

## SCHEDULES

### SCHEDULE 3

#### CONSEQUENTIAL AMENDMENTS

##### *The European Assembly Elections Act 1978*

- 5 (1) Schedule 2 to the European Assembly Elections Act 1978 shall be amended as follows.
- (2) In paragraph 1—
- (a) for the words " section 3 of the 1949 Act" there shall be substituted the words " the 1986 Act " , and
  - (b) for the words " section 2(1)", in both places where they occur, there shall be substituted the words " section 3(1) " .
- (3) In paragraph 3—
- (a) for the words " section 3 of the 1949 Act" there shall be substituted the words " the 1986 Act " , and
  - (b) for the words "section 2(3)" there shall be substituted the words " section 3(3) " .
- (4) For paragraph 4 there shall be substituted—
- “4 A supplementary report of a Boundary Commission under this Schedule showing the Assembly constituencies into which they recommend that any area should be divided shall state, as respects each Assembly constituency, the name by which they recommend that it should be known.
- 4A (1) Where the Boundary Commission for any part of Great Britain intend to consider making a supplementary report under this Schedule, they shall, by notice in writing, inform the Secretary of State accordingly, and a copy of the notice shall be published—
- (a) in a case where it was given by the Boundary Commission for England or the Boundary Commission for Wales, in the London Gazette, and
  - (b) in a case where it was given by the Boundary Commission for Scotland, in the Edinburgh Gazette.
- (2) As soon as may be after a Boundary Commission have submitted a supplementary report to the Secretary of State under this Schedule, he shall lay the report before Parliament together, except in a case where the report states that no alteration is required to be made in respect of the part of Great Britain with which the Commission are concerned, with the draft of an Order in Council for giving effect, whether with or without modifications, to the recommendations contained in the report.

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- 4B (1) The draft of any Order in Council laid before Parliament by the Secretary of State under this Schedule for giving effect, whether with or without modifications, to the recommendations contained in a supplementary 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 a statement 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 Schedule, Her Majesty in Council may make an Order in terms of the draft which (subject to paragraph 8 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 validity of any Order in Council purporting to be made under this Schedule 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) After sub-paragraph (2) of paragraph 5 there shall be inserted—
- “ (3) Where a Boundary Commission revise any proposed recommendations after publishing a notice of them under this paragraph the Commission shall publish a further notice under this paragraph in relation to the revised recommendations, as if no earlier notice had been published.”
- (6) After paragraph 5 there shall be inserted—
- “5A (1) A Boundary Commission may, if they think fit, cause a local inquiry to be held in respect of any Assembly constituency or constituencies.
- (2) Where, on the publication of the notice under paragraph 5 above of a recommendation of a Boundary Commission for the alteration of any Assembly constituencies, the Commission receive any representation objecting to the proposed recommendation from an interested authority or from a body of electors numbering five hundred or more, the Commission shall not make the recommendation unless, since the publication of the notice, a local inquiry has been held in respect of the Assembly constituencies.
- (3) Where a local inquiry was held in respect of the Assembly constituencies before the publication of the notice mentioned in sub-paragraph (2) above, that subparagraph shall not apply if the Commission, after

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considering the matters discussed at the local inquiry, the nature of the representations received on the publication of the notice and any other relevant circumstances, are of opinion that a further local inquiry would not be justified.

- (4) In sub-paragraph (2) above, "interested authority" and "elector" respectively means, in relation to any recommendation, a local authority whose area is wholly or partly comprised in the Assembly constituencies affected by the recommendation, and an elector for any of those Assembly constituencies; and for this purpose "local authority" means—
- (a) in England and Wales, the council of a county, London borough or district, and
  - (b) in Scotland, the council of a region, islands area or district."
- (7) In paragraph 6 for the words "paragraph 4" there shall be substituted the words "paragraph 5A".
- (8) In paragraph 7 for the words "paragraph 4" there shall be substituted the words "paragraphs 4A and 4B".
- (9) In paragraph 8 for the words "the provisions applied by paragraph 4 above", in both places where they occur, there shall be substituted the words "this Schedule".
- (10) In paragraph 11—
- (a) for the words from "the 1949 Act", in the first place where they occur, to "Act 1958" there shall be substituted the words—  
"the 1986 Act" means the Parliamentary Constituencies Act 1986",  
and
  - (b) for the words "established by the 1949 Act" there shall be substituted the words "provided for by the 1986 Act".
- (11) In paragraph 12 for the words "section 2(4) of the 1949 Act" there shall be substituted the words "paragraph 4A above".