

# Boundary Commission for Scotland

## 2018 Review of UK Parliamentary Constituencies

### Policies and Procedures

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# 2018 Review of Westminster Constituencies Policies and Procedures

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# 1 Introduction

## 1.1 Boundary Commission for Scotland

1.1.1 The Commission is responsible for keeping Westminster constituencies in Scotland under review and making recommendations to Ministers, under the Parliamentary Constituencies Act 1986. We conduct our reviews independently of political considerations or influence.

1.1.2 We publish more information about our work on our website and in our Information Paper *The Commission - a General Guide*.

## 1.2 This booklet

1.2.1 The purpose of this booklet is to explain our policies and procedures in conducting our 2018 Review of Westminster Constituencies. It is intended for everyone with an interest in the process: members of the public, parliamentarians, political parties, local authorities and councillors.

# 2 This review

## 2.1 General

2.1.1 Our task in conducting any review is a delicate one, which requires us to balance a number of inter-dependent requirements for constituency design. When carrying out that task, we aim to take a consistent approach across all of Scotland.

2.1.2 Maintaining public confidence in the review process is a key part of our responsibilities. We put great importance on representations made to us during the consultation stages of our review.

2.1.3 Because of the terms of the 1986 Act, it is not always possible for us to create constituencies which have the same boundaries as those of council areas, Scottish Parliament constituencies, or electoral wards.

## 2.2 Timing

2.2.1 The review was announced in February 2016, after the publication of electorate statistics for the United Kingdom from 1 December 2015. The Review is being carried out simultaneously in each of the four constituent parts of the United Kingdom by the respective Boundary Commissions. Each Commission is required to submit its report 'not before 1st September 2018 and before 1st October 2018'.

2.2.2 The four Commissions liaise closely with each other. However, decisions about Scotland are our responsibility alone.

2.2.3 The period required to undertake the review is dictated by the size of the task, our procedures and the legislation. Our procedures are intended to allow full expression of opinions about the proposals at each stage.

## 2.3 Legislation

2.3.1 The legislation governing this review is the Parliamentary Constituencies Act 1986, as amended. The text of the 1986 Act as it applies to this review is at Appendix A.

2.3.2 The legislation specifies that there are to be 600 constituencies in total, with each constituency returning a single member to the United Kingdom Parliament.

2.3.3 The legislation specifies two Scottish island constituencies:

- a constituency covering the combined extent of Orkney Islands Council area and Shetland Islands Council area; and
- a constituency covering Na h-Eileanan an Iar Council area (the Western Isles).

In England, the legislation specifies two constituencies for the Isle of Wight.

2.3.4 In addition to these island constituencies, each of Scotland, England, Northern Ireland and Wales is allocated a number of the remaining 596 constituencies in proportion to their electorate. Scotland's allocation of constituencies for this review is 51. When added to the two Scottish island constituencies, this makes a total of 53 constituencies in Scotland.

2.3.5 No constituency is permitted to be larger than 13,000 square kilometres.

2.3.6 The 'United Kingdom electoral quota' is the total electorate for the United Kingdom excluding the four island constituencies referred to, divided by 596, which is the number of constituencies outside those areas. In simple terms, the United Kingdom electoral quota is the average electorate per mainland constituency across the United Kingdom. It is recognised that some mainland constituencies also contain populated islands. For the purposes of this paper 'mainland' is used to differentiate the protected island constituencies set out above from the others.

2.3.7 Every constituency must have an electorate that is no less than 95% and no more than 105% of the United Kingdom electoral quota, with the exception of the island constituencies listed above and any constituency larger than 12,000 square kilometres which may have an electorate lower than 95% of the electoral quota if it is not reasonably possible for it to comply with that requirement.

2.3.8 Subject to the above requirements, the legislation states that we may take into account factors other than electorate, namely:

- special geographical considerations, including in particular the size, shape and accessibility of a constituency;
- boundaries of council areas and electoral wards;
- existing Westminster constituency boundaries; and
- any local ties which would be broken by changes in constituencies.

## 2.4 Electorate

2.4.1 The legislation specifies that this review uses the electoral register from 1 December 2015.

2.4.2 The definition of electorate is the total number of people whose names appear on the register of parliamentary electors. This definition includes 'attainers', who are those on the register who will only become of voting age after 30 November 2015 and before 1 December 2016.

