



## BRIEFING PAPER

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# Electoral arrangements in Wales

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### Inside:

1. The draft Wales Bill (2015-16)
2. The St David's Day Agreement
3. The Wales Act 2014
4. The number of constituencies in Wales



# Contents

<b>Summary</b>	<b>3</b>
<b>1. The draft Wales Bill (2015-16)</b>	<b>4</b>
<b>2. The St David's Day Agreement</b>	<b>6</b>
2.1 Welsh Government statement	7
Welsh Assembly debate on devolution	7
2.2 House of Lords debate on the Welsh Assembly elections 2016 (23 June 2015)	8
<b>3. The Wales Act 2014</b>	<b>11</b>
3.1 Green Paper on future electoral arrangements for the NAW	11
Responses to the Green Paper	11
Debates on the Green Paper	13
Written Statement 13 March 2013	14
3.2 The draft Wales Bill (2013-14)	15
Welsh Affairs Committee report on the draft Wales Bill and the Government's response	15
3.3 The Wales Act 2014	16
<b>4. The number of constituencies in Wales</b>	<b>17</b>
4.1 Background	17
4.2 2013 and 2018 boundary reviews	17

## Summary

The draft *Wales Bill* published on 20 October 2015 is the latest development in the process of devolution of electoral arrangements to Wales. The draft Bill would create a 'reserved powers' model of devolution for Wales (similar to the one operative in Scotland) and would devolve power in relation to Welsh Assembly elections and local elections in Wales. Among other things, the Assembly would have the power to change its name, and to determine its own size. The Assembly would be able to choose to have constituencies with boundaries that are not coterminous with those of the UK parliamentary constituencies in Wales; the 2018 review of constituency boundaries will reduce the number of Westminster constituencies in Wales because the House of Commons will be reduced to 600 MPs representing evenly sized constituencies.

The draft *Wales Bill* took forward proposals outlined in the St David's Day Agreement (published in the command paper *Powers for a purpose: towards a lasting devolution settlement for Wales*). The agreement was based on recommendations set out in the Commission on Devolution in Wales (the Silk Commission)'s second report, published in March 2014.

The recommendations contained in the Silk Commission's first report, published in November 2012, had formed the basis of the *Wales Act 2014*. In respect of the National Assembly for Wales, this Act changed the term of the Assembly to five years; allowed candidates at Assembly elections to stand in both a constituency and a region at the same time and prohibited Assembly Members from sitting simultaneously as MPs. Library Research Paper 14/19, [Wales Bill 2013-14](#) published before the second reading debate gives further information about the Bill's other provisions relating to the devolution of tax-raising powers to the Assembly.

The provisions on electoral arrangements in the *Wales Act 2014* had been included in the draft *Wales Bill* published for pre-legislative scrutiny in December 2013. These provisions were based on a consultation on the Green Paper on the future electoral arrangements for the Assembly published in 2012. The consultation had also concerned the number of constituencies in Wales. This issue was not taken forward as the 2013 review of constituency boundaries that had been expected to reduce the number of UK parliamentary constituencies in Wales was halted.

# 1. The draft Wales Bill (2015-16)

The Government published a draft *Wales Bill* on 20 October 2015.<sup>1</sup> A Written Statement announced that the draft Bill would implement the commitments made in the St David's Day Agreement and set out in the Command Paper *Powers for a Purpose: Towards a lasting devolution settlement for Wales* (CM 9020), published in February 2015.<sup>2</sup>

The draft Bill would create a 'reserved powers' model for Welsh devolution, similar to the one operating in Scotland: only powers that are explicitly defined as reserved will remain in Westminster. Currently, devolution to Wales operates under a 'conferred powers' model, where only powers specifically defined in legislation are devolved.

The draft Bill would devolve all powers in relation to Welsh Assembly elections. Specifically, it includes the following provisions concerning the electoral arrangements in Wales:

- **Clause 1:** would recognise the Welsh Assembly and the Welsh Government as permanent
- **Clause 4:** would devolve the power to regulate the conduct of Welsh Assembly elections (including, for example, the registration of voters and the combination of polls under certain conditions)
- **Clause 5:** would devolve the power to set the date of local elections
- **Clause 6:** would devolve the power to determine aspects of the voter registration process
- **Clause 19:** would devolve the power to change the name of the Welsh Assembly
- **Clause 20:** would provide that certain changes (including the franchise for Assembly elections; the voting system for Assembly elections; and the number of Assembly constituencies) could only be made if they are approved by at least two thirds of the total number of Assembly Members
- **Schedule 1:** would define reserved powers. These would include the regulation of political parties; elections for the House of Commons, the European Parliament, and Police and Crime Commissioners; and the combining of certain polls. Local elections are not listed as reserved.

