

Drawing a New Constituency Map for the United Kingdom

THE PARLIAMENTARY VOTING SYSTEM
AND CONSTITUENCIES BILL 2010



by Michel Balinski, Ron Johnston, Iain McLean
and Peyton Young with research assistance from
Angela Cummine



POLICY
CENTRE

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**A REPORT PREPARED FOR
THE BRITISH ACADEMY**

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Angela Cummine



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PREFACE

Within a democracy, no principle seems more obvious than that of ‘one person, one vote’, with each person’s vote counting equally. If citizens vote for constituency MPs, then the principle of ‘one person, one vote’ suggests constituencies of equal size. If this were the only criterion for determining constituency boundaries, then all Parliamentary constituencies should have an equal number of voters: the Parliamentary Voting System and Constituencies Bill seeks to achieve just that, with a narrow tolerance limit.

In practice it turns out to be a complicated task to secure constituencies of equal size whilst also respecting other important considerations. Some parts of the country are sparsely populated. The boundaries of those territories making up the UK need to be respected. Populations change over time, so that equally sized constituencies at one point will quickly turn into unequally sized constituencies. Local authority attachments are felt by many to be important. The scale at which data are held needs to be taken into account.

The merit of the present policy overview report is that it works through these problems in great detail, and in a practical way aimed at helping parliamentarians and others with an interest understand and resolve the complexities at issue. Like other policy reviews published by the British Academy, the purpose of this publication is to shed light on matters of public policy drawing upon the best available research. This particular review has been undertaken at great speed in order to provide an analysis for parliamentarians who will start debating the bill in September. Professors Johnston and McLean (together with Professor Hix and the energetic assistance of Angela Cummine) were the authors of a previous review on alternative electoral systems. On this occasion they have been joined by Professors Balinski and Young to produce

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a work that is detailed and clear-headed. It is with considerable gratitude to all their efforts that we are able to present this report to the wide audience interested by the issues that the Bill raises.

Professor Albert Weale
Vice-President Public Policy

EXECUTIVE SUMMARY

1. The *Parliamentary Voting System and Constituencies Bill*, introduced to the House of Commons on 22 July 2010 and to begin its second reading debate there on 6 September 2010, proposes major changes to the rules for defining constituencies to be used for future elections to the House of Commons:
 - A fixed number of MPs (600);
 - A UK-wide electoral quota, that will remove the current under-representation of England relative to Scotland, Northern Ireland and, especially, Wales, using the fairest-available formula for allocating constituencies across the four territories;
 - A requirement that all constituencies (with two defined exceptions and possibly a very few others) must have electorates within 95 and 105 per cent of the electoral quota, thus eliminating the considerable variation that currently results from every redistribution;
 - A greater frequency of redistributions – every five years; and
 - An altered method of public consultation by the Boundary Commissions, which eliminates the holding of Public Inquiries.

2. This new set of rules that the Boundary Commissions must apply is clear and consistent, and will ensure that equality of electorates predominates in defining Parliamentary constituencies while the frequency of redistributions will ensure that general elections are not held in constituencies defined on electoral data as much as 18 years old. However, several small amendments to the Bill should clarify some aspects of those rules (as fully detailed in the next section of this document):

- Rule 9(3)(a) might be reworded to ensure that the Boundary Commission for England has regard to the boundaries of all principal local authorities when defining constituencies, within the limits set by the equality requirement;
 - Rule 9(3)(d) might be reworded to ensure that, wherever practicable, wards, electoral areas and electoral divisions are used as the building blocks for defining constituencies;
 - The wording of rules (2) and (7) might be reconsidered to make it more practicable for the Boundary Commissions to create constituencies that are within the equality constraint, especially in Northern Ireland and Wales;
 - With the abolition of Public Inquiries, it might be considered desirable for the Boundary Commissions to publish all of the representations received regarding its proposed constituencies for an area and then allow a further short period for comments on those representations;
 - The Boundary Commissions should consider appointing Assistant Commissioners to consider all of the representations received for an area, and to draw up a report on them, with recommendations, which should be published at the time of its delivery; and
 - The timetable for periodic reviews of all constituencies in the UK is linked to that for general elections as specified by the *Fixed-term Parliaments Bill* currently being considered. Parliament might wish to debate the consequence for that link if Parliament is dissolved before its full-term, and whether the Bill being discussed here should be amended accordingly.
3. Compared to the present system for defining constituencies, there will be much more crossing of local authority boundaries than previously.

4. In some parts of the UK – mainly but not necessarily the larger urban areas – it may not be possible to define constituencies within the equality constraint using local government wards (or their equivalents in the different territories). Where such splitting of wards is necessary, polling districts provide the only viable alternative at the current time, though their use could introduce data and mapping difficulties not only for the Commissions but also for those wishing to propose alternative constituency configurations in an area.

RECOMMENDATIONS

Although the rules set out in the Bill are a very substantial improvement on those currently implemented by the Boundary Commissions (they have a clear hierarchy and are not contradictory) in a small number of cases our review has suggested that slight improvements through rewording are desirable. These are entirely ‘technical’ in nature, clarifying the rules and likely to lead to improvements in their implementation. Elsewhere, we have identified issues that might be reconsidered as part of debates on the Bill.

REWORDING OF THE PROPOSED RULES

1. As currently worded, rule 9(3)(a) covers only two of the four types of principal local authority in England. As the Boundary Commission’s recent practice has been to have regard to the boundaries of all four types as far as practicable (i.e. to avoid having constituencies containing parts of two or more such authorities) it is desirable that all are identified in the legislation and given equal status in the policy of fitting constituencies within the local authority matrix – within the equality constraint set by rule 2. We thus suggest:

(a) ‘in England, the boundaries of counties, London boroughs, metropolitan boroughs and unitary authorities’

2. In the House of Commons on 5 July 2010 the Deputy Prime Minister stated that he expected local authority wards to be the building blocks for constituency definition, as is currently the case (although by custom and practice only as it is not a requirement of the current legislation, other than in Northern Ireland). This has not been incorporated into the Bill, however,

which retains the wording of the 1986 Act. In order to clarify the situation – and to facilitate the Commissions’ tasks – we suggest that rule 9(3)(d) be reworded to state that wherever practicable wards (and their equivalents in the various territories) be used as the building blocks:

d) ‘The boundaries of wards, electoral areas and electoral divisions’.

3. Rule 7 recognises that there may be a problem defining constituencies in Northern Ireland that meet the equality constraint set out in rule 2 and allows the Boundary Commission for Northern Ireland slightly greater flexibility where this is the case. Unfortunately, as we show in the text of the report, this does not cover all of the possible difficult situations – which may also emerge in other territories, especially Wales. Consequently we suggest a rewording that could give the needed flexibility without in any way compromising the overall goal of equal-sized electorates – either:

2 (1). For each of England, Northern Ireland, Scotland and Wales, no constituency (other than those identified in rules 4 and 6) should have an electorate that is either less than 95% or more than 105% of the average constituency electorate in that territory, following the allocation of constituencies using rules 5 and 8.

If this is adopted, rule 7 would then be deleted as superfluous.

A second, slightly less desirable option (because it would make the Commissions’ task slightly more demanding technically) would be to retain rule 2(1) but change rule 7 to:

7. For each of England, Northern Ireland, Scotland and Wales, no constituency (other than those identified in rules 4 and 6) should have an electorate that differs from the average constituency electorate in that territory by more than 5% of the United Kingdom quota.

ISSUES THAT MIGHT BE CONSIDERED FURTHER

4. The timetable for reviews is linked to that of fixed-term Parliaments, as proposed in the *Fixed-term Parliaments Bill* also published on 22 July 2010. Should there be a dissolution of Parliament before a five-year term has been completed, this could create difficulties in the conduct of a general election as well as either or both of the conduct of a redistribution and the implementation of its recommendations; a dissolution before September 2013 could require a general election to be held in the existing 650 constituencies. **Parliament may wish to consider the possible implications of a dissolution and how they may be addressed – either by an amendment to the *Parliamentary Voting System and Constituencies Bill* or by ad hoc legislation should such an occasion arise.**
5. The Bill precludes the Boundary Commissions from holding Public Inquiries to consider any representations made regarding their provisional recommendations. Some commentators and interested parties believe that this will damage the credibility and legitimacy of any review because the procedure will lack transparency and prevent any counter-objections being made to proposed alterations to a Commission's provisional recommendations. If, however, Public Inquiries are to be eliminated, it may

be desirable to give interested parties the opportunity to comment on representations received about the provisional recommendations for an area. This could be done by creating an additional rule 10(1) 5(1)(c):

(c) the representations received should be published by the Commission and a further period of 4 weeks allowed for comments to be submitted regarding any of those representations.

The final sub-sentence of 10(1) 5 (1) should then be altered to **and the Commission shall take into account any such representations duly made and comments thereon.**

6. Under the current rules, Public Inquiries are chaired by an Assistant Commissioner, who submits a report to the Commission on the evidence received and heard and, if appropriate, recommends changes to the provisional recommendations, which the Commission may accept, reject, or amend. The ability of the Commissions to recommend the appointment of Assistant Commissioners in the *Parliamentary Constituencies Act 1986* has not been repealed. To ensure transparency and legitimacy, it could be desirable that as part of the procedure proposed by the Bill, the Commissions should be encouraged to appoint Assistant Commissioners to review all of the representations received for an area and submit a report on them, with recommendations, to the Commission, with that report to be published at the time of its submission. **Parliament may wish to consider whether the Bill should be amended to make this a requirement.**
7. Given the size and complexity of the task and the relatively short period in which the Commissions have to complete it, it may be that the Commissions – especially the

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Boundary Commission for England, whose task is ten times larger than that of any other Commission – have too few members. **Parliament may wish to consider whether it should amend the 1958 Act to allow appointment of a larger number of Commissioners to one or more of the Commissions.**

INTRODUCTION

On 22 July 2010, the UK government published two Bills designed to implement a substantial portion of its proposed constitutional changes with regard to elections to the House of Commons. They covered:

1. Fixed Parliamentary terms of five years, with the next general election to be held on 7 May, 2015;
2. Provision for a referendum to change the voting system for the House of Commons to the Alternative Vote (AV), that referendum to be held in May 2011;
3. A reduction in the number of MPs from 650 to a fixed number of 600; and
4. A new set of rules to be used by the Boundary Commissions in the delimitation of Parliamentary constituencies, including more frequent redistributions.

The last three of these are combined in a single Bill – the *Parliamentary Voting System and Constituencies Bill* – although each component could be considered in isolation. A referendum on AV could be held (as could a general election using AV) without either reducing the number of MPs or redrawing the country's constituency map; the number of MPs could be reduced and a new constituency map drawn without changing the Boundary Commissions' rules; and new rules could be introduced without changing the number of MPs.

In this report we focus on the new rules that the Bill proposes for the definition of Parliamentary constituencies, accepting the reduction in the number of MPs and with no reference to the referendum on the Alternative Vote. After setting out the current situation, as a benchmark against which the new rules and their implications can be assessed, we consider the various clauses of the Bill and then a range of practical issues that will be raised in the implementation of the new rules. The new rules are set out in Appendix 2.

THE CURRENT SITUATION

The current rules for defining Parliamentary constituencies (generally known as a redistribution) were established in the *House of Commons (Redistribution of Seats) Act 1944* which was substantially amended in 1949 and 1958 and consolidated in the *Parliamentary Constituencies Act 1986*; the *Boundary Commissions Act 1992* changed the periodicity of redistributions and the *Scotland Act 1998* had the effect of substantially reducing the number of Scottish constituencies.¹ The 1986 Act contains a schedule of rules that the Boundary Commissions must apply (these are reproduced in Appendix 1 below), which is widely accepted – not least by the Commissions themselves – as unclear and difficult to implement fully without contradictions.²

Those rules do not stipulate either a minimum or a maximum number of MPs. A minimum is specified for Wales (35) and was also specified for Scotland (70) until the 1998 Act (Scotland now returns 59 MPs), but there is no such limit for England – instead the rules say that Great Britain as a whole should have ‘not substantially greater or less than 613’: because of the way that the rules have been interpreted the number of British constituencies is now 632. (It would have been 13 more but for the reduction of Scottish MPs to 59 in 2004.) Since 1977 Northern Ireland should have 16–18 MPs, with

1 A full history of the Acts relating to the redistribution of seats, their implementation and impact, can be found in D. J. Rossiter, R. J. Johnston and C. J. Pattie, *The Boundary Commissions: Redrawing the UK's Map of Parliamentary Constituencies*. Manchester: Manchester University Press, 1999. Many of the issues discussed in this chapter were covered in D. Butler and I. McLean, editors, *Fixing the Boundaries: Defining and Redefining Single-Member Electoral Districts*. Aldershot: Dartmouth, 1996. See also D. Butler and I. McLean, *Report to the Committee on Standards in Public Life: the Electoral Commission and the Redistribution of Seats*. Oxford: University of Oxford, Department of Politics and International Relations, 2006.

