



Parliamentary Constituencies Act 1986

1986 CHAPTER 56

4 Orders in Council.

- [^{F1}(1) After all four reports under section 3(1) which are required by section 3(2) to be submitted before a particular date have been laid before Parliament under section 3(2ZB), the Secretary of State ^{F2}... must submit to Her Majesty in Council a draft of an Order in Council for giving effect to the recommendations in those of the four reports (if any) which are reports under section 3(1)(a) (report with recommendations).
- (2) The draft of an Order in Council must be submitted under subsection (1)—
- (a) as soon as reasonably practicable after all four reports have been laid before Parliament as mentioned in that subsection, and
 - (b) in any case, no later than the end of the four month period unless there are exceptional circumstances.
- (3) “The four month period” means the period of four months beginning with the first date on which all four reports have been laid before Parliament as mentioned in subsection (1).
- (4) If the draft of an Order in Council is not submitted under subsection (1) before the end of the four month period, the Secretary of State ^{F3}... must lay one or more statements before Parliament in accordance with subsection (4A) specifying the exceptional circumstances.
- (4A) A statement must be laid—
- (a) before the end of the period of 10 sitting days beginning with the first sitting day after the end of the four month period, and
 - (b) before the end of each subsequent period of 20 sitting days beginning with the first sitting day after the previous statement was so laid, until the draft of an Order in Council is submitted under subsection (1).
- (4B) A draft of an Order in Council submitted under subsection (1)—
- (a) may give effect to recommendations in the reports with modifications only if that is required under section 4A, and

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- (b) may make provision for any matters which appear to the Secretary of State^{F4} ... to be incidental to, or consequential on—
- (i) the recommendations in the reports, or
 - (ii) those recommendations together with the modifications that the draft is required to give effect to under section 4A.]
- (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 [^{F5}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^{F6} ... shall not be called in question in any legal proceedings whatsoever.
- [^{F7}(7A) In this section, “sitting day” means a day on which both Houses of Parliament sit; and for that purpose a day is only a day on which a House sits if the House begins to sit on that day.]

^{F8}(8)

Textual Amendments

- F1** S. 4(1)-(4B) substituted for s. 4(1)-(4) (14.12.2020) by Parliamentary Constituencies Act 2020 (c. 25), ss. 2(2), 14(2) (with s. 13(2))
- F2** Words in s. 4(1) omitted (8.12.2021) by virtue of The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), Sch. 2 para. 5(3)(a) (with art. 12)
- F3** Words in s. 4(4) omitted (8.12.2021) by virtue of The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), Sch. 2 para. 5(3)(a) (with art. 12)
- F4** Words in s. 4(4B) omitted (8.12.2021) by virtue of The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), Sch. 2 para. 5(3)(b) (with art. 12)
- F5** Word in s. 4(6) substituted (15.9.2011) by Fixed-term Parliaments Act 2011 (c. 14), s. 7(2), Sch. para. 17 (with s. 6)
- F6** Words in s. 4(7) omitted (14.12.2020) by virtue of Parliamentary Constituencies Act 2020 (c. 25), ss. 2(3), 14(2) (with s. 13(2))
- F7** S. 4(7A) inserted (14.12.2020) by Parliamentary Constituencies Act 2020 (c. 25), ss. 2(4), 14(2) (with s. 13(2))
- F8** S. 4(8) omitted (25.7.2018) by virtue of The Transfer of Functions (Parliamentary Constituencies Act 1986) Order 2018 (S.I. 2018/780), arts. 1(2), 6(3)(b)

Modifications etc. (not altering text)

- C1** S. 4 modified (19.11.1998) by 1998 c. 46, s. 1, Sch. 1 para. 4 (with s. 126(3)-(11))
- C2** Ss. 3, 4 functions transferred (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), arts. 1(2), 5 (with arts. 6, 12)
- C3** S. 4 concurrent functions transferred (25.7.2018) by The Transfer of Functions (Parliamentary Constituencies Act 1986) Order 2018 (S.I. 2018/780), arts. 1(2), 3 (with arts. 4, 5)

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Constituencies Act 1986, Section 4. (See end of Document for details)

C4 S. 4 functions cease to be exercisable concurrently (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), arts. 1(2), 9, **Sch. 1(c)** (with arts. 11, 12)

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