The draft Bill would devolve the power to set the number of National Assembly constituencies. The previous Government had consulted on this issue in a 2012 Green Paper (see section 4 below). The rules for constituency boundary reviews, which were changed by the *Parliamentary Voting System and Constituencies Act 2011*, are expected to result in a loss of parliamentary constituencies in Wales. The boundary review due to report in 2018 will implement the reduction of the size of the House of Commons to 600 MPs. The 2013 Review, which would have reduced the number of MPs in Wales to 30, was halted (for more information on the 2013 and 2018 reviews, see Briefing paper 5929 [Constituency boundaries and the number of MPs](#)).

<sup>1</sup> [Draft Wales Bill](#), CM9144, 20 October 2015

<sup>2</sup> [HC Deb 20 October 2015 cHCWS254](#)

## 5 Electoral arrangements in Wales

The Welsh Affairs Committee started taking written evidence for its pre-legislative scrutiny of the Bill on 17 September 2015. The Committee held evidence sessions in Westminster (26 October 2015) and at the National Assembly in Cardiff (9 November 2015).

## 2. The St David's Day Agreement

The St David's Day Agreement announced on 27 February 2015 set out proposals for further devolution to Wales. The proposals were based on a consensus reached between political parties in Wales on certain recommendations put forward by the Commission on Devolution in Wales (the Silk Commission) in its second report (published in March 2014). The Silk Commission was set up in 2012 to review devolution to Wales and published an earlier report in 2012. Recommendations of the first report formed the basis of the draft *Wales Bill* introduced in 2013, and the *Wales Act 2014*. For more information about the devolution process in Wales, see Briefing Paper 7066 [Wales: Current devolution proposals 2014-15](#).

The terms of the St David's Day agreement were published in a command paper, *Powers for a purpose: towards a lasting devolution settlement for Wales*.<sup>3</sup> The most significant proposal was the move from a conferred powers model to a reserved powers model of devolution for Wales. The command paper also notes agreement on a number of electoral provisions.

After the Scottish referendum, the Government had asked the Smith Commission to make recommendations on further devolution to Scotland. In light of these recommendations, it was felt that in Wales, "matters relating to the operation of the Assembly and the way in which the Assembly organises itself should be devolved to the Assembly."<sup>4</sup> The Assembly should be recognised as permanent in legislation, and should be able to change its name and to regulate its internal processes (including the election of its Members). There was also agreement on increasing the size of the Assembly, and the devolution of the administration and conduct of local government elections.

The command paper stated that:

2.2.12 The UK Government agrees that there is a strong case in favour of devolving full legislative and executive competence in relation to the conduct of Assembly elections to the Assembly and the Welsh Government. [...].

2.2.13 We support therefore the devolution of powers relating to Assembly elections. This includes deciding the electoral system; the number of constituencies, their boundaries and the ratio of regional Assembly Members to constituency Assembly Members; the timing of elections and therefore election terms; matters relating to the requirements of candidates to stand for election and the conduct of the elections themselves; and the circumstances in which a sitting Assembly Member can be removed.

2.2.14 The Assembly should have control of campaign expenditure by political parties, controlled expenditure by third parties and party political broadcasts in relation to Assembly

<sup>3</sup> [Powers for a purpose: towards a lasting devolution settlement for Wales](#), Cm 9020, February 2015

<sup>4</sup> *Ibid*, p18

## 7 Electoral arrangements in Wales

elections. The Assembly should not however be able to decide to hold Assembly elections on the same day as general elections to the UK Parliament, European Parliament or local government elections in Wales. The regulation of political parties, including donations to political parties, would remain reserved.

2.2.15 The UK Government agrees that the Assembly should decide the franchise for Assembly elections, including the ability to lower the voting age to 16 if it wishes. The Assembly already has the power to lower the voting age to 16 for a referendum on devolving income tax powers.