2.4.3 For this review, the electorate data for each country is:

Country	Electorate	Specified island electorates	Balance
England	37,399,942	105,448 (Isle of Wight)	37,294,494
Scotland	3,896,852	20,887 (Na h-Eileanan an Iar) 33,229 (Orkney Islands and Shetland Islands)	3,842,736
Wales	2,181,841		2,181,841
Northern Ireland	1,243,369		1,243,369
<b>Total</b>			<b>44,562,440</b>

2.4.4 The resulting United Kingdom electoral quota is 74,769.2. This is calculated by dividing the total electorate, less the electorate of the specified islands (44,562,440) by the number of seats to be allocated (596).

2.4.5 To be no less than 95% and no more than 105% of the United Kingdom electoral quota, the electorate of a constituency has to be no fewer than 71,031 and no more than 78,507.

2.4.6 The legislation makes no provision for taking account of any changes in the electorate after the start of the review.

## 2.5 Allocation of constituencies

2.5.1 The legislation specifies the method by which the allocation of constituencies to each of the four constituent parts of the United Kingdom is calculated: paragraph 8 of Schedule 2 to the 1986 Act.

2.5.2 The number of constituencies allocated to Scotland is in addition to the two protected island constituencies, and the number of constituencies allocated to England is in addition to the two protected Isle of Wight constituencies.

2.5.3 The resulting allocation of constituencies is:

Country	Allocated	Islands	Total
England	499	2	501
Scotland	51	2	53
Wales	29	-	29
Northern Ireland	17	-	17
<b>Total</b>			<b>600</b>

## **2.6 Areas of constituencies**

- 2.6.1 The legislation requires constituencies not to exceed a maximum area of 13,000 square kilometres. It exempts constituencies from the minimum electorate requirement if they exceed 12,000 square kilometres and it is not reasonably possible for them to comply with the requirement.
- 2.6.2 As a result, we require precise and accurate data for areas. We use geographical information system software, in conjunction with map data from Ordnance Survey. This allows us to calculate the area of any proposed constituency.
- 2.6.3 In each of these calculations, we use the 'Extent of the Realm' which includes foreshore (the area between high water and low water), inland areas of water, and any statutory seaward extensions of council areas. These statutory seaward extensions occur around ports and harbours: the largest for a mainland council area in Scotland is in Aberdeen City and is less than 20 square kilometres. Apart from these statutory seaward extensions, we do not include areas of sea in our calculations of constituency areas.

## **3 Policies**

### **3.1 Principles for constituency design**

- 3.1.1 The legislation sets the specific requirements for constituency design in this review. Within those requirements, we have discretion on how to design constituencies.
- 3.1.2 We take account of existing boundaries when designing new constituencies. However, because of the legislation governing this review, it will often not be possible for our proposed constituencies to fit with other boundaries.
- 3.1.3 In general, we aim to:
- design as many constituencies as practicable that do not cross a council area boundary;
  - recognise existing community ties;
  - take into consideration local geography (for example transport links, other electoral boundaries, administrative boundaries and natural features); and
  - consider special geographical considerations where appropriate.

### **3.2 Existing Westminster constituencies**

- 3.2.1 The existing 59 Westminster constituencies in Scotland came into force in 2005, resulting from our Fifth Periodical Review of Parliamentary Constituencies.
- 3.2.2 Those constituencies include Orkney and Shetland, which was a constituency specified in the legislation governing the Fifth Review, and Na h-Eileanan an Iar which we recommended as a constituency despite

its small electorate because of its geographical circumstances. Each of those island constituencies will continue after this review.

- 3.2.3 The 1 December 2015 electorates of the existing constituencies, apart from the island constituencies, vary from 45,898 to 83,593.
- 3.2.4 Under this review, the number of mainland constituencies in Scotland will reduce from 57 to 51, with each constituency required to have an electorate no less than 71,031 and no more than 78,507, apart from the exemptions explained in paragraph 2.3. As a result, we expect that few, if any, of the existing constituencies will be retained.
- 3.2.5 Even where an existing constituency has an electorate which is within the permitted range, it may not be possible to retain it, because of changes required to surrounding constituencies.

