

SCHEDULES

SCHEDULE 3

TRANSFER OF FUNCTIONS OF BOUNDARY COMMISSIONS

PART I

AMENDMENTS OF PARLIAMENTARY CONSTITUENCIES ACT 1986

Preliminary

1 The Parliamentary Constituencies Act 1986 shall be amended as follows.

Duty to keep under review, and report on, parliamentary representation

2 (1) Section 3 (reports of the Commissions) shall be amended as follows.

(2) In subsection (1), for the words from “Each Boundary Commission” to “the whole of that part” there shall be substituted “The Electoral Commission shall keep under review the representation in the House of Commons of each of England, Scotland, Wales and Northern Ireland and shall, in accordance with subsection (2) below, submit to the Secretary of State separate reports with respect to the whole of each of those parts”.

(3) For subsection (2) there shall be substituted—

“(2) Reports under subsection (1) with respect to a particular part of the United Kingdom shall be submitted by the Electoral Commission not less than eight nor more than twelve years from the date of the last report under that subsection with respect to that part of the United Kingdom.”

(4) In subsection (2A), for “a Boundary Commission” there shall be substituted “the Electoral Commission”.

(5) In subsection (3)—

(a) for “Any Boundary Commission” there shall be substituted “The Electoral Commission”; and

(b) for “the part of the United Kingdom with which they are concerned” there shall be substituted “any part of the United Kingdom”.

(6) In subsection (4), for “a Boundary Commission” there shall be substituted “the Electoral Commission”.

(7) For subsection (5) there shall be substituted—

“(5) As soon as practicable after the Electoral Commission have submitted a report to the Secretary of State under this Act, he shall lay before Parliament—

Status: This is the original version (as it was originally enacted).

- (a) the report; and
 - (b) (except where the report states that no alteration is required to be made in respect of the part of the United Kingdom to which it relates) the draft of an Order in Council for giving effect to the recommendations contained in the report.”
- (8) In subsection (7)—
- (a) for “a Boundary Commission under subsection (1) above” there shall be substituted “the Electoral Commission under subsection (1) above with respect to a particular part of the United Kingdom”;
 - (b) for “of the Commission under subsection (1) above” there shall be substituted “under subsection (1) above with respect to that part of the United Kingdom”; and
 - (c) for “a Boundary Commission publishing” there shall be substituted “a Boundary Committee publishing under section 5 below”.
- (9) For the sidenote for section 3 there shall be substituted “Reports of the Electoral Commission.”
- (10) In section 3(2) and (7), as amended by this paragraph, any reference to a previous report under section 3(1) with respect to a particular part of the United Kingdom includes a reference to such a report which, at any time before the coming into force of this paragraph in relation to that part, was made with respect to that part by one of the Boundary Commissions constituted under the Act.

Functions of Boundary Committees

3 After section 3 there shall be inserted—

“3A Reviews and proposed recommendations by Boundary Committees

- (1) Where the Electoral Commission intend to consider making a report under this Act (“the section 3 report”) with respect to—
 - (a) a particular part of the United Kingdom, or
 - (b) any area comprised in a particular part of the United Kingdom,
 the Boundary Committee for that part of the United Kingdom shall (subject to subsection (4) below) carry out a review in accordance with this Act for the purpose of enabling them to submit to the Electoral Commission proposals as to the recommendations to be included in the section 3 report.
- (2) Once the Boundary Committee have carried out a review under subsection (1) above, they shall accordingly submit to the Electoral Commission a report containing the recommendations which the Committee propose should be included in the section 3 report in the light of the review.
- (3) Where the Electoral Commission have received a report of a Boundary Committee under subsection (2) above, the Commission may—
 - (a) accept in full the proposed recommendations contained in that report and include them in the section 3 report;
 - (b) accept those proposed recommendations subject to modifications agreed with the Committee and include them, as so modified, in the section 3 report;
 - (c) reject those proposed recommendations and either—

Status: This is the original version (as it was originally enacted).

- (i) require the Committee to reconsider their proposed recommendations with a view to deciding whether to submit a further report under subsection (2) above containing different proposed recommendations,
 - (ii) require the Committee to carry out a fresh review under subsection (1) above with respect to the whole, or any specified part, of the area which was the subject of the original review, or
 - (iii) (in the case only of a review carried out for the purposes of a report under section 3(3) above) take no further action.
- (4) A Boundary Committee shall, in or in connection with the exercise or performance of their powers or duties under this Act, comply with any directions given to them by the Commission (so far as consistent with the rules set out in paragraphs 1 to 6 of Schedule 2 to this Act (read with paragraph 7)).
- (5) In this Act—
- (a) “Boundary Committee” means a Boundary Committee established by the Electoral Commission under section 14 of the Political Parties, Elections and Referendums Act 2000; and
 - (b) “recommendations” includes (unless the context otherwise requires) a recommendation that no alteration is required.”