2.2.16 The Electoral Commission should continue to operate on a UK-wide basis, with the Assembly having competence over the functions of the Electoral Commission in relation to Assembly elections and local government elections in Wales.

2.2.17 The Boundary Commission for Wales should continue to operate as a UK public body. Powers in relation to Assembly constituency boundaries should be devolved to the Assembly. Detailed transitional arrangements would need to be discussed with the Assembly Commission and the Welsh Government.

The Government also indicated that changes to electoral arrangements would need to be supported by a two-thirds majority of all Assembly Members.

The Government further stated that any of these proposals requiring primary legislation would need to be taken forward by the next Government during the next Parliament; this applied to the devolution of powers in relation to electoral arrangements in Wales. Such powers were therefore not included in the *Wales Bill 2013-14*, which was introduced into the House of Commons shortly after the St David's Day Agreement.<sup>5</sup>

### 2.1 Welsh Government statement

Carwyn Jones, the Welsh First Minister, made a statement about the UK Government's announcement of the St David's Day Agreement on 3 March 2015. Among other things, he said that:

... proposals to give the National Assembly control over its own affairs, including elections, electoral systems and operating procedures, are all essential and consistent with what is being done for the Scottish Parliament. In short, all these proposals are positive but there is no question that they fall short of fair and equitable treatment for Wales.<sup>6</sup>

### Welsh Assembly debate on devolution

Plaid Cymru called a debate on devolution on 4 March 2015. The Assembly agreed on Motion NDM5710 (as amended) (in favour: 35, against: 9):

To propose that the National Assembly for Wales:

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<sup>5</sup> Government response to the Welsh Affairs Committee Fourth Report of Session 2013-14: Pre-legislative Scrutiny of the Draft Wales Bill, [Dep 2014-0453](#), 20 March 2014

<sup>6</sup> NAW Deb 3 March 2015 c14.25

1. Notes the Assembly's resolution, supported by all parties and approved on 22 October 2014, setting out its aspirations for the future of devolution in Wales;
2. Notes the publication by the UK Government of a Command Paper setting out proposals for the next stages of devolution;
3. Recognises that progress has been made against some of the Assembly's agreed aspirations for devolution, including a reserved powers model for Wales, and new powers for the Assembly on transport, natural resources and elections;
4. Welcomes the recognition by the UK Government that Wales should have a fairer funding settlement, but expresses disappointment that this falls short of the Assembly's unanimous request for the UK Government to commit to a specific mechanism to stop further convergence.
5. Expresses disappointment about the lack of progress on devolving other powers recommended by the UK Government's Commission on Devolution in Wales; and
6. Calls on the next UK Government to address these outstanding matters following the UK General Election.<sup>7</sup>

## 2.2 House of Lords debate on the Welsh Assembly elections 2016 (23 June 2015)

Baroness Randerson (Liberal Democrat) tabled a short debate on the 2016 Welsh Assembly elections. She said:

There are very good reasons why we need this Bill as soon as possible. Assembly elections will be held in May next year and it is important that electors know the extent of the Assembly and Welsh Government powers when they go to vote. More than that, the political parties need to know about that when they write their manifestos. I would argue that we need to move on from a Welsh politics which is defined by an endless refrain demanding more powers; we need instead a political campaign which debates what should be done with those powers.

The St David's Day agreement gave us some clues as to what is likely to be in the Bill. For example, it said that the Assembly should have control over its size, the system and timing of elections, and ways of working. Now this will be a pretty fundamental change if and when it happens. The forthcoming Assembly elections should be an opportunity to debate, for example, how many Assembly Members are needed and how they are to be elected, rather than focusing on whether those powers will actually be devolved. The St David's Day agreement also confirmed the intention to move to a reserved powers model of devolution. This is very welcome and I realise that it is a complex issue, but since the Supreme Court judgment on agricultural wages it is also an urgent issue, so I would like to ask the Minister to update us on progress there, too.<sup>8</sup>

Lord Roberts (Liberal Democrat) said:

When the Assembly was elected, it saw the shortcomings of relying solely on a first-past-the-post system. There are 40 constituency Members and an additional 20 Members to make

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<sup>7</sup> [NAW Deb 4 March 2015 c17.42-3](#)

<sup>8</sup> HL Deb 23 June 2015 c1538



good the lack of representation of the parties which are not forming a Government there. Twenty additional Members ensure that each of the five regions have fairer representation. Why did the Tory and Labour Parties support this top-up scheme in Wales? It was unfair, yet they are unwilling to look at the situation that we are in now where the unfairness is absolutely obvious.