2 The Explanatory Notes published with the Bill state that ‘the current rules are contradictory, have no clear hierarchy, and do not prioritise equality in the numbers of electors per constituency’.

the presumption of 17 unless a case could be made for one of the other two figures: it currently has 18, giving a House of Commons of 650.

Because of differential population growth across the four territories since the rules were first enunciated, and the inbuilt growth mechanisms that they contain (see below), some parts of the UK are currently substantially over-represented relative to others (i.e. have an average of fewer electors per MP). In 2010, the average constituency electorate in each of the four territories was (with the standard deviations in brackets):

England	71,882	(6,091)
Scotland	65,498	(9,987)
Northern Ireland	63,101	(7,159)
Wales	56,545	(6,501)

Each of the four Boundary Commissions (there is one each for England, Northern Ireland, Scotland, and Wales) begins a redistribution by defining the starting date: the total number of registered electors on that date provides its sole numerical basis and makes no allowance for future changes (including those that occur during the redistribution). The electoral quota for each territory is defined by dividing its electorate by the current number of constituencies.

Once its electoral quota has been determined, a Commission allocates a number of constituencies to each of its territory's major local government areas – in England, for example, the primary rule (4) requires that no constituency should cross either a county or a London borough boundary, although this can be over-ridden (rule 5) if that is 'desirable to avoid an excessive disparity between the electorate of any constituency and the electoral quota, or between the electorate thereof and that of neighbouring constituencies'. The Commissions have

been reluctant to use that power. In England, for example, although some London boroughs have been paired, only in the cases of the Isles of Scilly and Rutland have adjacent counties been combined – each of those authorities is much too small to form a separate constituency.³ There has been some pairing and boundary-crossing within the metropolitan counties, although the boundaries of metropolitan boroughs – and the unitary authorities created since 1990 – are not specifically ‘protected’ by rule 4.

The use of local authority areas as the basic units to which constituencies are allocated can result in substantial differences in constituency electorates. In the last English review, for example (which used 2000 electoral data to define the quota of 69,935), the London borough of Islington was entitled to 1.71 constituencies and so was allocated two – which had electorates of 58,839 and 61,054 respectively; the neighbouring boroughs of Brent and Camden were combined, with an entitlement of 4.22 constituencies – the four finally recommended had electorates of 71,073, 71,398, 74,753 and 78,307. (By the time of the 2010 general election the smallest Islington constituency had an electorate of 67,649 and the largest in Brent-Camden 86,863.) Elsewhere, Dorset (including Bournemouth and Poole) was entitled to 7.76 constituencies – it was allocated eight, with an average electorate of 67,818; and neighbouring Somerset’s entitlement was 5.44 – it was allocated five, which had an average electorate of 76,130.

For each area, once its number of constituencies has been determined, the Commission then makes preliminary recommendations regarding their boundaries in the context of

3 Rutland had an electorate of 28,961 in 2009. The Isles of Scilly do not have a local government categorised as either a county or a district but the Council of the Isles of Scilly performs some functions commensurate with those undertaken by county councils elsewhere in England: its current electorate is 1,767.

rule 5 which requires that ‘The electorate of any constituency shall be as near the electoral quota as is practicable’. They use local authority wards as the building blocks (although the rules require this in Northern Ireland only; in the other three territories the Commissions have declined to split wards because reliable data and mapping are not available for smaller areas). They invariably produce constituencies comprising contiguous sets of wards (although again this is not a requirement; the last mainland non-contiguous constituencies were eliminated by the redistribution of 1955).

The allocation of constituencies to local authorities by rounding to the nearest integer is one reason why the number of MPs has increased over the last 60 years – if there is more rounding-up than rounding-down, then the number of MPs increases.⁴ Rule 6 allows Commissions to depart from strict application of rules 4–5 if ‘special geographical considerations, including in particular the size, shape and accessibility of a constituency, appear to them to render a departure desirable’. This has generally been interpreted by allocating smaller than average constituency electorates to sparsely-populated areas – and at recent reviews has only been substantially applied in Scotland, where the 2004 review, for which the quota was 69,934 (which would have been the English quota in 2001), resulted in four small constituencies with electorates of 21,884, 32,181, 46,533 and 49,544. This rule has also been used

4 Indeed, on a strict interpretation of rule 5 there must be more rounding-up than rounding-down. If an area is entitled to 2.4 constituencies, for example, then according to the harmonic mean each constituency will be closer to the electoral quota if three are allocated rather than two. If the quota were 1,000 for example, then if an area with an electorate of 2,460 were allocated two seats they would have an average of 1,230 each – or a deviation of 230 from the quota. If three were allocated, each would average 820 electors, deviating by 180 from the quota. The larger number of constituencies thus produces greater electoral equality. The Commissions have recognised this at recent reviews and in almost all cases employed the arithmetic rather than the harmonic mean – realising that to use the latter could lead to a substantial increase in the number of MPs. The harmonic mean is discussed in both *The Boundary Commissions* and *Fixing the Boundaries* (see footnote 1).

(implicitly at least) to justify one very large constituency – the Isle of Wight, with a current electorate of 109,966.⁵

Application of rule 6 is a further reason why the number of MPs has grown over the six redistributions undertaken since 1944. If one or more small constituencies are allocated within a territory, this means that the average electorate is less than the electoral quota. At the time of the next redistribution, those additional constituencies are included in the calculation of the quota – which would be smaller than otherwise might be the case. The result is a larger number of constituencies being allocated than at the previous review unless the Commission was determined not to permit any growth (which was the decision of the Scottish and Welsh Commissions at the most recent review).⁶

Finally, the 1958 revision of the *House of Commons (Redistribution of Seats) Act* introduced a further rule 7 that ‘It shall not be the duty of a Boundary Commission to aim at giving full effect in all circumstances to the above rules, but they shall take account, as far as they reasonably can – (a) of the inconveniences attendant on alterations of constituencies other than alterations made for the purposes of rule 4, and (b) of any local ties which would be broken by such alterations’. A 1983 decision by Lord Justice Donaldson in the Court of Appeal indicated that the wording of this rule gave it precedence over all of the others – although the Commissions declined to accept that ruling, unless

5 The Isle of Wight has been entitled to c.1.4 constituencies for several decades, but there has been only one occasion when either a political party or a local resident has requested more than one during the public consultation process (and that request was too late to be considered by the Commission). During summer 2010 the locally-dominant *Isle of Wight County Press* supported a “One Wight” campaign with illustrations (intended to arouse its readers) of how parts of the island might have to be paired with a mainland constituency under the Bill’s proposals; it gained national TV coverage in mid-August.

6 This is discussed fully in I. McLean and R. Mortimore, ‘Apportionment and the Boundary Commission for England’, *Electoral Studies*, 11, 1992, 293-309, and in *Fixing the Boundaries*.

Parliament indicated that they should (and it did not). Lord Justice Donaldson also stated that the Commissions were not required to 'do an exercise in accountancy' (i.e. to make electoral equality the prime determinant of their decisions) but rather to 'engage in a more far-reaching and sophisticated undertaking, involving striking a balance between many factors which can point in different directions. This calls for judgment, not scientific precision.'

Once a Commission had determined its provisional recommendations for the number and disposition of constituencies in a given area – a county, say – it published these and called for representations, both positive and negative, which had to be submitted within four weeks. According to the 1958 Act, if either one local authority in the affected area or 'a body of electors numbering 100 or more' objected to any aspect of the proposals, a Public Inquiry must be held. These Inquiries were undertaken by an Assistant Commissioner (invariably a senior lawyer), whose report may recommend either implementing the provisional recommendations or altering them in some way. If the Commission accepts any changes so recommended, it must once again publish them and call for representations: a second Inquiry might then have to be held, though this is very rare (and only if new material not available at the first Inquiry is presented).

When all of the final recommendations for its territory have been decided, the Commission submits its report to the relevant Secretary of State, who must present it – with or without amendment – to Parliament 'as soon as may be after' that: a Draft Order in Council invites Parliament to accept the recommendations. Parliament may reject the Order, but cannot amend it.

This procedure is time-consuming: from the start of the review of any area – a county, say – and its completion, after two sets of public consultations, it can take as much as 18

months. The total time taken by a review depends on the size of the task – clearly much larger in England than in the other three territories – and the staff available. English reviews have taken as long as six to seven years, although in some cases this has been because of extenuating circumstances (such as waiting for new ward boundaries to be implemented and mapped). It does mean that a set of constituencies used at a general election may be ‘old’ – in that the electoral data on which they were based refer to a date some years in the past. The 2010 general election, for example, was the first to use constituencies in England based on electoral data for the year 2000.

The prescribed time between reviews has changed over the 66 years since passage of the 1944 Act. The *Boundary Commissions Act 1992* currently requires each Commission to review the boundaries of all constituencies within its territory at least once every 8-12 years. There is also provision for interim reviews. In most cases these have been undertaken to realign constituency and local authority boundaries, but in 1990 the Boundary Commission for England decided to review the situation in the rapidly-growing new town of Milton Keynes. It recommended that the existing constituency be split, with some consequent reallocation of wards in neighbouring constituencies – which resulted in a further MP being added to the House of Commons at the next general election.

CONCERNS REGARDING THE CURRENT SYSTEM

Concerns have long been expressed about various aspects of these rules and their implementation, such as the time that reviews take, the over-representation of Wales, and the seemingly-inexorable growth of the House of Commons.

None of these has stimulated a political response sufficient for the relevant Act to be repealed, with one exception.

The three elections held in 1997, 2001 and 2005 not only produced disproportional results – with the smaller parties, including the Liberal Democrats, being considerably disadvantaged in the translation of votes into seats (with 22 per cent of the votes in 2005, for example, the Liberal Democrats obtained only 9.5 per cent of the seats) – but also very biased outcomes. The nature of such bias was readily identified by asking whether the two largest parties – Labour and the Conservatives – would have obtained the same share of the seats if they had obtained equal shares of the votes cast. Employing a uniform swing – with Labour's share of the votes being reduced by the same number of percentage points in every constituency and reallocated to the Conservatives, and votes for all other parties plus the number of abstainers being held unchanged – this creates a 'notional election result' with Labour and the Conservatives having the same number of votes nationally. In such 'notional elections' Labour would have had 85 more seats than the Conservatives in 1997, 142 more in 2001, and 111 in 2005. A similar calculation for the 2010 result indicates that with equal vote shares Labour would have won 54 more seats than the Conservatives.

Some commentators – notably within the Conservative party – have contended that the main cause of this pro-Labour bias is differences in the number of votes each of the two largest parties needed to win a seat. The considerable differences in constituency electorates was thought to favour Labour – in part because of the smaller constituencies in Scotland and Wales, where Labour was much the stronger of the two (the Conservatives won no seats in those two territories in 1997, for example), and in part because of differences within countries (Labour tended to be stronger in the inner city areas where electorates were declining over time). The validity of this

argument is illustrated by the average electorate in constituencies won by the three largest UK parties at the last three elections:

	2001	2005	2010
Labour	67,544	66,802	69,145
Conservative	72,137	72,950	73,031
Liberal Democrat	69,584	69,430	69,610

The gap between Labour and the Conservatives was smaller in 2010, in part because of the greater equalisation of electorates in the new constituencies used for the first time (except in Scotland): the 2005 election in England and Wales was fought in constituencies defined using 1991 electoral data.