### **3.3 Sixth Review of UK Parliament Constituencies**

- 3.3.1 We began our Sixth Review of UK Parliament Constituencies in March 2011 after the passage of the Parliamentary Voting System and Constituencies Act 2011, and the publication of the electorate data required for the review. The legislation required that there would be 52 constituencies in Scotland: 50 covering the mainland council areas, Orkney and Shetland constituency and Na h-Eileanan an Iar constituency.
- 3.3.2 The review was being carried out simultaneously for the whole of the United Kingdom by the four parliamentary Boundary Commissions, and would have resulted in the number of constituencies for the United Kingdom being 600. We expected to submit our recommendations for constituencies in Scotland before 1 October 2013 and for the resulting constituencies to be used in the General Election in May 2015.
- 3.3.3 However in January 2013, Parliament amended the legislation governing our Sixth Review of UK Parliament Constituencies. As a result, we stopped work on the review and did not complete it.

### **3.4 Scottish Parliament constituencies**

- 3.4.1 We are aware that many people would like the boundaries of Westminster and Scottish Parliament constituencies to be the same.
- 3.4.2 There are 73 Scottish Parliament constituencies. As there are to be 53 Westminster constituencies in Scotland, it is not in general possible for their boundaries to coincide. However, existing Scottish Parliament constituency boundaries are a factor which we take into account.

### **3.5 Council areas**

- 3.5.1 We are aware that many people would like the boundaries of constituencies and council areas to be the same. The legislation says that we may have regard to 'local government boundaries' in developing our proposals. Such boundaries are defined as those which existed on the most recent ordinary day of election of councillors before the review date. For the 2018 Review, this means the local government boundaries in force as at 3 May 2012.



3.5.2 Our approach is to aim to make proposals for constituencies which are each wholly within a single council area. Where that is not practicable, we will aim to propose constituencies which are each wholly within two neighbouring council areas.

3.5.3 Only in exceptional circumstances will we make proposals for a constituency which contains parts of three or more council areas.

### **3.6 Electoral wards**

3.6.1 At previous reviews between 1983 and 2005, we created constituencies by aggregating electoral wards used for election of councillors for local authorities. In 2006, single member wards were replaced by multi-member wards, each returning three or four councillors. These wards contain three or four times larger electorates than their predecessors.

3.6.2 This very substantial increase in ward electorates, together with the requirement that the electorate of each constituency is within 5% of the United Kingdom electoral quota, makes it impracticable in this review to create constituencies by simply aggregating electoral wards.

3.6.3 Although not able to keep every ward in a single constituency, we do take account of ward boundaries when proposing constituencies, as well as, subject to the legislative requirement outlined in paragraph 3.5.1 above, other electoral boundaries, administrative boundaries and natural features. We expect that many of Scotland's 353 electoral wards will each be contained in a single constituency.

3.6.4 In some cases, a desire to fit within council area boundaries and a desire to fit within electoral wards will conflict. For example, it might only be possible to design a constituency made up of whole electoral wards by including wards from more than one council area.

3.6.5 We are aware that the Local Government Boundary Commission for Scotland has completed its Fifth Review of Electoral Arrangements and made recommendations to Scottish Ministers for wards to be used in the 2017 local government elections.

### **3.7 Postcodes**

3.7.1 Unit postcodes are not suitable as building blocks for constituencies. They are designed by Royal Mail for the purpose of delivering mail. As a result, their boundaries often do not follow the type of physical, natural or administrative features which make good constituency boundaries.

3.7.2 However, we make extensive use of unit postcodes during our reviews as a means of counting electors within proposed constituencies, particularly to enable us to split wards where necessary. This is possible because the electoral registers include unit postcodes for electors, and because of the availability of a boundary dataset depicting the extent of each unit postcode.

### **3.8 Naming and designation of constituencies**

3.8.1 As part of a review, we recommend a name for each constituency, and whether it should be designated as a county constituency or a burgh constituency. The designation affects the expenses allowable at elections.

3.8.2 We have developed a set of guidelines when proposing names for constituencies:

- to use an existing constituency name where there is a successor constituency that is recognisably similar;
- to prefer constituency names that are short rather than attempt to describe an area exhaustively;
- to ensure that names of Scottish Parliament constituencies in general differ from those of Westminster constituencies where an appropriate and distinct alternative is available. Relying on word order alone (e.g. 'Glasgow East' and 'East Glasgow') or conjunctions (e.g. 'North and East Fife' and 'North East Fife') is generally not a sufficient difference;
- not to place compass points at the beginning of a name, in order to help make an alphabetically sorted list easier to use. We make an exception if a constituency is named after a council area or town which has a compass point at the start of its name (such as East Lothian or East Kilbride);
- to use 'South West' rather than 'Southwest'; and
- not to use the same name for a constituency and a council area unless the two are coterminous.