At the last Assembly elections, the additional vote system gave the Labour Party half the seats for 37% of the votes. Other parties were more fairly treated because of the top-up system. The Conservatives won 23% of the seats for 22% of the votes—you cannot complain about that—Plaid won 18% of the seats for 18% of the votes, and my poor Lib Dems won 8% of the seats for 8% of the votes. But at least there is a fairness there, which is not to be seen in the Westminster elections. Only Labour is overrepresented. I am not starting a campaign yet to look again at the electoral system in Wales which distorts the results in this way. In spite of some attempts to try to change this to 40 constituencies each with two Members—that would destroy proportionality, although an Assembly of 80 Members would of course enable our AMs to be far more effective—any suggestion that you would have 40 constituencies electing two Members each on a first-past-the-post system would be totally out of proportion.

In addition, should we delay boundary changes in Wales at council and parliamentary level until we have an electoral system that is more representative than the one we have at present? We must not abandon the better representation of the Cynulliad or Assembly system for the much less fair system we have in Westminster elections. There is a far clearer mandate in Wales than there is here in Westminster. Is there a single Member of this House who would say that the present system is fair—that the 37% figure should provide a Government with a majority of 12? So our electoral system clearly needs total reform. I do not think anybody here would say that that is not the case. We are not sure what the reform will be but we certainly need a convention to discuss these matters. The opinions of a majority—this time 63% of those who voted—are ignored. We cannot accept that sort of system. There is no genuine mandate. It is not a matter of party advantage but of the very value of each person in Wales and in the United Kingdom.<sup>9</sup>

The Parliamentary Under-Secretary of State, Department of Energy and Climate Change and Wales Office, Lord Bourne, responded to the debate:

I will say a little bit about the Wales Bill. Without wishing to pre-empt the will either of Parliament or the National Assembly for Wales, next year's Assembly elections may well be the last in their current form. The Government will publish a draft Wales Bill in the autumn for pre-legislative scrutiny and will introduce a Bill in the Commons—the correct place for Bills of a constitutional nature that are as far-reaching as this one—early next year, to implement the legislative commitments made in the St David's Day agreement to make the Welsh devolution settlement clearer, stronger and fairer. [...]

I reassure the noble Lord [Roberts] that all these powers over the electoral system, the elections and the number of Members will be devolved to the National Assembly, as is appropriate. I think

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<sup>9</sup> HL Deb 23 June 2015 c1544

that will be subject to a supermajority again, as has been the case in Scotland, but they will no longer be a concern for us. Instead, they will be a concern, quite rightly, for the National Assembly for Wales.<sup>10</sup>

A draft Wales Bill devolving power over National Assembly elections to Wales was published on 20 October 2015.

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<sup>10</sup> HL Deb 23 June 2015 cc1549-51

## 3. The Wales Act 2014

The *Wales Bill 2013-14* was introduced on 20 March 2014 and received Royal Assent on 17 December 2014. The legislation followed pre-legislative scrutiny of a draft Bill which had followed the 2012 Green Paper on electoral arrangements in Wales.

### 3.1 Green Paper on future electoral arrangements for the National Assembly for Wales

On 21 May 2012, the Secretary of State for Wales published a Green Paper on future electoral arrangements for the National Assembly for Wales.<sup>11</sup> A consultation period closed on 13 August 2012.

The consultation sought views on the effects of changes to the Westminster constituencies on the National Assembly for Wales, in particular whether it would be better to continue to have 40 constituencies or to change to 30 constituencies, with the same boundaries as the Parliamentary constituencies.

This followed the publication of the initial recommendations of the Boundary Commission for Wales in January 2012; the Commission had recommended a reduction in the number of constituencies from 40 to 30. Section 4 below gives more detail about debates about the number of constituencies in Wales.

The Green Paper also noted the implications for the Assembly of the change to five-year fixed term Parliaments at Westminster; and invited views on people standing as both a constituency and a regional candidate, and on being an Assembly Member as well as a Member of Parliament.

