



# Parliamentary Voting System and Constituencies Act 2011

## 2011 CHAPTER 1

### PART 2

#### PARLIAMENTARY CONSTITUENCIES

#### 10 **Boundary Commissions: reports etc**

- (1) In the Parliamentary Constituencies Act 1986 (“the 1986 Act”) section 3 (reports of the Boundary Commissions) is amended as set out in subsections (2) to (7).
- (2) In subsection (1)—
  - (a) in paragraph (a), for “paragraphs 1 to 6 of Schedule 2 to this Act (read with paragraph 7 of that Schedule)” there is substituted “ Schedule 2 to this Act ”;
  - (b) in paragraph (b), the words “(read with paragraph 7)” are repealed.
- (3) For subsection (2) there is substituted—

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

  - (a) before 1st October 2013, and
  - (b) before 1st October of every fifth year after that.”
- (4) After subsection (2A) there is inserted—

“(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,

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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.”

(5) Subsection (3) is repealed.

(6) For subsection (5) there is substituted—

“(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) and (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.”

(7) Subsections (7) and (8) are repealed.

(8) In section 4(2) of the 1986 Act (Orders in Council), for “a statement” there is substituted “ the statement submitted under section 3(5B)(c) above ”.

(9) In Schedule 1 to the 1986 Act (the Boundary Commissions), in paragraph 5(d) (assessor officers of the Boundary Commission for Northern Ireland)—

- (a) for “and the” there is substituted “ , the ”;
- (b) at the end there is inserted “ and the Chief Survey Officer of Land and Property Services ”.

(10) In paragraph 6 of that Schedule (assistant Commissioners)—

- (a) in sub-paragraph (1), for the words after “assistant Commissioners” there is substituted “ to assist the Commission in the discharge of their functions. ”;
- (b) in sub-paragraph (2), for “inquiry” there is substituted “ matter ”.

(11) In Article 3 of the Lord President of the Council Order 2010 (S.I. 2010/1837) (which makes certain functions of the Secretary of State exercisable concurrently with the

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Lord President) the reference in paragraph (1) to the Parliamentary Constituencies Act 1986 is to be read as a reference to that Act as amended by this section.

## 11 Number and distribution of seats

(1) For Schedule 2 to the 1986 Act there is substituted—

### “SCHEDULE 2

Section 3

#### RULES FOR DISTRIBUTION 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—

$$\frac{U}{596}$$

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—

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- (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.
- (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.
- (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—

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$$N + A$$

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.

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- (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 Government (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.”
- (2) In the Schedule substituted by subsection (1), rule 5(1)(e) does not apply in relation to a report under section 3(1) of the 1986 Act that a Boundary Commission is required, by subsection (2) of section 3 of that Act as substituted by section 10(3) above, to submit before 1 October 2013.
- (3) In Part 4 of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for particular constituencies)—
- (a) in the entry for Member of Her Majesty's Commission of Lieutenancy for the City of London, for “The constituency comprising the whole of” there is substituted “ Any constituency comprising the whole or part of ”;
  - (b) in the entry for Governor of the Isle of Wight, for “The Isle of Wight” there is substituted “ Any constituency comprising any part of the Isle of Wight ”.
- (4) In section 8 of the Representation of the People Act 1983 (registration officers), for paragraph (b) of subsection (2) there is substituted—
- “(b) in relation to any constituency part of which consists of some or all of the area of the City and the Inner and Middle Temples, the Common Council shall appoint an officer to be registration officer for that part of the constituency.”

## 12 Boundary Commission proposals: publicity and consultation

- (1) For section 5 of the 1986 Act (notices) there is substituted—

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## **“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

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- (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.”
- (2) After Schedule 2 to the 1986 Act there is inserted the Schedule set out in Schedule 11 to this Act.
- (3) Section 6 of the 1986 Act (local inquiries) is repealed.

### **13 National Assembly for Wales**

- (1) In section 2 of the Government of Wales Act 2006 (Assembly constituencies and electoral regions), for subsection (1) there is substituted—
  - “(1) The Assembly constituencies are the constituencies specified in the Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006 (S.I. 2006/1041) as amended by—
    - (a) the Parliamentary Constituencies and Assembly Electoral Regions (Wales) (Amendment) Order 2008 (S.I. 2008/1791), and
    - (b) any Order in Council under the Parliamentary Constituencies Act 1986 giving effect (with or without modifications) to a report falling within section 13(3) or (4) of the Parliamentary Voting System and Constituencies Act 2011.”
- (2) The following provisions of the Government of Wales Act 2006 are repealed—
  - (a) section 2(5) and (6);
  - (b) Schedule 1;
  - (c) paragraph 1 of Schedule 11.
- (3) Subsection (5) applies where—
  - (a) the Boundary Commission for Wales have informed the Minister in accordance with section 5(1) of the 1986 Act of their intention to consider making a report under section 3(3) of that Act,
  - (b) at the time when Part 2 of this Act comes into force the report has not been delivered to the Minister, and
  - (c) the Commission give notice in writing to the Minister that they intend to proceed with the report.
- (4) Subsection (5) also applies where, at the time when Part 2 of this Act comes into force—



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- (a) a report by the Boundary Commission for Wales under section 3(3) of the 1986 Act has been submitted to the Minister, but
  - (b) no Order in Council under that Act has yet been made for giving effect to it.
- (5) In relation to the report mentioned in subsection (3) or (4)—
- (a) for the purposes of Part 1 of the Government of Wales Act 2006 (National Assembly for Wales), the 1986 Act has effect without the amendments made by this Act;
  - (b) that Part has effect without the amendments made by subsection (2).
- (6) The 1986 Act, as it applies in accordance with subsection (5)(a) above, has effect as if—
- (a) subsections (1) to (2A) of section 3 were omitted, and
  - (b) the following subsection were substituted for subsection (6) of section 4—
    - “(6) The coming into force of any such Order shall not affect the operation of section 10 or 11 of the Government of Wales Act 2006, or the constitution of the National Assembly for Wales, at any time before the next general election to the Assembly.”
- (7) Schedule 1 to the Government of Wales Act 2006, as it applies in accordance with subsection (5)(b) above, has effect as if—
- (a) the word “parliamentary” were omitted from paragraph 2(1), and
  - (b) paragraph 10 were omitted.
- (8) In this section “the Minister” means the Lord President of the Council or the Secretary of State.

## **14 Review of reduction in number of constituencies**

- (1) The Minister must make arrangements—
- (a) for a committee to carry out a review of the effects of the reduction in the number of constituencies brought about by section 11;
  - (b) for the findings of the review to be published.
- (2) A majority of the members of the committee are to be Members of the House of Commons.
- (3) Arrangements under subsection (1)(a) are to be made no earlier than 1 June 2015 and no later than 30 November 2015.
- (4) In this section “the Minister” means the Lord President of the Council or the Secretary of State.

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