An alternative set of statistics sometimes deployed refers to the average number of votes per seat won:

	2001	2005	2010
Labour	26,111	26,921	33,468
Conservative	50,625	44,516	35,058
Liberal Democrat	96,287	96,485	119,780

These suggest an even wider gap between Labour and the Conservatives – although it had narrowed considerably by 2010. Those figures are misleading, however, because differences in constituency electorates contribute only part of the pro-Labour bias; other contributors to the bias include differences in turnout levels (Labour-held seats tend to have more abstainers than those won by the Conservatives) and in the efficiency of their vote distributions (before 1992 Labour tended to have more surplus votes than the Conservatives, largely because of the former party's large majorities in constituencies in the industrial and mining areas). A means of decomposing the bias has shown that differences in constituency electorates have contributed 24, 20,

26 and 18 seats respectively to the pro-Labour bias totals of 82, 142, 111 and 54 at the last four British general elections – i.e. variations in electorate size have contributed no more than one-third of the total bias.⁷

Of the various sources of bias, that arising from differences in electorate sizes is the only one that can readily be tackled by changing the rules on which constituencies are defined. The Conservatives gave notice of their intention to do this in a Bill introduced to the House of Lords by Lord Baker in 2007 (the *Parliamentary Constituencies [Amendment] Bill*), which proposed a fixed number of MPs, a single electoral quota for the entire United Kingdom, and the equalisation of electorates as the dominant rule to be applied by all four Commissions, with no constituency having an electorate more than five percentage points away from the national (i.e. UK) quota.⁸ The Bill passed through the Lords, but was not debated in the House of Commons. In February 2010 a similar set of rules – but with the size variation set at 3.5 percentage points – was introduced in the House of Commons by three senior Conservatives (including the party leader) as an amendment to the *Constitutional Reform and Governance Bill*, but it was not debated.

At the 2010 general election, all three of the largest parties included a reduction of the number of MPs in their manifestos, with the Conservatives also indicating their intention to change the rules that the Boundary Commissions have to apply.

7 The method and its application are fully set out in R. Johnston, C. Pattie, D. Dorling and D. Rossiter, *From Votes to Seats: the Operation of the UK Electoral System since 1945*. Manchester: Manchester University Press, 2001. Recent more sophisticated analyses of bias treating the country as a three-party rather than a two-party system provide a very similar picture: the Conservatives have been disadvantaged relative to both Labour and the Liberal Democrats because they tend to win in larger constituencies, but this has not been a major source of anti-Conservative bias in the electoral system's operation, amounting to no more than one-third of the total disadvantage it has suffered (at the 2010 election).

8 This Bill is discussed in R. Johnston, I. McLean, C. Pattie and D. Rossiter, 'Can the Boundary Commissions help the Conservative party? Constituency size and electoral bias in the United Kingdom', *The Political Quarterly*, 80, 2009, 479–494.

THE 2010 PARLIAMENTARY VOTING SYSTEM AND CONSTITUENCIES BILL

Soon after formation of the Coalition Government following the 2010 general election, the Deputy Prime Minister announced in the House of Commons that he would be introducing a package of constitutional reforms, including a Bill to reduce the number of MPs and change the rules that the Boundary Commissions were to operate. Further details were given in his statement to the House of Commons on 5 July 2010, and the *Parliamentary Voting System and Constituencies Bill* was published on 22 July. It had its first reading then, and its second reading is scheduled for 6 September 2010. The Bill is also being considered by the newly-constituted Political and Constitutional Reform Select Committee.

The Bill, which also covers the proposed referendum on the voting system, has the following main components:

- The number of MPs is fixed, at 600;
- There is a single electoral quota for the entire United Kingdom;
- All constituencies (with a few identified exceptions) must have electorates within five percentage points of the quota;
- Within that size constraint, the Commissions may have regard to a number of other factors in determining constituency boundaries;
- The time limit for representations in respect of provisional recommendations has been extended from four to 12 weeks, but the Commissions may neither hold Public Inquiries nor invite representations on any revised recommendations that they publish; and
- The first reviews under the new system must be completed by October 2013 (i.e. 18 months before the date of the next general election), and subsequent reviews must be completed every fifth year after that date.

THE BILL IN DETAIL

The rules set out in the Bill published on 22 July 2010 are attached as Appendix 2 to this report.

1. THE QUOTA AND THE ALLOCATION OF CONSTITUENCIES TO THE FOUR TERRITORIES

Although the Bill specifies that there shall be 600 constituencies, two of these are pre-defined in rule 6 as preserved constituencies – the Orkney and Shetland Islands (currently a single constituency with a 2010 electorate of 33,085) and the area of Comhairle nan Eilean Siar (often termed the Western Isles; the current constituency of Na h-Eileanan an Iar had a 2010 electorate of 22,226). These are excluded from the determination of the electoral quota (rule 2) and the allocation of constituencies across the four territories; the electorate data used in this exercise will thus exclude those on the electoral roll in those two preserved constituencies. Here and throughout the remainder of this report, the examples are illustrative only because the electoral data that will be used when a redistribution commences will be more recent than those currently available.

The current registered electorate in the United Kingdom (which will not be that used when the Boundary Commissions begin their next review) is 45,503,103;⁹ excluding the two preserved constituencies reduces that to 45,447,792 which divided by 598 (i.e. 600 – 2) gives a national quota of 76,000. Using that to allocate seats to the four territories gives:

⁹ All of the numerical examples here are thus for illustrative purposes only. The electoral data likely to be used by the Boundary Commissions if the Bill is passed will be those available in December 2010, resulting from the annual canvass conducted by all local authorities in September–October.

	Electorate	Entitlement	Allocation
England	38,241,036	503.17	503
Northern Ireland	1,135,835	14.95	15
Scotland	3,809,105	50.12	50
Wales	2,261,816	29.76	30
	45,447,792	598.00	598

In this case, the allocations are straightforward. They may not be, however; for example, three of the four territories may have a fractional entitlement greater than 0.5, which if they were all rounded up would produce a total of 599 rather than 598 MPs. To ensure that this is not the case, rule 8 sets out the formula by which seats should be allocated. This implements the Sainte-Laguë (or Webster) rule which is generally accepted as the fairest way of making such allocations;¹⁰ it is used by the Electoral Commission for the allocation of seats to regions for elections to the European Parliament.

To what extent would the pattern of seat entitlements change over time? The table below uses UK electorate data for the last twenty years, allowing calculation of what the UK electoral quota would have been then (calculated without the two preserved constituencies) and the seat entitlement for each of the four territories. Wales would have been allocated the same number of seats (30) over the entire period, whereas Scotland's would have fallen, Northern Ireland's was stable till 2002 and then variable, and England's increased, though with a small decline in the middle years. Thus to some extent, it seems, the exact allocation may vary according to which year the redistribution begins. In addition, the variability shown in that table underlines our case that all of the illustrations provided here are examples of possible situations only, since they are

10 See M. L. Balinski and H. P. Young, *Fair Representation: Meeting the Ideal of One Man, One Vote (second edition)*. Washington DC: The Brookings Institution, 2001.

based on electorate data that will be replaced by more recent compilations when implementation of the new rules begins.

Seat Entitlements

Year	UK Quota	England	Wales	Scotland	NI
1989	72,839	499.25	30.13	53.24	15.38
1990	72,924	498.99	30.27	53.23	15.50
1991	72,745	499.03	30.34	53.06	15.57
1992	73,027	498.94	30.38	53.05	15.63
1993	73,016	498.68	30.44	53.09	15.79
1994	73,130	498.50	30.39	53.22	15.89
1995	73,313	498.48	30.29	53.29	15.95
1996	73,461	498.59	30.19	53.20	16.02
1997	73,827	498.55	30.10	53.22	16.12
1998	73,983	498.57	30.15	53.22	16.06
1999	74,137	498.37	30.05	53.37	16.22
2000	74,751	499.01	29.96	52.90	16.13
2001	74,650	499.62	29.95	52.40	16.03
2002	74,094	501.78	30.04	51.72	14.46
2003	73,684	501.77	30.13	51.61	14.49
2004	73,788	502.02	30.27	51.54	14.17
2005	74,161	500.96	30.16	51.32	15.55
2006	74,780	502.66	29.97	51.06	14.31
2007	75,290	502.29	29.92	50.90	14.88
2008	75,484	502.26	29.96	50.74	15.04
2009	75,863	502.61	29.81	50.28	15.30

2. THE SIZE CONSTRAINT AND THE EXCEPTIONS

Rule 2 states that no constituency shall have an electorate that is either less than 95% or more than 105% of the UK electoral quota: if that quota were 76,000, therefore, all constituencies would have to have electorates within the range 72,200-79,800.

Rule 2 allows for two exceptions additional to the preserved constituencies, however, as follows.

Rule 4 states that no constituency shall have an area of more than 13,000 square kilometres, and if a proposed constituency has an area of more than 12,000 square kilometres a Commission need not apply rule 2 if it is ‘satisfied that it is not reasonably possible for the constituency to comply with that rule’. This is intended to deal with sparsely populated areas (other than those included in the two preserved constituencies) such as those in Scotland identified above (currently served by the Ross, Skye & Lochaber and Caithness, Sutherland & Easter Ross constituencies with 2010 electorates of 51,836 and 47,257 respectively). It means that a Commission may recommend constituencies with electorates outside the range specified by rule 2 for large, sparsely-populated areas, but that this cannot be used to create additional constituencies. Thus if the Boundary Commission for Scotland were to create those two constituencies with electorates substantially less than 72,200, this would have to be compensated for with the remaining 48 Scottish constituencies being slightly larger than the average (77,292 as against the UK quota of 76,000 – an average of some 1,100 electors per constituency to compensate for the two small ones).¹¹

Rule 7 recognises that there may be difficulties in the smallest of the four territories – Northern Ireland – in ensuring that all constituencies fall within the +/-5% constraint. If, for example, Northern Ireland’s exact entitlement with a quota of 76,000 were for 15.4 seats but it was allocated 15, the 30,400 electors additional to the quota would have to be allocated across the 15 constituencies – an average of 2,027 each, which is half of the allowed range.¹² If England’s exact entitlement were

11 The rules do not allow a variation in the allowed size constraint for Scotland should this eventuate, unlike the allowance for Northern Ireland set out in rule 7.

12 The allocation of 15.4 seats implies an electorate of 1,170,400. At the quota, 15 seats implies an electorate of 1,140,000 so if 15 seats are allocated when the entitlement is 15.4, this leaves 30,400 (1,170,400 – 1,140,000) additional electors.

503.4, on the other hand, and it was allocated 503, the additional 30,400 electors would have to be distributed across the 503, an average of just 60 each.

The formulae in rule 7 address this problem for Northern Ireland, which arises from the wording of Rule 2(1). The difficulty is that the latter rule specifies maximal and minimal sizes for electorates without having regard to the fact that the apportionment of seats to the territories may result in average electorates that necessarily deviate from the UK quota by a substantial amount. This arises from the rounding problem.

To illustrate the difficulty, suppose that Northern Ireland's electorate were such that its share of 598 seats equals 15.49 constituencies and it is rounded down to 15. Assume further that the UK quota is 76,000. Then the electorate of Northern Ireland must be $15.49 \times 76,000 = 1,177,240$, and its average constituency size $1,177,240/15 = 78,483$. This is a 3.3% deviation from the UK quota of 76,000. Thus if all the constituencies in Northern Ireland could be made *exactly equal*, they would be within the 5% tolerance specified in rule 2(1). However this leaves little room for variation in constituency sizes that result from other considerations, such as respecting local government boundaries and other factors as specified in rule 5 (notably, in Northern Ireland's case, having regard to ward boundaries).

Rule 7 attempts to patch this up in the following way. Compute the difference between the electorate in Northern Ireland ($1,177,240$) and the UK quota times Northern Ireland's allocation ($76,000 \times 15 = 1,140,000$). The difference is 37,200. Since this exceeds one-third of 76,000, rule 7 allows Northern Ireland more flexibility. Namely, Northern Ireland is allowed a range where the lower limit is either $N - A$ or 95% of the UK electoral quota and the upper limit is either $N + A$ or 105% of the UK quota (where N is the average electorate for a Northern Ireland constituency and A is 5% of the UK quota). With 15

seats, the average Northern Ireland constituency electorate (N) is 78,483. $N - A$ is then 74,683 which is larger than 95% of the UK quota (72,200); $N + A$ is 82,283, which is larger than 105% of the UK quota. The allowed range for Northern Ireland is thus 72,200–82,283 (i.e. the upper limit is extended).