#### Responses to the Green Paper

A summary of the responses to the Green Paper is available on the website of the Wales Office.<sup>12</sup> The summary noted that most respondents agreed that 'the current size of the Assembly should be maintained' and that 'if the link between parliamentary and Assembly constituencies is reinstated, the number of Assembly regional seats could be increased or decreased to take account of any change in the number of Assembly constituencies'.<sup>13</sup>

A small majority of respondents, including all four political parties in the Assembly, favoured moving to five-year fixed terms. The main reason they gave for this was that five year fixed terms would avoid a regular coincidence (every 20 years) with elections to the Westminster Parliament.<sup>14</sup> However, there would still be a possibility of an Assembly

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<sup>11</sup> [A Green Paper on the future electoral arrangements for the National Assembly for Wales. Cm 8357](#)

<sup>12</sup> [Summary of responses to the Green Paper on future electoral arrangements for the NAW](#)

<sup>13</sup> *ibid*, p4

<sup>14</sup> *ibid*, p6

election coinciding with a UK general election in the event that an early one was triggered by a no-confidence motion or a change in the UK rules.

A small majority of respondents disagreed with the Government's proposal to end the prohibition on candidates standing for both a constituency and regional seat at the same time.

A large majority of respondents agreed that AMs should be prevented from sitting in the Westminster Parliament.

Some respondents to the Green Paper also argued for a change to the Single Transferable Vote system for NAW elections, but the Government responded that it believed that the current system used, the Additional Member System, was working well and it had no plans to change it.<sup>15</sup>

The Welsh Government published its response to the Green Paper on 27 July 2012 and said that its publication raised important issues of constitutional and democratic principle and that it was for the National Assembly to determine its own electoral arrangements:

...no change to the Assembly's current electoral arrangements should be made without the Assembly's consent. This is the fundamental constitutional principle in issue. It is a necessary consequence of a constitution based upon the principle of devolution.

In the case of the recent Scotland Act conferring new powers on the Scottish Parliament, the legislative process was only taken through to its conclusion once the Scottish Parliament had formally given its consent to the proposals. The same principle ought equally to apply to proposed changes to a devolved legislature's electoral arrangements, and this principle was affirmed, on an all-Party basis, in the Assembly following a debate on 12 June 2012.<sup>16</sup>

The Welsh Government's responses to the questions in the Green Paper were as follows:

Questions 1-3: The Welsh Government does not agree that the UK Government should proceed with either option 1 or option 2 for reform of the Assembly's electoral system. It believes that decisions on this should be for the Assembly itself, subject as necessary to a statutory requirement for a two-thirds vote in the Assembly before changes take effect.

Question 4: The Welsh Government would support a five-year term for the Assembly, in line with those for the European and UK Parliaments. If that is agreed, it would then wish to consider whether the term for Welsh local authorities should also be five years, so that elections to each tier of authority in Wales could proceed on the basis of a regular cycle without potential clashes.

Question 5: The Welsh Government does not agree that candidates should be able to stand in a constituency and a region in the same Assembly election. It favours retention of the existing prohibition in the 2006 Act.

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<sup>15</sup> *ibid*, p10

<sup>16</sup> [Welsh Government response to the Green Paper on future electoral arrangements for the NAW](#), 27 July 2012

Question 6: The Welsh Government sees no need for legislation to prevent an individual from simultaneously sitting in the Assembly and at Westminster. Legislation is not required to address what is a non-existent problem.<sup>17</sup>

### Debates on the Green Paper

The debate in the Welsh Grand Committee on the Green Paper, which was scheduled for Monday 2 July 2012 was cancelled.<sup>18</sup> There was a debate the following day in Westminster Hall.<sup>19</sup>

Paul Murphy (Labour), who led the debate, argued that other options for the electoral arrangements for the National Assembly should have been put forward in the Green Paper, not just the two options of the status quo and a 30-30 match (30 directly elected Members and 30 regional Members).<sup>20</sup> He added:

The option that I favour should also have been considered: retaining the 60 Assembly Members and having two Assembly Members per new parliamentary constituency. I would favour the election of those two Members by first past the post, but they could be elected under the alternative vote system.<sup>21</sup>