3.8.3 We take account of local views when recommending names for constituencies, and find suggestions from local authorities particularly useful.

3.8.4 We are required to designate each constituency as either a burgh or a county constituency, but the legislation does not define these terms. We consider that constituencies comprising predominantly urban areas will normally be designated as burgh constituencies, and constituencies which are predominantly rural will normally be designated as county constituencies.

## **4 Procedures**

### **4.1 Initial Proposals**

4.1.1 We develop our Initial Proposals for all of Scotland before publishing them for public consultation.

4.1.2 We follow the established practice of publishing Initial Proposals for public consultation without prior consultation with councils and other interests.

### **4.2 Public consultation**

4.2.1 We put great importance on making our proposals widely available in order to give as many people and organisations as possible the

opportunity to comment on them. To do so, we publicise our proposals in a number of ways including issuing news releases, publishing material on our website and consultation portal, distributing information to display points in each constituency and writing directly to organisations and elected representatives with an interest in the process. We make use of social media, principally Twitter.

4.2.2 We make extensive use of maps when we publish our proposals since we believe these provide an effective means of explaining our proposals.

4.2.3 We publish our Initial Proposals for a 12-week consultation period.

### **4.3 Public hearings**

4.3.1 We will hold five public hearings around Scotland during the consultation period on our Initial Proposals. Each hearing will last one day. The purpose of these hearings is to explain our proposals and to give an opportunity for others to make representations on those proposals.

4.3.2 We will publicise the dates and locations of these hearings at the same time as we publish our Initial Proposals, or earlier if this is possible.

4.3.3 We will appoint a chair for each hearing. He or she will determine the procedure to be followed at the hearing. At each hearing, he or she will ask us to explain our proposals for the area and how representations can be made concerning them.

4.3.4 The chair will allow representations to be made by any person or organisation that they consider has an interest in our proposals for the area. The chair may set time limits for any individual speaker, to ensure that everyone has the opportunity to make their representation.

4.3.5 If as part of your representation, you have prepared a written submission or map, please provide copies to the chair of the hearing and our staff. You may also want to provide copies to others to give them an opportunity to study and comment on counter-proposals. The chair may adjourn the hearing for a short period in order to allow time for consideration to be given to a complex representation.

4.3.6 After each speaker, and if time permits, the chair may invite questions to be put to that speaker and may ask questions of his or her own.

4.3.7 If you speak at a public hearing, you will be asked to give your name, and identify any group which you may be speaking on behalf of.

4.3.8 We will arrange for a record of the proceedings of the public hearings to be made, and we will publish that record on our website.

### **4.4 Representations**

4.4.1 You can make a representation to us within 12 weeks of publication of our Initial Proposals. Representations can oppose or support our Initial Proposals. In previous reviews, we have found that most representations submitted oppose our proposals, but we are always keen to hear opinions in support of the proposals as well. If representations are

received after the consultation period, we will consider them at our discretion if time allows.

4.4.2 Representations which oppose our proposals are particularly valuable to us if they include an alternative suggestion which takes into account the legislative requirements and our need to make proposals which take a consistent approach throughout Scotland.

4.4.3 We normally only accept representations in writing, including via email, and the submission facility provided on our online consultation portal. The public hearings provide an opportunity to make a representation orally. We will not normally agree to requests by individuals or groups to meet us in order to present their point of view.

#### **4.5 Scrutiny period**

4.5.1 After the 12-week consultation period, we will publish on our website the representations received, and the record of the Public Hearings, and invite written comment on them during a further period of four weeks. This process of scrutiny of representations by others will help us consider those representations.

4.5.2 Before publishing representations on our website, we will remove personal contact information, such as addresses, phone numbers and email addresses, in line with our privacy policy.

#### **4.6 Revised Proposals**

4.6.1 We will consider all representations, the proceedings of the public hearings, any scrutiny comments made concerning representations and any other relevant information. Having done so, we will make any amendments to our Initial Proposals which we judge necessary.