In the present example this allows Northern Ireland a reasonable amount of flexibility, but there are many other situations where it does not. Suppose for example that Northern Ireland's share is 15.30 and it is rounded down to 15. Its total electorate is $15.3 \times 76,000 = 1,162,800$, and the difference from the target is $1,162,800 - 1,140,000 = 22,800$. This is less than one-third of 76,000, hence rule 7 is *not* triggered. This places an extra burden on achieving equality among the constituencies in Northern Ireland. In particular, if all 15 constituencies in Northern Ireland were exactly equal in size ($1,162,800/15 = 77,520$), they would necessarily deviate from the UK quota by over 1%. In effect, the permitted deviation among Northern Ireland constituencies is around 4% rather than the intended 5%.

Rule 7 only applies to Northern Ireland, which means that an even more severe burden of equality could fall on Wales. Suppose that Wales's exact share of 598 is 29.49 and it is rounded down to 29. Then its total electorate is $29.49 \times 76,000 = 2,241,240$ and its average constituency size is $2,241,240/29 = 77,284$. This is about 1.7% larger than the UK quota. In effect, the permitted deviation among constituencies in Wales would be only 3.3% instead of the 5% target.

There are two simple ways to fix this defect in the bill. One is to allow a maximum deviation equal to 5% *of the average constituency electorate within each territory* (the average constituency size equals the total electorate of the territory divided by its allocated number of constituencies as determined by Webster/Sainte Laguë). The other possibility is to allow constituencies within a territory to vary from the territorial average by up to 5% of the UK quota. Both of these solutions are simple to state

and would obviate the need for the patch-up rule, which in any event is inadequate.

If this advice is followed, either rule 2(1) could state:

For each of England, Northern Ireland, Scotland and Wales, no constituency (other than those identified in rules 4 and 6) should have an electorate that is either less than 95% or more than 105% of the average constituency electorate in that territory, following the allocation of constituencies using rules 5 and 8

and rule 7 could be deleted

Or rule 7 could read:

For each of England, Northern Ireland, Scotland and Wales, no constituency (other than those identified in rules 4 and 6) should have an electorate that differs from the average constituency electorate in that territory by more than 5% of the United Kingdom quota.

The former change is more desirable as the latter would make the Commissions' task slightly more difficult technically.

3. OTHER FACTORS THAT CAN BE CONSIDERED

Rule 2 is given primacy in the definition of constituencies, subject to the three exceptions – the two preserved constituencies (rule 6); the situation in sparsely-populated areas (rule 4); and the particular problems of Northern Ireland (rule 7). Rule 5 introduces five other factors that can be taken into

consideration when determining constituency boundaries, so long as their electorates meet the size constraint. They are:

- ‘special geographical considerations, including in particular the size, shape and accessibility of a constituency’ – in effect, wherever possible constituencies should be compact and comprise contiguous areas;
- the local government boundaries in place on the most recent council election day prior to the Boundary Commissions beginning their redistribution exercise (i.e. subsequent boundary changes are ignored until the next redistribution, thereby precluding any interim reviews);
- ‘any local ties that would be broken by changes in the constituencies’ (as in the current rules);
- ‘the inconveniences attendant on such changes’ (again, replicating the current rule); and
- ‘The Boundary Commission for England may take into account, if and to such extent as they see fit, boundaries of the electoral regions specified in Schedule 1 to the European Parliamentary Elections Act 2002...’ – those constituencies are the standard regions widely used for statistical reporting and, until recently, decentralised administration so the Commission can if it sees fit, allocate constituencies to regions (see below).

Only the second of these five is problematic. The relevant local government boundaries are defined in rule 9(3) as:

- a. ‘in England, the boundaries of counties and London boroughs,
- b. in Wales, the boundaries of counties and county boroughs,
- c. in Scotland, the boundaries of the areas of councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994, and
- d. in Northern Ireland, the boundaries of wards.’

This wording has largely been taken from the current Act without apparently recognising the changes in local government that have taken place in England since 1986. Given that the rule only requires a Commission to ‘take [these factors] into account, and to such extent as they see fit’ then it would seem desirable that all of the principal local government areas in England are included (i.e. adding the metropolitan boroughs and the unitary authorities), in the same way that they are in Scotland and Wales (local government in Northern Ireland is currently under review). **Thus rule 9(3)(a) might be reworded as**

a) ‘in England, the boundaries of counties, London boroughs, metropolitan boroughs and unitary authorities’.

(It could be extended further to include the boundaries of district councils in shire counties with a two-tier system of local government: the Boundary Commission for England has always had regard to these where practically feasible.)

In reply to questions after his statement to the House of Commons on 5 July 2010, the Deputy Prime Minister stated the intention that the Commissions would:

... retain the key building block of any constituency, which is ward boundaries. We want to keep that building block in place, as it would simply be too complicated to conduct the boundary review on the scale that has been proposed by any other means.

It is therefore surprising that the Bill makes no reference to this, save in the special case of Northern Ireland in rule 9(3)(d) – and Northern Ireland now uses STV in multi-member divisions for its local government elections. (For example, Belfast City Council has 51 councillors elected

from the city’s nine electoral areas and the 51 wards used previously for single-member elections – with an average electorate of some 3,160 – now have no purpose other than redistributions, for which they clearly provide smaller building blocks than the electoral areas.) To make it clear to all four Commissions that electoral wards and their equivalents (electoral divisions and electoral areas) should be used as the building blocks for constituencies wherever possible (on which see below) rule 9(3)(d) might be reworded as:

d) The boundaries of wards and of electoral areas and divisions.

4. CONDUCT OF THE REVIEWS

Clause 10 of Part 2 of the Bill specifies that each Boundary Commission shall, when it has determined its provisional recommendations for a constituency:

1. ‘take such steps as they see fit to inform people in the constituency’ about its recommendations;
2. invite representations with respect to its proposed recommendations to be submitted within a specified period of 12 weeks (this is the Cabinet Office’s recommended period for public consultations), and take these into consideration; and
3. if it changes any of its recommendations as a consequence of those representations, it must again inform people in the relevant constituency and invite further representations.

Clause 5(2) of that section explicitly states that ‘A Boundary Commission may not cause a Public Inquiry to be held for the

purposes of a report under this Act' and a later clause repeals those sections of the 1986 Act which relate to the conduct of Public Inquiries.¹³

This is a major change from the current situation; during the most recent periodic reviews conducted by the four Commissions, Public Inquiries were held in a majority of the local government areas for which separate sets of provisional recommendations were published.

5. THE TIMING OF REVIEWS

Clause 8(3) of the Bill requires the Boundary Commissions to submit reports on their periodical reviews every five years, on a specific date (1 October 2013, 2018...). This replaces the current requirement that a review be conducted every 8–12 years, which has meant that the four Commissions need coordinate neither the conduct nor the reporting of their reviews. Because of the fixed number of MPs required by rule 1, such coordination is now necessary.

A review every five years means that, with fixed-term Parliaments, a new set of constituencies will be in place 18 months before every general election. The *Fixed-term Parliaments Bill* also published on 22 July 2010 allows Parliament to be dissolved at any time on a two-thirds vote of all MPs, however, and a general election held. This would break the timetable set out in the *Parliamentary Voting System and Constituencies Bill* and – depending on when the election was held – potentially introduce considerable difficulties, not least for the conduct of a general election.

For example, if Parliament were to be dissolved before 1 October 2013 when the *Parliamentary Voting System and*

¹³ The whole of Part 2 of the *Parliamentary Voting System and Constituencies Bill* which relates to Parliamentary constituencies involves amending the 1986 *Parliamentary Constituencies Act* rather than replacing it.

Constituencies Bill requires the first reports to be delivered, a House of Commons with 650 MPs in the existing constituencies would have to be elected, which would negate the Bill's whole purpose. A general election then would be extremely difficult to administer. Whenever a dissolution occurred, however, it would create a disjuncture between the timetables for fixed-term Parliaments and constituency reviews, with the potential for major administrative problems as well as confusion for the electorate.

If a general election were held in June 2012, for example, the next would be scheduled for May 2017 (according to clause 1(3) of the *Fixed-term Parliaments Bill*) and would be in constituencies defined using 2010 electoral data for a review completed in 2013. The next review would be scheduled for completion in October 2018 and would be in progress at the time of the 2017 general election (though presumably suspended for the campaign period); parties would be competing to represent seats while making representations for the configuration of their replacements.¹⁴

An alternative scenario has Parliament dissolved in March 2014, with an election the following month. This would be held in the very-recently-enacted new constituencies (the Secretaries of State must, according to clause 8(6)(5) of the *Parliamentary Voting System and Constituencies Bill*, lay the reports before Parliament 'as soon as may be' after their receipt) which could create considerable difficulties for parties, candidates, electoral administrators and the electorate – although they may be aware of the likely new configuration from the publication of the Commissions' recommendations and (if there are any) revised recommendations for each area. Thereafter, with the rules set out in the current *Fixed-term Parliaments Bill* there would be a continuing disjuncture between the timing of reviews and the

14 Clause 1(4) of the *Fixed-term Parliaments Bill* also prescribes a four- rather than five-year gap between elections in certain circumstances.

holding of general elections from the 18-month gap prescribed in the *Parliamentary Voting System and Constituencies Bill*.¹⁵

Such a disjuncture may not present particular difficulties for the Boundary Commissions. The current timetable of reviews every 8–12 years means that there are substantial periods when they have small workloads.¹⁶ With a five-year timetable, however, they will presumably begin the work for the next review very soon after the previous one has been completed. The starting date for the first review is determined by the date when the *Parliamentary Voting System and Constituencies Bill* is enacted (although the Commissions are undoubtedly already preparing their work on the assumption that it will receive the royal assent in 2010); from then on, they have five years in which to conduct future reviews.

Parliament may wish to consider the possible implications of an early dissolution on the timetable for reviews set out in the *Parliamentary Voting System and Constituencies Bill*, either by an amendment or by ad hoc legislation should such an occasion arise.

Some have questioned whether a review every five-years is necessary, given the disruption that it might cause: some MPs at least could find that the constitution of their constituencies changes considerably with great regularity (or even that they are, in effect, abolished after only five years); party organisers and electoral administrators would have to change their arrangements very frequently; and electorates would be confused by the frequent changes. However, population movements are considerable over relatively short periods of time, and it is likely that within five years a not-insignificant number

15 According to Clause 1(4) of the *Fixed-term Parliaments Bill* if an election were held in March 2014 the next would be in May 2018 – not 2019.

16 This is less the case with the Boundary Commissions for Scotland and Wales which also have to review constituencies for the Scottish Parliament and the National Assembly of Wales respectively.

of constituencies could fall outwith the $\pm 5\%$ size constraint in some parts of the country. If that constraint is to predominate then frequent redistributions appear necessary.

To exemplify this, in the report on its fifth periodical review the Boundary Commission for England published standard deviations around the average electorate for the constituencies first used in 1997, that were defined using 1991 electorate data.¹⁷ In 1991 it was 5,000, in 1996 5,700, in 2001 6,500 and in 2006 (the last year in which those constituencies would have been used for a general election) 7,450. With a quota of just under 70,000, more than one-third of constituencies would almost immediately have been outside any $\pm 5\%$ constraint, and by the time the first election was held using the constituencies (in 1997) as many as one-half may have been.