Paul Murphy and Guto Bebb (Conservative) argued that any changes to the electoral arrangements in Wales would require the approval of the National Assembly.<sup>22</sup> However, the Minister, David Jones, noted that the Assembly's electoral arrangements were not devolved.<sup>23</sup>

The House of Lords debated the Green Paper in Grand Committee on 18 June 2012.<sup>24</sup>

Geraint Davies MP (Labour) secured an adjournment debate on the future electoral arrangements for the National Assembly for Wales on 6 February 2013.<sup>25</sup> Mr Davies said he had asked for the debate

...against the background of the Government's wanting to reduce the number of MPs in Wales from 40 to 30 as part of a broader remapping of boundaries which has...failed in its attempt to reshape the political map, particularly in Wales but across the country, for party political gain. One of the key problems with that proposal is that it would break the coterminosity in Wales between MPs and Assembly Members.<sup>26</sup>

Mr Davies supported the idea of moving to a five-year cycle of Assembly elections displaced by a year to avoid the elections taking place in the same year as a UK general election and asked whether the Government was consulting the National Assembly for Wales on the issue. He also raised the issues of dual candidacy and dual mandates.

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<sup>17</sup> [ibid](#)

<sup>18</sup> [Welsh Secretary "deeply disappointed" to cancel debate on future electoral arrangement for Wales](#), Wales Office press notice, 27 June 2012

<sup>19</sup> [HC Deb 3 July 2012 c187WH](#)

<sup>20</sup> [HC Deb 3 July 2012 c188WH](#)

<sup>21</sup> [HC Deb 3 July 2012 c188WH](#)

<sup>22</sup> [HC Deb 3 July 2012 c191.6WH](#)

<sup>23</sup> [HC Deb 3 July 2012 c209WH](#)

<sup>24</sup> [HL Deb 18 June 2012 GCc125](#)

<sup>25</sup> [HC Deb 6 February 2013 c393](#)

<sup>26</sup> [ibid](#)

The Parliamentary Under-Secretary of State for Wales, Stephen Crabb, replied to the debate by saying that the Government would not take forward proposals on Assembly constituency boundaries now the proposals for new UK parliamentary constituency boundaries would not be implemented.<sup>27</sup>

The Minister said that the Government would consider how to take forward the other proposals in the Green Paper.<sup>28</sup> The length of Assembly terms was the most pressing issue and the Minister indicated that a majority of respondents to the consultation and all four political parties in Wales favoured a move to five-year terms.<sup>29</sup>

### Written Statement 13 March 2013

The Government announced in a Written Statement on 13 March 2013 that it would take forward three of the four proposals on which it had consulted in the Green Paper:

As a result of the Electoral Registration and Administration Act 2013, the four UK Boundary Commissions will now report in 2018 on their recommendations for new parliamentary constituencies. The boundaries of parliamentary and Assembly constituencies will remain the same until then, and there is no longer an immediate need to re-establish the link between the two sets of constituencies. The Government does not therefore intend to proceed with the changes to Assembly constituencies proposed in the Green Paper.

We do, however, intend to take forward the three other proposals in the Green Paper.

First, we will move the Assembly from four to five-year fixed terms. The term of the current Assembly is, exceptionally, five years, but the Assembly is set to revert to four-year terms after the next Assembly elections in 2016. A permanent move to five year terms would make a co-incidence between parliamentary and Assembly elections in 2020 (and every twenty years thereafter) less likely.

Second, we will end the prohibition on candidates at Assembly elections standing in both a constituency and a region at the same time. The Government believes that, in principle, candidates should not be barred from standing in a constituency and a region, and the current prohibition impacts disproportionately on smaller parties.

Third, we will prohibit Assembly Members from simultaneously sitting as Members of the House of Commons. The Government does not believe that one person can adequately serve two sets of constituents. This prohibition would not apply to members of the House of Lords.

These proposals were included in the draft *Wales Bill* published in December 2013.

