



**THE REVIEW  
OF  
PARLIAMENTARY  
CONSTITUENCIES AND OF WELSH  
ASSEMBLY ELECTORAL REGIONS  
IN  
WALES**

2003

The Commission welcomes correspondence and telephone calls either in  
English or Welsh



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## CHAPTER 1

# INTRODUCTION

### **Purpose of the booklet**

This booklet is an updated and expanded version of the booklet first issued in 1993 at the commencement of the fourth general review of parliamentary constituencies. It has been prepared on behalf of the Boundary Commission for Wales by their Secretariat and has been written in an endeavour to help make more widely known and understood the work of the Commission, thereby assisting them in their work of reviewing the parliamentary constituencies in Wales and the Welsh Assembly electoral regions.

1. There are two main ways in which it is hoped that this booklet will be of assistance.

### **Statutory rules and procedures**

2. The first way is to outline the rules which guide the Commission in making their proposals in relation to parliamentary constituencies (chapter four) and the procedures which the Commission are required to follow to allow a public debate to be held on those proposals (chapter five), together with the rules and procedures in relation to the review of Welsh Assembly electoral regions (chapter seven). The booklet is not intended, however, to be a full statement of the law about the reviews. For a definitive statement of the law, the reader is referred to the provisions of the Parliamentary Constituencies Act 1986 (as amended by the Boundary Commissions Act 1992), coupled with the Court of Appeal decision in *R v. Boundary Commission for England, ex parte Foot* [1983] QB 600, and to the provisions of schedule 1 of the Government of Wales Act 1998.
3. This booklet is primarily concerned with the existing statutory scheme for reviewing parliamentary constituency boundaries. That scheme has been reviewed by Parliament (House of Commons Select Committee on Home Affairs, Second Report, Session 1986-87, HC 97-1). Among other topics, the Committee considered the under representation of England compared to Scotland and Wales (no change was recommended) and the increasing size of the membership of the House of Commons (stabilisation at about 650 seats was recommended). The Government replied to the Committee's report in Cm.308. No substantial changes to the existing statutory scheme have been recommended. For a fuller account, see chapter three.

### **Problems**

4. The second way is to point out some of the chief problems the Commission encounter during their reviews, especially the difficulty that arises when the public do not take part fully in the debate on the Commission's proposals; and to explain how the public may participate more fully in the debate (chapter six). The Commission wish to ensure that members of the public have full opportunity to express their views.

## CHAPTER 2

# THE BOUNDARY COMMISSIONS

### **Parliamentary Boundary Commissions**

1. There are four Parliamentary Boundary Commissions in the United Kingdom: one each for Wales, England, Scotland and Northern Ireland.
2. The Boundary Commission for Wales are a permanent body constituted (see Appendix A) under the Parliamentary Constituencies Act 1986 which, as amended by the Boundary Commissions Act 1992, requires all the Commissions to keep the parliamentary constituencies under continuous review and periodically (every 8 to 12 years) to conduct a general review of all the constituencies at the same time. Additional functions were conferred on the Commission by the Government of Wales Act 1998.
3. The Commission are an independent, non-political and totally impartial body. They emphasise very strongly that the results of previous elections do not and should not enter their considerations when they are deciding their recommendations. Nor do the Commission consider the effects of their recommendations on future voting patterns.

### **Local Government Boundary Commission for Wales**

4. The Local Government Boundary Commission for Wales was set up to review the structure of local government in Wales. Between 1995 and 2001, the Local Government Boundary Commission for Wales undertook a review of the electoral arrangements for Welsh principal areas.
5. It is important to recognise that the division of local government areas for the purpose of local government elections is not the responsibility of the Boundary Commission for Wales.

### **Addresses and telephone numbers**

6. The address and telephone number of the Commission are shown at Chapter 8. The addresses and telephone numbers of the other Parliamentary Boundary Commissions in the United Kingdom, together with those of the Local Government Boundary Commission for Wales, the Local Government Commission for England and of the Local Government Boundary Commissions for Scotland and Northern Ireland are shown at Appendix B.



## CHAPTER 3

# THE HISTORY OF PARLIAMENTARY CONSTITUENCY REVIEWS

### Early days

1. The redistribution of seats has been a rare event in British parliamentary history. In the early days it was associated with Acts that reformed the franchise. As such, redistribution occurred on an ad hoc basis as a result of legislation in 1832, 1868, 1885 and 1918. For instance, the great Reform Act of 1832 is well known for having abolished “rotten boroughs”, constituencies with very few electors, and “pocket boroughs”, constituencies controlled by a single person or family who owned the land. A goal of approximate equality was accepted in the redistribution of 1918, but there was no further redistribution between the wars.

### Permanent Boundary Commissions

2. In 1942 a Departmental Committee under the Registrar General for England and Wales, Sir Sylvanus Vivian, recommended the establishment of permanent boundary commissions to make a general review of constituencies once in the life of every full-term Parliament.
3. The Vivian Committee's recommendation was embodied in the House of Commons (Redistribution of Seats) Act 1944, which set up the four independent Commissions - for England, Wales, Scotland and Northern Ireland - each made up of five members under the chairmanship of the Speaker of the House of Commons. The other four Commissioners were, in Wales, the Registrar General for England and Wales, the Director General of the Ordnance Survey and two nominees selected by the Secretary of State and the Minister of Health.