4.6.2 If the material submitted raises particularly complex issues regarding our proposals for an area, we may ask the Secretary of State to appoint an Assistant Commissioner to assist us in our consideration of that material.

4.6.3 If we decide to alter our Initial Proposals, we will publish the resulting Revised Proposals for public consultation, and invite representations about these Revised Proposals.

4.6.4 The consultation period for the Revised Proposals will be eight weeks. There will not be any Public Hearings in connection with our Revised Proposals. We will not normally publish representations received concerning our Revised Proposals for public scrutiny.

#### **4.7 Final recommendations**

4.7.1 We will take into account any representations received regarding our Revised Proposals and decide whether any further modifications are required.

4.7.2 If we decide to modify our Revised Proposals before submitting them to the Secretary of State for Scotland, we are not required to publish them for consultation prior to the submission of the report.

## **5 Final stages**

### **5.1 Report submission**

- 5.1.1 Once we have completed our review, we will submit our recommendations in a report to the Secretary of State for Scotland in September 2018. The Secretary of State is responsible for laying the report before the United Kingdom Parliament.
- 5.1.2 Once each of the four Boundary Commissions has submitted its report for its part of the United Kingdom, Ministers are responsible for submitting a draft Order in Council to the United Kingdom Parliament giving effect to the recommendations of the four reports.
- 5.1.3 The draft Order in Council can modify the recommendations made by a Commission, but only if that Commission specifies the required modifications. We expect that we would only specify a modification as a result of becoming aware of an error of fact in our report.
- 5.1.4 Once the draft Order in Council completes its legislative process, it comes into operation from the next general election to the United Kingdom Parliament.

### **5.2 Future reviews**

- 5.2.1 Subsequent reviews must result in reports being submitted every five years after 1 October 2018. The next review after the 2018 review will report in 2023.

## Appendix A – Parliamentary Constituencies Act 1986

*As amended to 2013*

An Act to consolidate the House of Commons (Redistribution of Seats) Acts 1949 to 1979 and certain related enactments.

### *1 Parliamentary constituencies*

(1) There shall for the purpose of parliamentary elections be the county and borough constituencies (or in Scotland the county and burgh constituencies), each returning a single member, which are described in Orders in Council made under this Act.

(2) In this Act and, except where the context otherwise requires, in any Act passed after the Representation of the People Act 1948, 'constituency' means an area having separate representation in the House of Commons.

### *2 The Boundary Commissions*

(1) For the purpose of the continuous review of the distribution of seats at parliamentary elections, there shall continue to be four permanent Boundary Commissions, namely a Boundary Commission for England, a Boundary Commission for Scotland, a Boundary Commission for Wales and a Boundary Commission for Northern Ireland.

(2) Schedule 1 to this Act shall have effect with respect to the constitution of, and other matters relating to, the Boundary Commissions.

### *3 Reports of the Commissions*

(1) Each Boundary Commission shall keep under review the representation in the House of Commons of the part of the United Kingdom with which they are concerned and shall, in accordance with subsection (2) below, submit to the Secretary of State reports with respect to the whole of that part of the United Kingdom, either -

(a) showing the constituencies into which they recommend that it should be divided in order to give effect to the rules set out in Schedule 2 to this Act, or

(b) stating that, in the opinion of the Commission, no alteration is required to be made in respect of that part of the United Kingdom in order to give effect to the said rules.

(2) A Boundary Commission shall submit reports under subsection (1) above periodically -

(a) before 1st October 2018 but not before 1st September 2018, and

(b) before 1st October of every fifth year after that.

(2A) A failure by a Boundary Commission to submit a report within the time limit which is appropriate to that report shall not be regarded as invalidating the report for the purposes of any enactment.

(2B) In relation to any report which a Boundary Commission are required by subsection (2) above to submit before a particular date but have not yet submitted (a 'pending boundary report'), the Commission shall submit to the Speaker of the House of Commons -

- (a) during the January that begins one year and nine months before that date, and
- (b) during each subsequent January,

a report setting out what progress they have made with the preparation of the pending boundary report, with particular reference to the requirement in subsection (2) above.

(2C) On receiving a report under subsection (2B) above, the Speaker shall lay it before Parliament.

(3) .....