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<sup>27</sup> [HC Deb 6 February 2013 c397](#)

<sup>28</sup> [HC Deb 6 February 2013 c398](#)

<sup>29</sup> [HC Deb 6 February 2013 c399](#)

## 3.2 The draft Wales Bill (2013-14)

A draft *Wales Bill* was published on 18 December 2013.<sup>30</sup> A Written Statement announced that the draft Bill made provision to implement almost all the recommendations of the Silk Commission on the devolution of tax and borrowing powers to the National Assembly for Wales and the Welsh Government (published in its first report), and set out how the Government intended to implement changes to elections to the National Assembly.<sup>31</sup>

The draft Bill took forward the proposals the Government had set out in a Written Statement on 13 March 2013 following its consultation on future electoral arrangements for the National Assembly of Wales:

- **Clause 1** amended section 3(1) of the *Government of Wales Act 2006* and made provision for ordinary general elections to the Assembly to take place every five years, instead of every four years. The next Assembly elections after 2016 would be in 2021, thus avoiding a clash with the 2020 Westminster election.
- **Clause 2** amended section 7 of the *Government of Wales Act 2006* and removed the prohibition on standing as both a constituency and a regional candidate in an Assembly election.
- **Clause 3** inserted a new subsection into section 16(1) of the *Government of Wales Act 2006* to provide that members of the House of Commons are disqualified from being members of the Assembly but also set out some limited exceptions.

The Welsh Affairs Committee started to take [oral evidence](#) on the draft Bill on Tuesday 14 January 2014 and published its report on 28 February 2014.<sup>32</sup>

### Welsh Affairs Committee report on the draft Wales Bill and the Government's response

The Committee recommended that the National Assembly for Wales should be given powers to determine the length of its electoral term and reached a consensus that 'double jobbing' of MPs and AMs was not ideal. The Committee did not reach a conclusion about the merits of removing the prohibition on candidates standing as both a constituency and a regional candidate in an Assembly election.<sup>33</sup>

The Government published its response to the Committee's report on 20 March 2014, the same day as the first reading of the *Wales Bill 2013-14* in the House of Commons.<sup>34</sup> The Government argued that the removal of the prohibition on dual candidacy would "remove[s] an unfair and partisan prohibition which should never have been put in

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<sup>30</sup> [Draft Wales Bill](#), Cm 8773, December 2013

<sup>31</sup> [HC Deb 18 December 2013 c119WS](#)

<sup>32</sup> [Pre-legislative scrutiny of the draft Wales Bill](#), Welsh Affairs Committee report, HC 962, February 2014

<sup>33</sup> [Pre-legislative scrutiny of the draft Wales Bill](#), Welsh Affairs Committee report, HC 962, February 2014, p45

<sup>34</sup> Government response to the Welsh Affairs Committee Fourth Report of Session 2013-14: Pre-legislative Scrutiny of the Draft Wales Bill, [Dep 2014-0453](#), 20 March 2014

place in the first place.”<sup>35</sup> The Government accepted the Committee’s recommendation that the provision in the draft Bill for a six month limited period of ‘double jobbing’ if an AM was returned as an MP six months before an Assembly election should be extended from six to twelve months.<sup>36</sup>

These provisions were taken forward in the *Wales Act 2014*.

### 3.3 The Wales Act 2014

The *Wales Bill 2013-14* had its first reading in the House of Commons on 20 March 2014 and the [second reading](#) debate took place on 31 March 2014.<sup>37</sup> The Bill received Royal Assent on 17 December 2014.

The *Wales Act 2014* codified the provisions set out in the draft *Wales Bill* published on 18 December 2013:

- **Section 1** makes provision for general elections to the National Assembly for Wales to take place every five years instead of every four as at present;
- **Section 2** removes the prohibition on candidates standing for election to the NAW as both a constituency member and a regional member. However, a person cannot stand as a candidate in a constituency outside the region in which they are standing. The clause also provided that a candidate on a regional party list cannot stand in a constituency as a candidate for another party. An individual candidate standing on a regional list can stand neither as a party candidate in a constituency in the region nor as a candidate for a constituency outside that region.
- **Section 3** inserts a new paragraph into section 16(1) of the *Government of Wales Act 2006* to disqualify members of the House of Commons from being members of the National Assembly for Wales.

For further details and information about the Act’s other provisions see [Library Research Paper 14/19](#). For information about the Bill’s progress through Parliament, see Library Briefing paper 6875 [Wales Bill 2013-14: Progress of the Bill](#).