The current constituencies were defined using 2000 electorate data, and the standard deviation then was 4,600; six years later, when the Commission finalised its report, it was 5,400. On the 2000 data, 95 constituencies had electorates exceeding 73,500 (i.e. above $+5\%$ of the quota) and 140 had electorates less than 66,500 (i.e. below -5%); by 2006, 120 electorates exceeded 73,500 and 61 less than 66,500. (Growth of the electorate overall accounts for the asymmetry of the changes.) Such rates of change – and there is no reason to believe there has been any reduction more recently – means that if Parliament wants equality of electorates to be the prime determinant of the redistribution process, to ensure ‘one person, one vote, one vote, one value’, then frequent reviews are necessary. Linking them to the fixed-term Parliaments with (saving an early dissolution) new constituencies in place 18 months before each general election, allowing sufficient time to adapt organisations and administrations to the new

¹⁷ The standard deviation summarises the variations around a mean value. If the mean is 70,000 and the standard deviation is 5,000, 68 per cent of all constituencies are within the range 65,000–75,000, and 95 per cent are within the range 60,000–80,000.

configuration, seems sensible. Furthermore, unless there are major changes in the distribution of electors in some parts of the UK over a five-year period, the majority of each new set of constituencies may be only a minor variant on its predecessor – especially given the requirement of rule 5(1)(d). However, substantial change (either growth or decline) in part of one constituency meaning that its total electorate fell outside the size constraint would mean changes to its boundaries that could affect its neighbours – and even ripple through to its neighbour’s neighbours and perhaps right through the region.

6. OTHER ISSUES

The Scottish Parliament and the National Assembly of Wales, created in 1998, are elected using a multi-member proportional (additional member proportional) system that includes a proportion of the MSPs and AMs being elected from single-member constituencies. The relevant constituencies – 73 for Scotland and 40 for Wales – were defined as the constituencies used for electing MPs at that date. (Scotland returned only 72 MPs then, but the Orkney & Shetland Isles constituency was divided into two for elections to the Scottish Parliament.)

Because the *Scotland Act 1998* required the next review of Scottish constituencies for elections to the House of Commons to employ the same electoral quota as that which would be used in a parallel review of English constituencies, this resulted in a reduction in the number of Scottish MPs from 72 to 59. As a consequence the number of MSPs elected from single-member constituencies would have been cut to 59 also, thereby reducing the size of the Parliament. To preclude this, the *Scottish Parliament (Constituencies) Act 2004* removed the link between the two sets of constituencies, and retained 73 single-member constituencies for the Scottish Parliament.

No changes in Welsh representation in the House of Commons were proposed in the *Government of Wales Act 1998*. However, if the *Parliamentary Voting System and Constituencies Bill* is enacted, this would almost certainly reduce the number of Welsh MPs from 40 to 30, one consequence of which will be a similar reduction in the number of Welsh AMs elected from single-member constituencies, and an overall reduction in the size of the National Assembly of Wales from 60 to 45 AMs. To avoid this happening, Clause 11 of Part 2 of the *Parliamentary Voting System and Constituencies Bill* amends the *Government of Wales Act 2006* by stating that the single-member constituencies for the Assembly are the Parliamentary constituencies in place in 2006 (i.e. the current 40 constituencies). The Boundary Commission for Wales is also empowered to conduct periodic reviews of those constituencies – and it appears that these are to be conducted following the rules used for determining Parliamentary constituencies under the *Parliamentary Constituencies Act 1986*. (In 2010, the Boundary Commission for Scotland reported on its first periodic review of constituencies for the Scottish Parliament following passage of the *Scottish Parliament (Constituencies) Act 2004*, the rules for which are in effect the same as those in the 1986 Act – i.e. not giving precedence to electoral equality.)

For Northern Ireland, *The Northern Ireland (Elections) Act 1998* created an initial Assembly of 108 members, with six MLAs to be returned (by an STV election) from the constituencies ‘which would return members to the Parliament of the United Kingdom if a general election were held on the date of the passing of this Act’. The later *Northern Ireland Act 1998* states that ‘The members of the Assembly shall be returned for the parliamentary constituencies in Northern Ireland’, with each returning six members, and that changes to the Parliamentary constituencies shall come into effect for any subsequent Assembly elections. Thus if the number of

Parliamentary constituencies for Northern Ireland were reduced, say, to 15, then the Assembly would be reduced in size from 108 to 90. There is no provision in the *Parliamentary Voting System and Constituencies Bill* to change this situation; so a consequence of its enactment – unless it is amended – will be a 16.7 per cent reduction in the size of the Northern Ireland Assembly.

PUTTING IT INTO PRACTICE

The Bill sets out a clear and unambiguous set of rules for the Boundary Commissions to apply which is comprehensive and internally consistent. Implementation should ensure a set of constituencies that are much more equal in their electorates than heretofore; although the Commissions have succeeded in producing sets of constituencies with more equal electorates over recent reviews, there has still been considerable variation around each national quota.¹⁸

Conducting a full review within a period of no more than two years and nine months will be extremely demanding on the Commissions, however – especially the Boundary Commission for England. The first review will be particularly demanding because the reduction in the number of MPs means that there will be very substantial change to the map of constituencies in almost all parts of the UK. Later reviews may be less demanding because they will occur every five years and in many areas may involve little more than marginal change to ensure that all constituencies continue to meet the requirements of the rules – especially the size constraint.¹⁹

There are procedural issues within the rules, however, that will present difficulties to one or more of the Commissions, which are set out here.

18 The Boundary Commission's Fourth Periodical Review, based on 1991 electorate data, had 84 of the 529 constituencies with an electorate outwith +/-10% of the quota; the Fifth Review, using 2000 electorate data, created 59 constituencies outside that range.

19 It has been rumoured that future governments may legislate either to reduce the number of MPs further or to tighten the size constraint (to 3.5% around the quota rather than 5%: the amendment to the 2010 *Constitutional Reform and Governance Bill* included that figure) – or both. Were that to be the case, a review would again involve a totally new map.

1. THE ALLOCATION OF CONSTITUENCIES TO AREAL UNITS

At all previous reviews, the Commissions have proceeded by publishing their provisional recommendations separately for the areas to which they have made the allocations – such as individual counties. Because few local government units will be entitled to integer numbers of constituencies under the new rules, many – perhaps most – will have to be grouped with one or more adjacent units in order to create constituencies all of which are within the $\pm 5\%$ size constraint; this will influence the way in which the Commissions both proceed and publish their recommendations.

For England, rule 5(2) suggests that the Commission might nest constituencies within the European Parliament constituencies (i.e. the Standard Regions) and provides a viable framework within which it could work. The most recently available electorate data suggest that the allocation of seats across the nine regions would be:²⁰

Northeast	25.78	26
Northwest	69.23	69
Yorks/Humber	50.40	50
East	56.19	56
East Midlands	44.06	44
West Midlands	53.97	54
Southeast	82.28	82
Southwest	53.10	53
London	69.43	69

Although very few have an entitlement within the range ± 0.05 of an integer, nevertheless because of the relatively large

20 This allocation is in no way problematic: for a rigorous allocation the Boundary Commission would be expected to use the Sainte-Laguë formula.

number of constituencies for each region it will be possible for all to be within the $\pm 5\%$ range of the national quota. Given a quota of 76,000 the smallest region, the Northeast, would have 16,720 fewer electors than the 1,976,000 needed for an exact allocation of 26 constituencies. That is an average of 643 electors per constituency, so the average electorate across the 26 would be 75,357, which is well within the $\pm 5\%$ allowed range. London, on the other hand, would be allocated 69 seats, giving it an 'excess' of 32,680 electors (i.e. $76,000 \times 0.43$). Across the region's 69 constituencies this would give an average electorate of 76,474 – again well within the range 72,200–79,800.

Using regions to make a first allocation of constituencies across England will thus introduce a slight variation in the average electorate: some regions will be slightly below the UK average of 76,000 and others slightly above, but the differences should be of no substantial significance.

Although the regions of England may provide a valuable first division of the country for the allocation of constituencies, they may be seen as too large to act as the units for which detailed allocations are undertaken, published and consulted on. The smallest English region, with 26 seats, is larger than any of the units treated separately for the allocation at the last periodic review: Essex, Southend, and Thurrock had 18 seats; Kent and Medway had 17; and Lancashire, Blackburn with Darwen, and Blackpool had 16. (Two of the metropolitan counties had larger entitlements – West Midlands, 28; Greater Manchester, 27 – but the Commission used the individual (or groups of) metropolitan boroughs for the allocations rather than the entire counties.)

In order to make its allocations of constituencies, therefore, the Boundary Commission for England will have to subdivide its regions into more manageable areal units that are entitled to a number of constituencies all of which can fall within the $\pm 5\%$ allowed variation. In many areas this will almost certainly involve groups of counties and other local authority

areas whose boundaries are known; it would then publish its provisional recommendations for those areas. The Commissions for Scotland and Wales will have to do the same; Northern Ireland may be treated as a single unit. (It could be argued that the Commissions should publish and consult on their groupings before proceeding to publish their provisional recommendations, as interested parties could want to propose alternative groupings for the Commissions to consider. The timetable will probably not allow that, however – although the groupings may be the subject of discussion at the meetings with political parties that the Commissions traditionally hold at the start of any review.)

Grouping neighbouring local authorities may not be a straightforward task, because with relatively small numbers of constituencies to be allocated there is less scope for variation in the average. For example, a region entitled to 69.43 seats can be allocated 69 and it will be feasible to create 69 constituencies within the +/-5% constraint. However, if a pair of boroughs is entitled to 6.43 allocating 6 will not be feasible; even if five had the maximum electorate of 79,800, this would leave 89,680 for the sixth – well outside the allowed range.

Finding groups of adjacent authorities that together are entitled to an integer number of constituencies will involve considerable exploration – some may fit, but create a pattern in which the remainder will not. Take the example of the Southwest region which comprises 15 separate authorities with local authority seat entitlements as follows:

Cornwall	5.48	Bristol	4.10
Swindon	1.99	Devon	7.76
Bath	1.76	Wilts	4.51
Plymouth	2.36	S Gloucs	2.62
Dorset	4.37	Torbay	1.38
N Somerset	2.06	Bournemouth	1.77
Somerset	5.43	Gloucs	6.09
Poole	1.49		

Of these, only four have a clear integer entitlement – Swindon, Gloucestershire, North Somerset, and (just) Bristol: the remainder would have to be grouped with one or more adjacent areas. Swindon and/or Bristol may have to be because of the situation in their neighbours.

The obvious place to start is with Cornwall, since this has only two adjacent authorities it could be grouped with – Plymouth, and Devon plus Torbay. (Torbay is an enclave of Devon so would have to be grouped with it.) Cornwall and Plymouth together are entitled to 7.74 seats, which is a feasible grouping with 8 constituencies.²¹ Devon plus Torbay's entitlement is 9.14 seats which could produce a feasible solution with 9 constituencies. Alternatively, adding the four units together (Cornwall, Devon, Plymouth, Torbay) produces an entitlement of 16.98 seats, and allocating them 17 would be a feasible solution. Whichever solution is used, there would be at least one constituency crossing either the Devon–Cornwall or the Plymouth–Cornwall boundary.

Resolving the allocation procedure for the southwest corner of the region was relatively straightforward. In the rest of the region, neither Bournemouth nor Poole can stand alone, and their joint entitlement of 3.26 means that they must be grouped with Dorset, giving an entitlement of 7.63, which is just feasible with an allocation of 8. Adding Wiltshire gives an entitlement of 12.14, which is clearly feasible – and would allow Swindon to stand alone with two seats. Wiltshire could not stand alone with an entitlement of 4.51; if grouped with Gloucestershire, an allocation of 11 against their joint entitlement of 10.60 would be feasible. Gloucestershire could stand alone with 6 seats against an entitlement of 6.09, however. Similarly the four unitary authorities that formerly comprised the county of Avon (Bristol, Bath and Northeast

21 If, for example, there were seven constituencies with 74,000 electors each, the eighth would have 78,171 and all would be within the +/-5% constraint.

Somerset, North Somerset, and South Gloucestershire) have a joint entitlement of 10.54 for which an allocation of 11 would be just feasible: if Somerset were added to them, this would give an entitlement of 15.47, and an allocation of 15 would clearly work. Both Bristol and North Somerset could stand alone, however, leaving the remaining three authorities – Somerset, Bath and Northeast Somerset, and South Gloucestershire – with a feasible entitlement of 9.82 (i.e. 10 constituencies).

This exercise has not explored all of the options for this one region, but it does suggest that it would be feasible to divide it into eight manageable units for allocating and determining constituencies, and conducting public consultation.

