seats in the Scottish Parliament at 73 although the results of the fifth Parliamentary Boundary Review had reduced the number of Westminster Scottish seats to 59.

Subsequently, the Arbuthnott enquiry (the Commission on Boundary Differences and Voting Systems) produced a report —“Putting Citizens First: Boundaries, Voting and Representation in Scotland”— which was presented on 19 January 2006 to Scottish Secretary and the First Minister. This made a series of recommendations on the implications of having different boundaries for Members and constituents. For further detail see [Library Standard Note 3918](#)

Lord Baker of Dorking suggested in his second reading speech to his Private Member’s Bill, the *Parliamentary Constituencies Bill (Amendment) Bill [HL] 2006-07*, that the following reductions were likely:

...an average size of constituent electorate for all the United Kingdom would be 76,000 per constituency, which would have the following effect: under a general reduction to 581 MPs, England would have 486, 43 fewer than now; Wales would have 29, 11 fewer; Scotland would have 51, 8 fewer; and Northern Ireland would have 15, three fewer. All countries would lose some seats, but they would be a standard electorate size, which is only just and fair. Votes are worth the same wherever they are throughout the United Kingdom. ³³

³³ [HL Deb 18 May 2007 c399](#)