Implementation of Commission’s reports

- 4 (1) Section 4 (Orders in Council) shall be amended as follows.
- (2) In subsection (1), for the words from “, whether with or without modifications,” to “Boundary Commission” there shall be substituted “to the recommendations contained in a report of the Electoral Commission under this Act”.
- (3) Subsection (2) (draft Order implementing recommendations with modifications) shall be omitted.

Notices relating to proposed reports or recommendations

- 5 For section 5 there shall be substituted—

“5 Notices relating to proposed reports or recommendations

- (1) Where the Electoral Commission intend to consider making a report under this Act, they shall inform the Secretary of State accordingly by notice in writing; and a copy of the notice shall be published—
- (a) in the London Gazette, if the report would be with respect to England or Wales (or an area comprised therein);
 - (b) in the Edinburgh Gazette, if the report would be with respect to Scotland (or an area comprised therein); and
 - (c) in the Belfast Gazette, if the report would be with respect to Northern Ireland (or an area comprised therein).
- (2) Where a Boundary Committee have provisionally determined proposed recommendations affecting any constituency which they are minded to

Status: This is the original version (as it was originally enacted).

include in a report under section 3A(2) above, they shall publish in at least one newspaper circulating in the constituency a notice stating—

- (a) the effect of the proposed recommendations and (except where their effect is that no alteration should be made in respect of the constituency) that a copy of the recommendations is open to inspection at a specified place in the constituency; and
- (b) that representations with respect to the proposed recommendations may be made to the Boundary Committee within one month after publication of the notice;

and the Boundary Committee shall take into consideration any representations duly made in accordance with any such notice.

- (3) Where a Boundary Committee revise any proposed recommendations after publishing a notice of them under subsection (2) above, the Committee shall comply again with that subsection in relation to the revised recommendations, as if no earlier notice had been published.
- (4) Where the Electoral Commission are minded to exercise in relation to a Boundary Committee's proposed recommendations any of the powers conferred by section 3A(3)(b) or (c) above, they shall have regard to—
 - (a) any representations duly made with respect to the recommendations in accordance with a notice published under subsection (2) above; or
 - (b) (where they are minded to exercise any of those powers in relation to part only of the area subject to the Committee's review) any representations so made with respect to the recommendations so far as relating to that part of that area.
- (5) Where a Boundary Committee's proposed recommendations affecting any constituency have been modified by the Electoral Commission under section 3A(3)(b) above, the Boundary Committee shall publish in at least one newspaper circulating in the constituency a notice stating the effect of those recommendations as so modified."

Local inquiries

- 6 (1) Section 6 (local inquiries) shall be amended as follows.
- (2) In subsection (1), for "A Boundary Commission" there shall be substituted "In connection with carrying out any review under section 3A(1) above a Boundary Committee".
- (3) In subsection (2)—
 - (a) for "recommendation of a Boundary Commission" there shall be substituted "proposed recommendation of a Boundary Committee";
 - (b) for "the Commission", in both places, there shall be substituted "the Committee"; and
 - (c) for "make the recommendation" there shall be substituted "proceed with the proposed recommendation".
- (4) In subsection (3), for "Commission" there shall be substituted "Committee".
- (5) After subsection (4) there shall be inserted—

Status: This is the original version (as it was originally enacted).

“(4A) Where a Boundary Committee have caused a local inquiry to be held in pursuance of this Act, the Committee shall take into consideration the findings of the inquiry.

(4B) Where a Boundary Committee have caused a local inquiry to be held in pursuance of this Act and the Electoral Commission are minded to exercise in relation to the Committee’s proposed recommendations any of the powers conferred by section 3A(3)(b) or (c) above, the Electoral Commission shall have regard to—

- (a) the findings of the inquiry; or
- (b) (where they are minded to exercise any of those powers in relation to part only of the area which was the subject of the Committee’s review) the findings of the inquiry so far as relating to that part of that area.”

(6) In subsections (5) to (7), for “Commission”, wherever occurring, there shall be substituted “Committee”.

Rules for redistribution of seats

- 7 (1) Schedule 2 (rules for redistribution of seats) shall be amended as follows.
- (2) In paragraph 1(4), for “the Boundary Commission” there shall be substituted “the Electoral Commission or (as the case may be) the Boundary Committee”.
 - (3) In paragraph 5, for “a Boundary Commission” there shall be substituted “the Electoral Commission or (as the case may be) a Boundary Committee”.
 - (4) In paragraph 6, for “A Boundary Commission” there shall be substituted “The Electoral Commission or (as the case may be) a Boundary Committee”.
 - (5) In paragraph 7, for “a Boundary Commission” there shall be substituted “the Electoral Commission or (as the case may be) a Boundary Committee”.
 - (6) In paragraph 8—
 - (a) the words “for which there is a Boundary Commission” shall be omitted; and
 - (b) for “report of a Boundary Commission” there shall be substituted “report of the Electoral Commission (or one made by a Boundary Committee for the purposes of it)”.