(4) A report of a Boundary Commission under this Act showing the constituencies into which they recommend that any area should be divided shall state, as respects each constituency, the name by which they recommend that it should be known, and whether they recommend that it should be a county constituency or a borough constituency (or in Scotland a county constituency or a burgh constituency).

(5) As soon as may be after the submission of a report under subsection (1) above, the Secretary of State shall lay the report before Parliament.

(5A) As soon as may be after the submission of all four reports under subsection (1) above that are required by subsection (2) above to be submitted before a particular date, the Secretary of State shall lay before Parliament the draft of an Order in Council for giving effect to the recommendations contained in them.

(5B) Where -

- (a) a Boundary Commission have submitted a report under subsection (1) above (but no draft under subsection (5A) above has yet been laid in relation to the report),
- (b) the Commission notify the Secretary of State that the recommendations contained in the report are to have effect with specified modifications, and
- (c) the Commission submit to the Secretary of State a statement of the reasons for those modifications,

the draft under subsection (5A) above shall give effect to the recommendations with those modifications.

(5C) Subsections (5A) to (5B) above do not apply where each of the reports mentioned in subsection (5) above states that no alteration is required to be

made in respect of the part of the United Kingdom with which the Commission in question are concerned.

(6) Schedule 2 to this Act which contains the rules referred to above shall have effect.

#### **4 *Orders in Council***

(1) The draft of any Order in Council laid before Parliament by the Secretary of State under this Act for giving effect, whether with or without modifications, to the recommendations contained in the report of a Boundary Commission may make provision for any matters which appear to him to be incidental to, or consequential on, the recommendations.

(2) Where any such draft gives effect to any such recommendations with modifications, the Secretary of State shall lay before Parliament together with the draft the statement submitted under section 3(5B)(c) above of the reasons for the modifications.

(3) If any such draft is approved by resolution of each House of Parliament, the Secretary of State shall submit it to Her Majesty in Council.

(4) If a motion for the approval of any such draft is rejected by either House of Parliament or withdrawn by leave of the House, the Secretary of State may amend the draft and lay the amended draft before Parliament, and if the draft as so amended is approved by resolution of each House of Parliament, the Secretary of State shall submit it to Her Majesty in Council.

(5) Where the draft of an Order in Council is submitted to Her Majesty in Council under this Act, Her Majesty in Council may make an Order in terms of the draft which (subject to subsection (6) below) shall come into force on such date as may be specified in the Order and shall have effect notwithstanding anything in any enactment.

(6) The coming into force of any such Order shall not affect any parliamentary election or the constitution of the House of Commons until the dissolution of the Parliament then in being.

(7) The validity of any Order in Council purporting to be made under this Act and reciting that a draft of the Order has been approved by resolution of each House of Parliament shall not be called in question in any legal proceedings whatsoever.

#### **5 *Publicity and consultation***

(1) Once a Boundary Commission have decided what constituencies they propose to recommend in a report under section 3(1)(a) above -

(a) the Commission shall take such steps as they think fit to inform people in each of the proposed constituencies -

(i) what the proposals are,



(ii) that a copy of the proposals is open to inspection at a specified place within the proposed constituency, and

(iii) that written representations with respect to the proposals may be made to the Commission during a specified period of 12 weeks ('the initial consultation period');

(b) the Commission shall cause public hearings to be held during the period beginning with the fifth week of the initial consultation period and ending with the tenth week of it.

(2) Subsection (1)(a)(ii) above does not apply to a constituency with respect to which no alteration is proposed.

(3) Schedule 2A to this Act, which makes further provision about public hearings under subsection (1)(b) above, has effect.

(4) After the end of the initial consultation period the Commission -

(a) shall publish, in such manner as they think fit, representations made as mentioned in subsection (1)(a) above and records of public hearings held under subsection (1)(b) above;

(b) shall take such steps as they think fit to inform people in the proposed constituencies that further written representations with respect to the things published under paragraph (a) above may be made to the Commission during a specified period of four weeks ('the secondary consultation period').

(5) If after the end of the secondary consultation period the Commission are minded to revise their original proposals so as to recommend different constituencies, they shall take such steps as they see fit to inform people in each of those revised proposed constituencies -

(a) what the revised proposals are,

(b) that a copy of the revised proposals is open to inspection at a specified place within the revised proposed constituency, and

(c) that written representations with respect to the revised proposals may be made to the Commission during a specified period of eight weeks.