Cornwall and Plymouth	8
Devon and Torbay	9
Dorset, Wiltshire, Bournemouth, and Poole	12
Swindon	2
Gloucestershire	6
Bristol	4
North Somerset	2
Somerset, Bath and Northeast Somerset, and South Gloucestershire	10

However, fairly small variations in the electorates could generate major changes in the groupings. For example, if Swindon's electorate increased to an entitlement of 2.13 it would have to be grouped with Wiltshire, giving an entitlement of 6.64 – which would not be feasible. Wiltshire and Swindon would then have to be combined with other authorities: Dorset, Bournemouth and Poole perhaps. The knock-on effects of electorate change could be considerable and impact on a number of neighbouring authorities, therefore, so that subsequent reviews after the first to be finished by October 2013 may involve considerable change not only to the authorities grouped but also to individual constituency boundaries in order to meet the equality constraint

in rule 2; an increasing number of authority boundaries may have to be crossed.

Similar exercises for the other regions would also illustrate that it is possible to create groups of local authorities for which it would be feasible to create constituencies all within the +/- 5% electorate variation. In some cases, several authorities would have to be grouped together, but the degree of boundary-crossing need not be excessive.

Greater London is the part of the UK where borough boundary-crossing has been most common at recent reviews, and where it is likely to be widely necessary under the new rules. With an electoral quota of 76,000 only three of the 32 boroughs would have an entitlement of as many as three constituencies (Bromley, Croydon, and Ealing). No more than eight of the boroughs have an entitlement which means they could be treated separately in the allocation of constituencies, but because of the non-integer entitlements of their neighbours it could well be that virtually all of the boundaries have to be crossed.

As a final example, in Wales the electorates for the eight preserved counties – used as the matrix within which constituencies were allocated at the last periodical review – with their entitlements using a quota of 76,000, were:

Clwyd	374,110	4.92
Gwynedd	134,999	1.78
Dyfed	279,609	3.68
Powys	101,370	1.33
Mid Glamorgan	313,010	4.12
West Glamorgan	291,433	3.83
South Glamorgan	327,400	4.31
Gwent	418,344	5.50

Only three of these (Clwyd, Mid Glamorgan, and West Glamorgan) could be used as stand-alone units for constituency

allocation, but this would not be possible because of their neighbours' entitlements. In north and central Wales, Dyfed and Powys together could be allocated five, and Clwyd and Gwynedd together seven. In the south, however, Gwent would have to be grouped with either Mid or South Glamorgan: if the latter, then West and Mid Glamorgan could be grouped.

2. DEFINING CONSTITUENCIES WITHIN (GROUPS OF) LOCAL AUTHORITIES

As noted earlier, the Boundary Commissions have traditionally used local authority electoral wards as their building blocks when creating constituencies (in areas with a two-tier administration, they have used the smaller district wards rather than the county electoral divisions) and the Deputy Prime Minister expressed the wish that this be the case in the future, although this was not incorporated into the Bill (save for Northern Ireland). The feasibility of doing this and creating constituencies within the size constraint is doubtful in certain parts of the UK, however, because of variations in ward electorates. In some local authorities they are relatively small, but in others they are much larger – averaging more than the 7,600 electors which is the range between the largest and smallest allowed constituency.

The following table gives the average ward size in a sample of English local authorities:

London Boroughs		Metropolitan Boroughs		County Districts	
Bexley	8,276	Birmingham	18,532	East Dorset	2,979
Croydon	10,412	Sheffield	13,713	West Dorset	2,438
Bromley	10,695	Rotherham	9,051	Chesterfield	4,207
Greenwich	9,014	Barnsley	8,433	NE Derbys.	3,129
Southwark	8,455	Doncaster	10,515	High Peak	2,579

Unitary Authorities		Unitary Counties	
Swindon	6,881	Cornwall	3,387
York	6,832	Durham	6,224
Bournemouth	7,459	Rutland	1,810
Bristol	8,910	Cheshire East	5,518
N Somerset	4,324	Isle of Wight	2,835

There would appear to be no substantial problems in the County Districts where the average ward size is less than half of the allowed span around the quota (i.e. 72,200–79,800). This also appears to be the case in some of the Unitary Counties, but the average ward sizes for Cheshire East and Durham suggest potential difficulties. In Cheshire East, for example, the 52 wards recently introduced for this new authority include 18 two-member wards with electorates between 6,000–8,000 and six three-member wards, five of which had 2008 electorates exceeding 10,000. There are similar large wards in the Cheshire West and Chester unitary authority, and in the proposed warding scheme for Central Bedfordshire, but in all cases there is a substantial number of single-member wards whose electorates are closer to 3,000.²²

There are, however, likely to be substantial problems in some at least of the other three types of authority because their average ward size is close to – if not greater than – the allowed span (7,600 electors), with Birmingham’s wards more than twice that figure. Birmingham may not create a problem for the Boundary Commission, however: it has 40 wards and 741,286 electors so that an allocation of 10 constituencies would be feasible, with each comprising four wards giving an average electorate of 74,129.²³

22 Again, to illustrate the provisional nature of all of our examples, these data refer to those qualified to vote in local government elections rather than general elections: the latter number is generally smaller, although it varies across the country.

23 Should division of any wards be necessary in Birmingham, each ward has 12–15 polling districts, giving an average electorate of some 1,400.

In West Yorkshire metropolitan county, Calderdale has an electorate of 149,073 giving an entitlement of 1.96 seats: it has 17 wards, however, and it may be difficult to create two constituencies, one comprising 9 wards and the other 8 – although to determine whether this is the case requires specialist computer software. Similarly, neighbouring Kirklees is entitled to 3.97 constituencies, and it might be difficult to create 4 out of its 23 wards, which average 13,103 electors, without some ward-splitting.²⁴ The other three boroughs – Bradford, Leeds and Wakefield – similarly have large wards (averaging 11,936, 16,712 and 10,864 electors respectively) and ward-splitting would seem very likely there too, though all three would have to be grouped together to ensure that all constituencies were within the +/-5% constraint. (Their entitlements are 3.29, 7.26 and 4.28 respectively. It may be possible to create 7 constituencies within Leeds, but as Bradford does not share a boundary with Wakefield, all three would have to be grouped if Calderdale and Kirklees' boundaries are to be respected and the external boundary of West Yorkshire not crossed.)

Sheffield is a good example of the extent to which ward-splitting will almost certainly be necessary. It has 28 wards averaging 13,713 electors (they range in size from 11,472 to 16,239). With 383,989 electors the city's entitlement is 5.05 constituencies, so that an allocation of five constituencies is feasible. However with 28 wards, three of the constituencies

24 Experience elsewhere has shown that, difficult though it may seem, it may be possible to create constituencies that meet the size constraint in such places using wards only; much depends on the relative location of wards with different electorates. Only specialist computer software can determine whether such solutions are feasible, given the very large number of ways in which, say, 17 wards can be grouped into two constituencies. Examples of the number of possible ways of allocating wards to constituencies in a number of English urban areas at the Boundary Commission's third periodic review can be found in R. J. Johnston and D. J. Rossiter, 'Constituency building, political representation and electoral bias in urban England', in D. T. Herbert and R. J. Johnston, editors, *Geography and the Urban Environment, Volume V*. Chichester: John Wiley, 1982, 113-155.

would have to comprise six wards each – giving an average electorate of 82,278 (which is too large) – and the other two would have to comprise five each – an average electorate of 68,565 each (which is too small). Because of the variation in ward electorates, it may be possible to create some constituencies comprising entire wards only, but this is unlikely.²⁵

If it is impossible to define constituencies in Sheffield using wards, there are two available options, which apply to any other area where that problem arises:

1. Explore whether constituencies using whole wards only could be created by combining Sheffield wards with those from neighbouring Rotherham, Barnsley, and Northeast Derbyshire where the average electorates are somewhat smaller – especially in Northeast Derbyshire. (The Peak District high moors preclude combining western Sheffield wards with those in High Peak further west.) This would be far from easy, and could mean that there is no constituency totally within Sheffield; all of the constituencies would cross a local authority boundary.
2. Use smaller building blocks than wards.

Regarding the latter option, there are no areas smaller than wards that have a statutory existence and for which there is electorate data and mapping showing their boundaries readily available for all areas. Four smaller area types exist:

- a. Polling districts. These areas are created by local authorities to assist in the conduct of elections within wards, where that is desirable because the wards are large.

²⁵ At previous reviews, where division of the number of wards in a local authority by the number of constituencies does not produce an integer outcome, the result has been unequal sized constituencies. At the most recent Scottish review, for example, the City of Edinburgh was allocated five constituencies. Edinburgh has 58 wards; three of the constituencies comprise 12 wards each and the other two have eleven: the former three have electorates that are 8.4, 6.9 and 6.5 percentage points above the electoral quota. This would not be within the proposed rules under the current Bill, thereby requiring wards to be split.

- b. Postcodes. This hierarchy of areas is created for administrative reasons only – the delivery of mail – and they do not nest within any other areas (such as local authorities and their wards: indeed, one postcode covers parts of both England and Wales); they are also subject to frequent change. Most electoral rolls are collated by addresses with the postcode given, so it should be feasible – if maps were available – to use them as building blocks, but (outside Scotland) the quality and variability of the data is such, along with the absence of maps, that their use would not be possible. An alternative – used by the Boundary Commission for Scotland in its recent *First Periodic Review of Scottish Parliament Boundaries* – is to make ad hoc decisions as to where the constituency boundaries might be and calculate the number of electors encompassed by them using postcoded electoral roll data. This, however, would only be feasible in Scotland; comparable databases are not currently available for the other three territories.
- c. Census output areas. These are small areas produced for reporting census data that nest within wards. Census data relate to populations not electorates, however, and it would be a major task to collate electoral roll data within their boundaries. Furthermore, the next census will not be taken until April 2011 and the data will probably not be available until 2013 – which is too late for the current exercise. In addition, the future of the decennial census is in doubt, so it may well not be a permanent resolution for the problem.
- d. Civil parishes. These are small areas for which electoral data are available but they do not cover the entire country. There are, for example, no civil parishes in London and the metropolitan counties where the main problems of ward size are found.

An ideal solution would be a national address database which combined a cartographic file, showing the geocoded location of

each separate dwelling, with the electoral roll that gave the number of registered electors in each dwelling. It would then be possible to calculate the number of electors within any area – either a pre-specified one (such as a ward or polling district) or one constructed ad hoc for the purpose of defining a constituency. Such databases, and the software that can be used to manipulate them and construct trial constituency boundaries, are generally available and used in other countries – such as the United States; they would need to be adapted for UK data and mapping. The Boundary Commission for Scotland has begun to construct such a system. Creating one to be used for an immediate review of all constituencies after the Bill has been passed is almost certainly not feasible, but it could be done for future reviews – in which case (following the example of the Boundary Commission for Scotland's recent review of constituencies for the Scottish Parliament) the data and software packages could be made generally available to the political and any other interested parties.

Of the four currently available options, therefore, only polling districts offer a potential solution to the issue of splitting wards to create equal-sized constituencies in some of the UK's urban areas, and potentially elsewhere even though wards are generally smaller outwith cities. For example, an attempt to define 30 constituencies for Wales, all of which fell within $\pm 5\%$ of the UK quota, found it necessary to split electoral divisions in 11 cases, not only in urban South Wales but also to create constituencies of Brecon & Montgomery, Ceredigion & Rhaeder, and Carmarthen.²⁶ And in London, although several of the boroughs have near-integer entitlements and so could be treated separately, the number of wards in all but one of them suggests that some ward-splitting would be needed there – unless borough boundary-crossing obviated the problem.

26 L Baston and O Llyr ap Gareth, *'Reduce and Equalise' and the Governance of Wales*. Cardiff: Electoral Reform Society, 2010.

Splitting wards will not be a straightforward solution for all areas, however, because of the variable quality of the data and associated mapping: the Commissions will need Electoral Administration Officers either to provide reliable data at the outset of the redistribution or to provide data that can readily be ‘cleaned’ and added to a central data base (recalling that in some cases it might be necessary to use polling districts to create constituencies that cross local authority boundaries). Further, polling districts are frequently changed at local discretion for administrative and (sometimes) political reasons; as many as one-in-five may be changed between general elections, suggesting that where they are used for defining constituencies their boundaries may have to be ‘frozen’ for the period in which those constituencies exist.