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<sup>35</sup> Government response to the Welsh Affairs Committee Fourth Report of Session 2013-14: Pre-legislative Scrutiny of the Draft Wales Bill, [Dep 2014-0453](#), 20 March 2014

<sup>36</sup> Government response to the Welsh Affairs Committee Fourth Report of Session 2013-14: Pre-legislative Scrutiny of the Draft Wales Bill, [Dep 2014-0453](#), 20 March 2014

<sup>37</sup> [HC Deb 31 March 2014 c606](#)



## 4. The number of constituencies in Wales

There is no longer a legal requirement for the boundaries of the Welsh Assembly constituencies to be coterminous with those of the Westminster constituencies in Wales. However, currently these boundaries are the same.

The 2013 boundary review was halted, but would have reduced the size of the House of Commons to 600, and the number of Westminster constituencies in Wales to 30. The 2018 boundary review will implement this reduction in the size of the House of Commons and is likely to result in a similar reduction of seats in Wales.

### 4.1 Background

Before 1832 Wales returned 24 MPs to the House of Commons. Each of the 12 counties was represented by one Member, with the remaining 12 MPs representing Parliamentary boroughs. This remained the pattern of representation until the Parliamentary reforms of the nineteenth century.

After the reforms of 1832 each county in Wales continued to return a single Member, with the exception of Carmarthenshire, Denbighshire and Glamorganshire which each returned two. The Great Reform Act also created two new Parliamentary boroughs: Merthyr Tydfil and Swansea. The total number of seats in Wales after 1832 was 32. By 1918 this had increased to 37.

Representation for Wales was set at a minimum of 35 seats following the 1944 Speaker's Conference and now stands at 40. In contrast with Scotland, there was no reduction in the number of Welsh seats in the House of Commons following devolution in the *Government of Wales Act 1998*. It was argued at the time that the fact that primary law-making powers remained at Westminster meant that no reduction was required.<sup>38</sup>

The *Government of Wales Act 1998* made provision for the National Assembly for Wales to have the same constituencies as those for the House of Commons.

### 4.2 2013 and 2018 boundary reviews

Section 2 of the *Government of Wales Act 2006* subsequently also provided that the constituencies for the National Assembly for Wales should be the same as the Parliamentary constituencies for Wales (and the number of Assembly regional seats is tied to the number of Assembly constituency seats). These constituencies are currently set out in the *Parliamentary Constituencies and Assembly Electoral Regions*

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<sup>38</sup> Taken from Research Paper 10/55, *The Parliamentary Voting System and Constituencies Bill 2010-12*

*(Wales) Order 2006, as amended by the Parliamentary Constituencies and Assembly Electoral Regions (Wales) (Amendment) Order 2008.*

Any change to the Parliamentary constituencies for Wales would therefore have fed through to the Assembly seats, unless the *Government of Wales Act 2006* was modified. This was done by the *Parliamentary Voting System and Constituencies Act 2011* which decoupled the constituencies for the National Assembly for Wales from those for Westminster. The Act had changed the Rules for Redistribution to allow for a reduction in the size of the House of Commons to 600 MPs. The new electoral quota and the Rule requiring the constituency size to be within 5% of the quota meant that Wales would lose seats in the 2013 boundary review.

In March 2011 the Boundary Commission for Wales announced that Wales would have 30 constituencies, 10 fewer than at present. (For further information about the boundary review in Wales see [Library Briefing Paper 6226](#).) By de-coupling the Assembly and Parliamentary constituencies the number of seats in the National Assembly for Wales would be unaffected by any changes made by the parliamentary boundary review. Any substantial reduction in the number of Assembly Members had been considered likely to have an impact on the effectiveness of the Assembly, for instance by reducing the pool for membership of committees, Ministers and Deputy Ministers, and an effective opposition.

The 2013 boundary review was halted before the Boundary Commission for Wales submitted its final recommendations. On 6 August 2012 the Deputy Prime Minister, Nick Clegg, announced that plans to reform the House Lords were to be dropped and that when Parliament voted on boundary changes he would instruct his party to oppose them. An amendment to the *Electoral Registration and Administration Act 2013* subsequently postponed the boundary review until 2018. The number of seats in Wales therefore remained at 40 for the 2015 general election.

The Boundary Commissions will begin the 2018 boundary review in early 2016. It is likely that Wales will lose a similar number of seats as was proposed in 2011.

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