(6) Subsection (5) above does not apply to any proposals to make further revisions.

(7) Steps taken under subsection (4) or (5) above need not be of the same kind as those taken under subsection (1) above.

(8) A Boundary Commission shall take into consideration -

(a) written representations duly made to them as mentioned in subsection (1)(a), (4)(b) or (5)(c) above, and

(b) representations made at public hearings under subsection (1)(b) above.

(9) Except as provided by this section and Schedule 2A to this Act, a Boundary Commission shall not cause any public hearing or inquiry to be held for the purposes of a report under this Act.

(10) Where a Boundary Commission publish -

(a) general information about how they propose to carry out their functions (including, in the case of the Boundary Commission for England, information about the extent (if any) to which they propose to take into account the boundaries mentioned in rule 5(2) of Schedule 2 to this Act), or

(b) anything else to which subsection (1), (4) or (5) above does not apply,

it is for the Commission to determine whether to invite representations and, if they decide to do so, the procedure that is to apply.

6A ...

*6B Functions of the Lord President of the Council*

See the Lord President of the Council Order 2010 by virtue of which functions of the Secretary of State under this Act are exercisable concurrently with the Lord President of the Council.

*7 Consequential amendments*

Schedule 3 to this Act shall have effect.

*8 Repeals and revocation*

(1) The enactments specified in Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) Article 2(7) of the Local Government Reorganisation (Consequential Provisions) (Northern Ireland) Order 1973 is hereby revoked.

*9 Citation, commencement and extent*

(1) This Act may be cited as the Parliamentary Constituencies Act 1986, and shall be included among the Acts which may be cited as the Representation of the People Acts.

(2) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.

(3) This Act extends to Northern Ireland.

SCHEDULES

SCHEDULE 1

THE BOUNDARY COMMISSIONS

*Constitution*

1 The Speaker of the House of Commons shall be the chairman of each of the four Commissions.

2 Each of the four Commissions shall consist of the chairman, a deputy chairman and two other members appointed by the Secretary of State.

3 The deputy chairman -

(a) in the case of the Commission for England shall be a judge of the High Court appointed by the Lord Chancellor,

(b) in the case of the Commission for Scotland shall be a judge of the Court of Session appointed by the Lord President of the Court of Session,

(c) in the case of the Commission for Wales shall be a judge of the High Court appointed by the Lord Chancellor,

(d) in the case of the Commission for Northern Ireland shall be a judge of the High Court in Northern Ireland appointed by the Lord Chief Justice of Northern Ireland.

4 A Member of any Commission (other than the chairman) shall hold his appointment for such term and on such conditions as may be determined before his appointment by the person appointing him.

4A In the case of a member of a Commission other than the chairman or deputy chairman, the conditions referred to in paragraph 4 above may include such provisions with respect to remuneration as the Secretary of State may determine with the approval of the Treasury.

*Officers*

5 The officers of each Commission shall include, as assessors, the following persons -

(a) in the case of the Commission for England, the Statistics Board and the Director General of Ordnance Survey,

(b) in the case of the Commission for Scotland, the Registrar General of Births, Deaths and Marriages for Scotland and the Director General of Ordnance Survey,

(c) in the case of the Commission for Wales, the Statistics Board and the Director General of Ordnance Survey,

(d) in the case of the Commission for Northern Ireland, the Registrar General of Births and Deaths in Northern Ireland, the Commissioner of Valuation for Northern Ireland, the Chief Electoral Officer for Northern Ireland and the Chief Survey Officer of Land and Property Services.

6 (1) The Secretary of State may, at the request of any Commission, appoint one or more assistant Commissioners to assist the Commission in the discharge of their functions.

(2) Any such assistant Commissioner shall be appointed either for a certain term or for the purposes of a particular matter, and on such conditions as to remuneration and otherwise as may be determined before his appointment by the Secretary of State with the approval of the Treasury.

7 The Secretary of State shall appoint a secretary to each of the Commissions, and may appoint such other officers of any Commission as he may determine with the approval of the Treasury, and the term and conditions of any such appointment shall be such as may be so determined.

#### *Expenses*

8 The expenses of each Commission, including the remuneration and travelling and other expenses of the members, assistant Commissioners, secretary and other officers, shall be paid out of money provided by Parliament.