It is also the case that in some places polling districts may still be too large to allow the fine-grained splitting of wards necessary to ensure that rule 2 is fully implemented. The Electoral Commission’s review of some of the problems at the 2010 general election, when not all those wishing to were able to cast their vote before the polling booths were closed, found that a number of the polling stations in the local authorities involved had several thousand electors: 2,707, 2,282 and 2,039 in Milton Keynes, for example; 3,132, 2,761 and 2,661 in Manchester; and 4,469, 2,904, 2,870, 2,795 and 2,772 in Sheffield. (The Commission’s guidance to electoral administrators is that ‘Wherever possible, a polling station should not have more than 2,500 electors allocated to it’.²⁷)

This problem is also likely to be acute in parts of Scotland where multi-member wards, with electorates ranging from 6,000 to 24,000, are used for local government elections. In its

27 This, and the data quoted above, are taken from the Electoral Commission’s *2010 UK Parliamentary General Election Interim Report: review of problems at polling stations at close of poll on 6 May 2010* which is available at http://www.electoralcommission.org.uk/__data/assets/pdf_file/0010/99091/Interim-Report-Polling-Station-Queues-complete.pdf

recent *First Periodic Review of Scottish Parliament Boundaries*, the Boundary Commission for Scotland had an electoral quota of 54,728 to use in creating 71 constituencies (the separate constituencies of Orkney Islands and Shetland Islands being ‘preserved’ by the legislation), of which 38 were within 5% of the quota and 64 were within 10%. Fully 44 of the 71 recommended constituencies included part only of at least one ward: all six recommended constituencies for Edinburgh contained at least one split ward and two of them were entirely comprised of split wards. Of Edinburgh’s 17 wards (with an average electorate of 19,871) only six were not split, and two were split between three constituencies. A similar situation could well arise in defining House of Commons constituencies for Scotland.

At recent periodic reviews, each Commission has published electorate data for every local authority ward used in its constituency-building, thereby allowing those wishing to suggest alternative configurations to evaluate their electorate totals. If a Commission published recommendations based on polling districts, therefore, it should include the electorate data for each polling district in the area covered, to allow alternative configurations to be tested against the $\pm 5\%$ constraint. (If it splits wards in some areas only and the Bill does not even require it to have regard to ward boundaries – which is the situation in the published Bill except for Northern Ireland – then a case can be made that data for polling districts, or whatever sub-ward areas are used, should be made publicly available for the entire territory. If there is no requirement for ward boundaries to be taken into account wherever possible, then even if a Commission does not split wards in an area, interested parties proposing alternative configurations may wish to – in which case the data should be provided. The suggested change to rule 9(3)(d) above, requiring all Commissions to have regard to ward and electoral area/division boundaries should preclude this, on the argument that if the Commission can

produce a viable configuration of constituencies for an area without splitting wards this removes any case for an alternative that does.)

3. PUBLIC CONSULTATION

Public consultation has been a feature of all redistributions in the UK since the 1944 Act, although it was not until the 1958 Act that the conditions which would trigger an automatic Public Inquiry were specified.

Although Public Inquiries have been held in the majority of areas used for the allocation of constituencies at previous periodic reviews, many have not led to any changes in the Commissions' recommendations – leading one former MP to refer to them as 'far too elaborate about so little'! During its most recent fifth periodical review the Boundary Commission for England convened 66 Inquiries, nearly half of which resulted in no changes to the provisional recommendations: either the Assistant Commissioner recommended no changes (which was the normal situation) or any recommended changes were rejected by the Commission. In several cases the only change was to the name of one or more constituencies, whose boundaries remained unchanged. (The issue of a constituency's name can be very contentious, and in some cases has led the Commissions to recommend long names to reflect the range of separately-identified communities within a constituency, each of which wishes its identity to be marked in the name. With larger constituencies in the future, the pressure for such longer names may well increase.) Where changes were recommended and adopted, leading the Commission to publish and consult on revised recommendations, in most cases these were very minor, affecting the allocation to constituencies of only a very small minority of wards. Outside

London and the metropolitan counties, for example, in only three cases did the Inquiry lead to a substantial number of wards being moved between constituencies – and all three involved counties to which the Commission had allocated an additional constituency; this involved major change to the local maps, much of which was contested (as was the change proposed in areas that lost a seat compared to the previous redistribution). Overall, this suggests that the Commission's provisional recommendations were generally accepted – or at least convincing cases for major changes to them were not presented – and that the need for Inquiries was slight save in a few cases.

This finding underpins an argument that Public Inquiries are not necessary to the conduct of a redistribution – that in general the Commissions 'get it about right' and the time and resources expended on the Inquiries produce little return, other than to confirm that they 'got it about right' in most cases. Furthermore, most Inquiries are dominated by representatives of the political parties arguing for constituency configurations that optimise their partisan interests, using whichever criteria in the current rules best suit their purpose.

As indicated above, at recent reviews the Inquiries have had little impact on the Commission's recommendations in most cases, suggesting that their abolition would not significantly impair the consultation process. Although in a few cases it may be that the public discussion at an Inquiry could have led to changes being recommended that would not result from an examination of the written documents alone, as a further review would be held in five years under the provisions of the *Parliamentary Voting System and Constituencies Bill*, this should not significantly damage the credibility of the review.

Against this, it could be argued that creating a new set of constituencies for any area without the opportunity to debate it publicly would undermine the legitimacy of the process.

Furthermore, the first review under the new rules proposed in the Bill could well generate much more opposition than has been the case at recent reviews because a majority of the new constituencies may be very different from the current ones – raising substantial issues regarding the crossing of local authority boundaries, special geographical considerations, the breaking of local ties, and inconveniences stimulated by the proposed changes. It may be that these issues should be publicly aired rather than submitted in writing only. Under the current system, the Assistant Commissioner's report not only summarises the arguments made in the written and oral submissions but also presents a fully-argued rationale for any proposed changes from the provisional recommendations. Without such a report, when the final recommendations are published those who have made submissions could claim that their cases have not been properly considered – which could in its turn stimulate judicial review actions.²⁸

Because Inquiries are expensive and time-consuming, and largely political contests that frequently have no effect on the review outcome, however, it has been contended that they be abolished. This is clearly the decision taken by the framers of the *Parliamentary Voting System and Constituencies Bill*; the tight timetable for the first review under the new rules, for example, would be even more difficult if Inquiries were required in many areas.

To compensate in part for the removal of Public Inquiries, the Bill extends the period of public consultation from 4 to 12 weeks, which should allow adequate time for reasoned objections and/or alternative schemes for an area to be worked-up and submitted. Previously, with only four weeks allowed many of the representations – especially from the political parties and local authorities – were submitted as 'holding statements' only, to be superseded by a fuller – and perhaps different – scheme that was

28 Commentators have also asked whether the absence of Public Inquiries would violate an individual's or a group's rights under the European Convention of Human Rights: we have chosen not to address this specific legal issue as it is beyond our competence.

presented at the subsequent Inquiry. The system proposed in the current Bill would prevent that: interested parties would have only one opportunity to make their case.

One advantage of the Inquiry system was that it allowed the various interested parties (predominantly the political parties) to comment upon all of the alternative schemes presented – and to cross-examine their proponents. The Assistant Commissioner was thus presented with not just one or more alternative schemes to that provisionally recommended by the Commission but also debates about their relative merits. This would not be possible under the Bill's proposals for public consultation: furthermore, many of the interested parties may not make their representations regarding a set of provisional recommendations until late in the 12-week period which – even if they were immediately mounted on a website – would render it impossible for others to comment on them.

In line with the practice in Australia and New Zealand (see Appendix 3), however, the rules could be changed to allow a further period of counter-objections, after the initial representations had been published (presumably on the Commission's website although it may be desirable to have printed copies made available at an advertised place in each constituency, as at present). This would involve an additional rule 10(1) 5 (1) (c) reading

(c) the representations received should be published by the Commission and a further period of 4 weeks allowed for comments to be submitted regarding any of those representations

and the final sub-sentence of 10 (1) 5 (1) altered to

and the Commission shall take into account any such representations duly made and comments thereon.

This raises a further issue regarding the Commissions' structure. Each comprises three 'active' members – the Deputy Chairman and two others – on part-time appointments. (On the last occasion when applications for members of the English Commission were invited, they were advertised as likely to demand no more than a day a month.) The demands of the first review under the new rules, involving major changes to the UK's electoral map to be produced on a very tight timetable, may mean that a three-member Commission is insufficient, especially for England.

One element of the increased workload for Commissioners could be with the handling of the written representations. Currently, although they consult these they are substantially assisted in most cases – and certainly in any where the provisional recommendations are contested – by the Assistant Commissioners' reports. The Bill is silent on whether the Commissions should use specially-appointed Assistant Commissioners in any way, and does not repeal that section (Schedule 1, 6(1)) of the *Parliamentary Constituencies Act 1986* which states that:

The Secretary of State may, at the request of any Commission, appoint one or more assistant Commissioners to inquire into, and report to the Commission upon, such matters as the Commission think fit.

It could be, therefore, that – if there are to be no Public Inquiries – **the Commissions should be directed to appoint Assistant Commissioners to report on and make recommendations emerging from the written representations submitted for each separate area that provisional recommendations have been published for. This report should be published on the Commission's website – along with copies of all the representations**

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received – before the Commission either published its revised recommendations for the area or confirmed its provisional recommendations. This could replace some of the legitimacy that might be lost by the absence of Public Inquiries.

OTHER ISSUES

1. THE DESIGNATION OF CONSTITUENCIES

One section of the *Parliamentary Constituencies Act 1986* that has not been changed in the *Parliamentary Voting System and Constituencies Bill* is the clause (3(3)) that requires the Commissions to state in their reports to the Secretary of State regarding each constituency

... the name by which they recommend that it should be known, and whether they recommend that it should be a county constituency or a borough constituency (or in Scotland a county constituency or a burgh constituency).

The latter requirement is linked to the legislation regulating the amount of money candidates can spend on their constituency campaigns:²⁹ more can be spent in county constituencies (i.e. those that are more rural in character and so cost more to get around when campaigning) than in the higher density, more compact borough (i.e. urban) constituencies. No criteria are given for that decision: in the report on its Fifth Periodical Review the Boundary Commission for England indicated its policy that ‘where constituencies contain more than a small rural element they should normally be designated as county constituencies’, otherwise they would be designated borough.

With fewer, larger and potentially more diverse constituencies this decision may be less clear-cut. It will also have greater import than previously. Until the 2010 general

²⁹ It is also used to determine who the returning officer for an election is: in borough constituencies it is the local council chairman or mayor; in county constituencies it is the sheriff.

election, the classification applied only to the amount that could be spent during the designated campaign period immediately preceding a general election, which in 2005 and 2010 was:

For a borough constituency, £7,150 plus 5p for every person registered on the constituency's electoral roll;

For a county constituency, £7,150 plus 7p for every person registered on the constituency's electoral roll;

In a constituency with 70,000 electors, therefore, the difference was between £10,650 in a borough constituency and £12,050 in a county constituency. However, section 21 of the *Political Parties and Elections Act 2009* introduced further limits on what is termed 'pre-candidacy spending' during the period between the 55th month after Parliament first sat and the date at which the candidate is formally adopted after Parliament has been dissolved. With five-year fixed-term Parliaments, this legislation will take on added importance, especially as the sums involved are much larger:

The maximum sum that a candidate can spend is

In a county constituency, £25,000 plus 7p for every entry in the register of electors

In a borough constituency, £25,000 plus 5p for every entry in the register of electors

This maximum only applies if Parliament is dissolved in the final (60th) month of its term. If the dissolution comes earlier, then the maximum is reduced to the following percentage:

Dissolution month	Percentage
56th	60
57th	70
58th	80
59th	90

Thus in a county constituency with 70,000 electors, the maximum a candidate could spend would be £28,500 in a borough constituency if Parliament runs for its full term, and £29,900 in a county constituency. With these larger sums, it may well be that parties and their candidates would want to contest their constituency's designation, thereby requiring the Commissions to have more exact criteria for making the designation.³⁰

2. THE ELECTORAL REGISTER

Some discussions about possible impacts of the *Parliamentary Voting System and Constituencies Bill*, and particularly its proposed greater equalisation of constituency electors, have raised the issue of the accuracy of the electoral roll. The Electoral Commission has recently indicated that the current register may be only 91-92 per cent complete, which would mean that over three million eligible electors are not registered; more recent research suggests that the latter figure may be even larger. Further, the Electoral Commission's findings suggest that certain groups within society (young, students, ethnic minorities, private renters, recent movers) are more likely to be absent from the electoral roll: members of some of those groups are more likely to live in certain types of area rather than others.³¹ Greater equalisation of constituency boundaries could therefore disadvantage some areas with concentrations of unregistered voters (such as inner city areas and areas with high concentrations of tertiary-level students where population

30 The issue of party funding is to be the subject of separate legislation, in which this separate designation of borough and county constituencies may be reconsidered.

