

EXPLANATORY MEMORANDUM TO
THE PARLIAMENTARY CONSTITUENCIES AND ASSEMBLY
ELECTORAL REGIONS (WALES) ORDER 2006

2006 No. 1041

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 The Order gives effect, without modifications, to the recommendations contained in the Boundary Commission for Wales's Fifth Periodical Report on Parliamentary Constituencies and First Report on National Assembly for Wales Electoral Regions (HC743).

2.2 Implementing the Boundary Commission's recommendations will mean that the number of Welsh parliamentary constituencies and Assembly constituencies will remain at 40. The number of seats for Assembly electoral regions will remain at 20.

3. Matters of special interest to the Joint Committee on Statutory Instruments

This is the first time that an Order has been made under section 4 of the Parliamentary Constituencies Act 1986 as extended by Schedule 1 to the Government of Wales Act 1998.

4. Legislative Background

4.1 Section 2 of the Parliamentary Constituencies Act 1986 ("the 1986 Act") provides for the continuation of the four Boundary Commissions for the constitutive parts of the United Kingdom. Among these is the Boundary Commission for Wales. Section 3(1) of that Act imposes a duty on the Boundary Commissions to keep under review the representation in the House of Commons of the part of the United Kingdom with which they are concerned. In accordance with that provision and section 3(2), the Boundary Commissions are required:

- (a) To submit to the Secretary of State at intervals of between 8 to 12 years a report showing the constituencies into which they recommend that the part should be divided to give effect to the rules set out in paragraphs 1 to 6 of Schedule 2 to the 1986 Act; or

(b) to state that in their opinion no alteration is required to be made in respect of that part.

4.2 Amendments, which are not yet in force, are made to the 1986 Act by the Political Parties, Elections and Referendums Act 2000 (c. 56).

4.3 Section 1 of the Government of Wales Act 1998 (“the 1998 Act”) establishes the National Assembly for Wales (“the Assembly”). The Assembly consists of members for Assembly constituencies and members for Assembly electoral regions. Assembly constituencies are at present the same as the parliamentary constituencies in Wales and members are elected under the simple majority system. Assembly electoral regions are currently the five European Parliamentary constituencies in Wales and members for these regions are elected under a proportional representation system (sections 2, 4 and 5 of the 1998 Act and paragraphs 1 and 2 of Schedule 1 to that Act).

4.4 Schedule 1 to the 1998 Act extends the effect of the 1986 Act. It requires that the Boundary Commission for Wales show in their report under the 1986 Act any alteration in Assembly electoral regions or in the allocation of seats to the Assembly electoral regions which they recommend to give effect to the rules set out in paragraph 8 of Schedule 1.

4.5 On 31st January 2005, the Boundary Commission for Wales submitted a report under section 3(1) of the 1986 Act, as extended by Schedule 1 to the 1998 Act. The Secretary of State is required, under section 3(5) of the 1986 Act, as soon as may be after he has received the Boundary Commission’s report, to lay it before Parliament together with a draft of an Order in Council for giving effect, with or without modifications, to the report’s recommendations.

4.6 The Order will come into force fourteen days after the day on which it is made. However, by virtue of section 4(6) (Orders in Council) of the Parliamentary Constituencies Act 1986 (c. 56), the coming into force of the Order will not affect any parliamentary election until a proclamation is issued by Her Majesty summoning a new Parliament or affect the constitution of the House of Commons until the dissolution of the Parliament then in being.

4.7 In addition, by virtue of paragraph 9(2) of Schedule 1 to the Government of Wales Act 1998 (c.38), the coming into force of the Order will not affect the operation of section 8 (constituency seats) or 9 (electoral region seats) of that Act, or the constitution of the Assembly, at any time before the next ordinary election to the Assembly. Section 8 sets out the procedure for the filling of vacant Assembly constituency seats, whilst section 9 is concerned with the procedure for the filling of vacant electoral region seats. An ordinary election is one, which involves the holding of elections for the return of the entire Assembly.

5. Extent

This instrument applies to Wales.

6. European Convention on Human Rights

In the view of the Rt. Hon Minister of State for Constitutional Affairs, Harriet Harman, the provisions of this Order are compatible with the Convention rights.

7. Policy background

7.1 The report was submitted to the Rt. Hon First Secretary of State, John Prescott, in January 2005. The ODPM were preparing the Report and associated Order when the General Election was called. Following changes in the machinery of Government matters pertaining to the implementation of the Boundary Commission for Wales' recommendations were transferred to the Department for Constitutional Affairs.

7.2 The Boundary Commission for Wales is a non-political and independent body. The recommendations were made following extensive research and consultation with interested stakeholders.

7.3 In compiling the draft Order the Department has consulted with the Welsh Assembly Government, Wales Office and Office of the Deputy Prime Minister.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

8.2 The impact on the public sector is minimal.

9. Contact

Victor Rushton at the Department for Constitutional Affairs Tel: 020 7210 8226 or e-mail: Victor.Rushton@dca.gsi.gov.uk can answer any queries regarding the instrument.

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