#### *Proceedings and instruments*

9 A Commission shall have power to act notwithstanding a vacancy among their members, and at any meeting of a Commission two, or such greater number as the Commission may determine, shall be the quorum.

10 For the purpose of considering any matter of common concern, the Commissions, or any two or three of them, may hold joint meetings.

11 Subject to the provisions of this Act, each of the Commissions shall have power to regulate their own procedure.

12 Every document purporting to be an instrument made or issued by a Commission and to be signed by the secretary or any person authorised to act in that behalf, shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Commission.

SCHEDULE 2

RULES FOR REDISTRIBUTION OF SEATS

*Number of constituencies*

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

*Electorate per constituency*

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 -

$$U/596$$

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*

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*

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*

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. <sup>1</sup>

(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*

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*

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.

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<sup>1</sup> Rule 5(1)(e) does not apply to a report due to be submitted before 1 October 2013, as specified by section 11(2) of the Parliamentary Voting System and Constituencies Act 2011

(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*

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*

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 Governance (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.



SCHEDULE 2A

PUBLIC HEARINGS ABOUT BOUNDARY COMMISSION PROPOSALS

*Purpose of hearings*

1 The purpose of a public hearing is to enable representations to be made about any of the proposals with which the hearing is concerned.

*Number of hearings*

2 (1) In relation to any particular report under section 3(1)(a) of this Act -

(a) the Boundary Commission for England shall cause at least two and no more than five public hearings to be held in each English region;

(b) the Boundary Commission for Scotland shall cause at least two and no more than five public hearings to be held in Scotland;

(c) the Boundary Commission for Wales shall cause at least two and no more than five public hearings to be held in Wales;

(d) the Boundary Commission for Northern Ireland shall cause at least two and no more than five public hearings to be held in Northern Ireland.

(2) The public hearings in an English region shall be concerned with proposals for that region, and shall between them cover the whole region.

(3) The public hearings in Scotland shall be concerned with proposals for Scotland, and shall between them cover the whole of Scotland.

(4) The public hearings in Wales shall be concerned with proposals for Wales, and shall between them cover the whole of Wales.

(5) The public hearings in Northern Ireland shall be concerned with proposals for Northern Ireland, and shall between them cover the whole of Northern Ireland.

*Chair of hearing*

3 For each public hearing the Boundary Commission concerned shall appoint a person to chair the hearing.

*Length of hearings*

4 A public hearing shall be completed within two days.

*Procedure at hearings*

5 It is for the chair of each public hearing to determine the procedure that is to govern that hearing.

6 The chair shall make arrangements for a public hearing to begin with an explanation of -

- (a) the proposals with which the hearing is concerned;
- (b) how written representations about the proposals may be made (as mentioned in section 5(1)(a), (4)(b) or (5)(c) of this Act).

7 (1) The chair of a public hearing must allow representations to be made -

- (a) by each qualifying party;
- (b) by any other persons (whether individuals or organisations) considered by the chair to have an interest in any of the proposals with which the hearing is concerned.

Paragraph (b) above has effect subject to sub-paragraph (3)(b) below.

(2) The chair may restrict the amount of time allowed for representations -

- (a) by qualifying parties, and
- (b) by other persons,

and need not allow the same amount to each.

(3) The chair may determine -

- (a) the order in which representations are made, and
- (b) if necessary because of shortage of time, which of those wishing to make representations are not allowed to do so,

in whatever way the chair decides.

8 (1) The chair may put questions, or allow questions to be put, to a person present at the hearing.

(2) If questions are allowed to be put, the chair may regulate the manner of questioning or restrict the number of questions a person may ask.

#### *Interpretation*

9 In this Schedule -

‘the chair’ means the person appointed under paragraph 3 above;

‘English region’ means an electoral region 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 day referred to in rule 5(2) of Schedule 2 to this Act;

'public hearing' means a hearing under section 5(1)(b) of this Act;

'qualifying party' means a party that is registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 and either -

(a) has at least one Member of the House of Commons representing a constituency in the region, or (as the case may be) the part of the United Kingdom, in which the hearing is held, or

(b) received at least 10% of the votes cast in that region or part in the most recent parliamentary general election.

SCHEDULE 3  
CONSEQUENTIAL AMENDMENTS

*Not reproduced here*

SCHEDULE 4  
REPEALS

*Not reproduced here*