31 See the Electoral Commission's publication *The completeness and accuracy of electoral registers in Great Britain*, available at http://www.electoralcommission.org.uk/__data/assets/pdf_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf

mobility is high) – which may have an impact on some political parties more than others.

Under the *Political Parties and Elections Act 2009* the government is committed to improving the quality of electoral registration in Great Britain, following initiatives in Northern Ireland which replaced household by individual registration. Any such programmes will have no impact before the end of 2010, however, and if the Bill is enacted by then the Commissions will undertake their first reviews under the new rules using electorate data for late 2010. If new registration procedures are adopted during that review period – resulting not only in many of those currently not registered appearing on the rolls but also in those who currently are there but should not be being removed – this may mean that the subsequent (post-2013) review has a somewhat altered geography of electoral registration, affecting not only the boundaries of individual constituencies but, quite possibly, the allocation of seats to regions and (groups of) local authorities.

APPENDICES

APPENDIX 1: THE EXISTING RULES

1. THE RULES

1. (1) The number of constituencies in Great Britain shall not be substantially greater or less than 613.
- (2) The number of constituencies in Scotland shall not be less than 71.
- (3) The number of constituencies in Wales shall not be less than 35.
- (4) The number of constituencies in Northern Ireland shall not be greater than 18 or less than 16, and shall be 17 unless it appears to the Boundary Commission for Northern Ireland that Northern Ireland should for the time being be divided into 16 or (as the case may be) into 18 constituencies.
2. Every constituency shall return a single member.
3. There shall continue to be a constituency which shall include the whole of the City of London and the name of which shall refer to the City of London.
4. (1) So far as is practicable having regard to rules 1 to 3
 - (a) in England and Wales,—
 - (i) no county or any part of a county shall be included in a constituency which includes the whole or part of any other county or the whole or part of a London borough,
 - (ii) no London borough or any part of a London borough shall be included in a constituency which includes the whole or part of any other London borough,
 - (b) in Scotland, regard shall be had to the boundaries of local authority areas,

- (c) in Northern Ireland, no ward shall be included partly in one constituency and partly in another.
- (2) In sub-paragraph (1)(b) above “area” and “local authority” have the same meanings as in the Local Government (Scotland) 1973 c. 65.
5. The electorate of any constituency shall be as near the electoral quota as is practicable having regard to rules 1 to 4; and a Boundary Commission may depart from the strict application of rule 4 if it appears to them that a departure is desirable to avoid an excessive disparity between the electorate of any constituency and the electoral quota, or between the electorate of any constituency and that of neighbouring constituencies in the part of the United Kingdom with which they are concerned.
 6. A Boundary Commission may depart from the strict application of rules 4 and 5 if special geographical considerations, including in particular the size, shape and accessibility of a constituency, appear to them to render a departure desirable.

2. GENERAL AND SUPPLEMENTARY

7. It shall not be the duty of a Boundary Commission to aim at giving full effect in all circumstances to the above rules, but they shall take account, so far as they reasonably can—
 - (a) of the inconveniences attendant on alterations of constituencies other than alterations made for the purposes of rule 4, and
 - (b) of any local ties which would be broken by such alterations.
8. In the application of rule 5 to each part of the United Kingdom for which there is a Boundary Commission—
 - (a) the expression “electoral quota” means a number obtained by dividing the electorate for that part of the

- United Kingdom by the number of constituencies in it existing on the enumeration date,
- (b) the expression “electorate” means—
 - (i) in relation to a constituency, the number of persons whose names appear on the register of parliamentary electors in force on the enumeration date under the Representation of the People Acts for the constituency,
 - (ii) in relation to the part of the United Kingdom, the aggregate electorate as defined in sub-paragraph (i) above of all the constituencies in that part,
 - (c) the expression “enumeration date” means, in relation to any report of a Boundary Commission under this Act, the date on which the notice with respect to that report is published in accordance with section 5(1) of this Act.
9. In this Schedule, a reference to a rule followed by a number is a reference to the rule set out in the correspondingly numbered paragraph of this Schedule.

APPENDIX 2: THE RULES PROPOSED IN THE BILL

PART 2 — PARLIAMENTARY CONSTITUENCIES

8 Reports of the Boundary Commissions

- (1) In the Parliamentary Constituencies Act 1986 (“the 1986 Act”) section 3 (reports of the Boundary Commissions) is amended as follows.
 - (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.
- (2) In subsection (1)—
 - (a) before 1st October 2013, and
 - (b) before 1st October of every fifth year after that.”
- (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, 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, with or without modifications, to the recommendations contained in them.

(5B) Subsection (5A) above does not apply where each of the reports 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.

9 Number and distribution of seats

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

“SCHEDULE 2
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(2) and 7.
 (3) In this Schedule the “United Kingdom electoral quota” means—

$$\frac{U}{598}$$

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—
- (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) any local ties that would be broken by changes in constituencies;
 - (d) 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.

Preserved constituencies

- 6 (1) 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.

(2) 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—

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) This rule does not apply to the constituencies mentioned in rule 6, and accordingly the electorate of Scotland shall be treated for the purposes of this rule as reduced by the electorate of those constituencies.

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 a register of parliamentary electors in force on the review date under the Representation of the People Acts in respect of addresses in the United Kingdom, or in that part or that constituency.
- (3) “Local government boundaries” are—
 - (a) in England, the boundaries of counties and London boroughs,
 - (b) in Wales, the boundaries of counties and county boroughs,
 - (c) in Scotland, the boundaries of the areas of councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994, 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 2010.”
- (2) In the Schedule substituted by subsection (1), rule 5(1)(d) 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 8(3) above, to submit before 1 October 2013.

***10 Boundary Commission proposals:
publicity and consultation***

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

“5 Publicity and consultation

- (1) Where a Boundary Commission have provisionally determined to make recommendations affecting any

constituency, they shall take such steps as they see fit to inform people in the constituency—

(a) of the effect of the proposed recommendations and (except in a case where they propose to recommend that no alteration be made in respect of the constituency) that a copy of the recommendations is open to inspection at a specified place within the constituency, and

(b) that representations with respect to the proposed recommendations may be made to the Commission during a specified period of 12 weeks;

and the Commission shall take into consideration any such representations duly made.

(2) A Boundary Commission may not cause a public inquiry to be held for the purposes of a report under this Act.

(3) Where a Boundary Commission revise any proposed recommendations after publicising them under subsection

(1) above—

(a) that subsection also applies to the revised proposals, but

(b) it does not apply to any proposals revised a second time.”

(2) Section 6 of the 1986 Act (local inquiries) is repealed.

11 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 11(3) or (4) of the Parliamentary Voting System and Constituencies Act 2010.”
- (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 Secretary of State 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 Secretary of State, and
 - (c) the Commission give notice in writing to the Secretary of State 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—
- (a) a report by the Boundary Commission for Wales under section 3(3) of the 1986 Act has been submitted to the Secretary of State, 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.

APPENDIX 3: HOW OTHER COUNTRIES REDISTRICIT³²

AUSTRALIA

Redistributions for the Australian federal House of Representatives are undertaken every seven years unless either the allocation of seats to which a State or Territory is entitled has changed (this allocation is determined according to their respective populations; the House has a fixed number of members) or the number of electors in more than one-third of the electoral divisions in a State (or one of the divisions in either the ACT or the Northern Territory) deviates from the average by over 10% for more than two months.

As soon as possible after a redistribution commences, and with the number of electoral divisions for each State and Territory determined, the Electoral Commissioner must call for public suggestions, to be lodged within 30 days: a further 14 days is then allowed for others to comment on those suggestions. The Redistribution Committee for each State or Territory then produces its recommendations for electoral divisions within its area. (The federal Electoral Commissioner is a member of all of the committees.)

At the time of the redistribution, the number of electors in any division must be within 10% of the average divisional electorate for that State/Territory. In addition, the predicted number for each electorate at a future 'projection date' (normally 3.5 years later, or half-way through the redistribution

32 For other examples, see L. Handley and B. Grofman, editors, *Redistricting in Comparative Perspective*. Oxford: Oxford University Press, 2008, and J. Woodhouse and I. White, *Redistributing Parliamentary Boundaries: some International Comparisons*. London: House of Commons Library, SN/PC/05629, 2010.

period) must be within 3.5% of the projected quota for that State/Territory. The factors that can be taken into account when determining boundaries include: community of interests, including economic, social and regional interests; means of communication and travel within divisions; the division's area and physical divisions; and the boundaries of existing divisions.

On publication of the recommendations for a State or Territory, there is a period of 28 days for written objections to be submitted, and a subsequent period of 14 days is allowed for comments on those objections. An enhanced State/Territory Redistribution Committee then considers all of the materials received and determines the final recommendations, which are published along with a report giving the reasons for the decisions.

Parliament can neither reject nor amend a Committee's final recommendations.

[Note that the Australian federal House of Representatives has 150 members. Once the allocation of seats has been undertaken, the redistribution is delegated to State/Territory Redistribution Committees whose task ranges from allocating 37 and 48 divisions in Victoria and New South Wales respectively to just two each in the two Territories and five in Tasmania.]

NEW ZEALAND

Redistributions take place in New Zealand after each of the country's quinquennial censuses and are undertaken by an independent Commission with seven members, including two political nominees. The Commission must publish its final decisions within six months of the commencement of a review and Parliament can neither reject nor amend them.

New Zealand has two types of single-member constituency for election to its House of Representatives: the general roll

constituencies and the Maori constituencies. The first stage of the redistribution involves determining the number in each type, after a four-month period during which members of the Maori population can decide which roll they wish to be registered on.

Districts are determined by population, and none must be more than 5% from the average, using data from the most recent census. Within that constraint, the commission can take into account a range of factors, including: existing boundaries; communities of interest; communication links, topographic features; and population projections. The building blocks for constituencies are the census meshblocks, the smallest areas for which data are published, and which have an average population of less than 200.

When a provisional set of constituencies has been agreed, details are published, along with a summary of the reasons for their selection. A month is allowed for public objections to be submitted, and a further two weeks for counter-objections. Public hearings are then held in any area where a sufficient number of objections and counter-objections has been received. The Commission then makes its final determinations.

[Note that New Zealand has 70 MPs elected from single-member constituencies, of which seven are reserved for those on the Maori electoral roll. Its major task is thus to define the boundaries of the 63 general roll constituencies. This is divided into two parts. The South Island is guaranteed 16 seats. The average population for these sixteen is then taken as the quota for the number of seats in the North Island, and at the last redistribution this gave an entitlement of 47 seats – whose definition becomes the Commission's largest task.]

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BRITISH
ACADEMY

P O L I C Y
C E N T R E

Within a democracy, no principle seems more obvious than that of ‘one person, one vote’, with each person’s vote counting equally. If citizens vote for constituency MPs, then the principle of one person, one vote suggests constituencies of equal size. If this were the only criterion for determining constituency boundaries, then all parliamentary constituencies should have an equal number of voters: the Parliamentary Voting System and Constituencies Bill seeks to achieve just that, with a narrow tolerance limit. In practice it turns out to be a complicated task to secure constituencies of equal size whilst also respecting other important considerations. Some parts of the country are sparsely populated. The boundaries of those territories making up the UK need to be respected. Populations change over time, so that equally sized constituencies at one point will quickly turn into unequally sized constituencies. Local authority attachments are felt by many to be important. The scale at which data are held needs to be taken into account. This policy review works through these problems in great detail, and in a practical way aimed at helping parliamentarians and others with an interest understand and resolve the complexities involved.

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