### Brief history of the legislation and published reports

4. The 1944 Act, which established the permanent Boundary Commissions and the Rules for the Redistribution of Seats, required the immediate division of those constituencies which had electorates exceeding 100,000. However, there were no seats in Wales exceeding 100,000.
5. With the passing of the House of Commons (Redistribution of Seats) Act 1947, the Commissions were required to recommend constituencies with electorates as near to the electoral quota as practicable, having regard to the other rules, and not just within 25% of the electoral quota as had previously been the case. The Commissions submitted their initial reports in 1947, with 36 seats being created in Wales. These seats took effect at the 1950 general election.
6. The 1944 and 1947 Acts were consolidated by the House of Commons (Redistribution of Seats) Act 1949. The 1949 Act required the Commissions to undertake general

reviews at intervals of not less than three years or more than seven years and also required that all constituencies should return one member of parliament. The Commissions submitted their first report under the new legislation in 1954 with the Welsh Commission recommending small changes to six of the 36 seats in Wales. The new constituencies came into effect at the 1955 general election.

7. The recommendations of 1954, based on the 1953 electorates, were the basis of the constitution of the House of Commons until the election in February 1974.
8. Following the criticisms of the first review, the law was amended by the House of Commons (Redistribution of Seats) Act 1958. The main features of this were:
  - (a) the removal of the Registrar General and the Director General of Ordnance Survey from the Commissions and their appointment as "assessors" ("while the Commissions should continue to have the benefit of the expert knowledge of these officials, it would be better if the latter had no responsibility for the framing of the Commissions' recommendations" said the Home Secretary);
  - (b) the requirement that the deputy chairman of each Commission should be a High Court Judge;
  - (c) the extension of the interval between general reviews to "not less than ten or more than fifteen years"; and
  - (d) a requirement on the Commissions to hold a local inquiry whenever their initial proposals were objected to by an interested local authority or a group of 100 or more electors.
9. The second general reviews of the Commissions were commenced in 1965 and their reports submitted in April 1969, seven months before the end of the statutory period. The Government took the view that the alteration of parliamentary constituencies should be suspended pending consideration of proposals for local government reorganisation in the different parts of the United Kingdom and accordingly introduced a Bill to restrict reorganisation to Greater London and a few large constituencies. This Bill did not make progress, and so the Home Secretary presented the necessary draft Orders required to implement the Commissions' recommendations and invited the House to reject them, which it did.
10. In November 1970, after a general election, the new Home Secretary again presented the draft Orders, explaining that local government reorganisation proposals would take a long time to work out. These Orders were approved by Parliament. So the constituencies which the Commissions recommended in 1969 came into operation at the general election in February 1974, just before the reorganisation of local government (outside London) on 1st April 1974.
11. The third general reviews of the Commissions were conducted between 1976 and 1983 (Wales between 1981 and 1983). The Commissions had to take account of the new structure of the local government boundaries resulting from local government reorganisation in 1974, and there were many changes in the constituencies

recommended. An additional two seats were created in Wales during the third review, bringing the total to 38. The new constituencies came into effect at the 1983 general election.

12. On 7 November 1986, the House of Commons (Redistribution of Seats) Acts 1949, 1958 and 1979 were consolidated by the Parliamentary Constituencies Act 1986. The rules which are to be observed by the Commissions are contained in Schedule 2 of the 1986 Act and are printed as Appendix D to this booklet.
13. The Boundary Commissions Act 1992, which became law on 12 November 1992, amended the 1986 Act. In particular, the date by which the report on the general reviews should be submitted to the Home Secretary was brought forward from 31 January 1998 to 31 December 1994. However, the Act provided that the report would not be invalidated if it was submitted after the 31 December 1994 deadline, or future deadlines. The interval between future reports on general reviews was also reduced from every 10 to 15 years to every 8 to 12 years. The 1992 Act also made provision, for the first time, for Commission members, with the exception of the Deputy Chairman, to be remunerated. However, the rules in schedule 2 to the 1986 Act remained unchanged.
14. The start of the fourth general review of the Welsh Commission was delayed because of uncertainties about when the Local Government (Wales) Bill, which proposed new unitary authorities in Wales, would receive Royal Assent. The Commission had decided that if at all possible, they should report to the Home Secretary in their review using the new unitary authority boundaries. However, once it became apparent that the Bill would not receive Royal Assent in time for the Commission to be able to report by the deadline (31 December 1994) using the new unitary authority boundaries, they had little option but to undertake their review based on the existing district and county boundaries. The review was started in November 1993 and the Commission reported to the Home Secretary with their final recommendations for 40 seats on 16 December 1994. Parliament approved the recommendations contained in the report and The Parliamentary Constituencies (Wales) Order 1995 (SI 1995 No.1036) was made on 11 April 1995. The new constituencies took effect at the general election on 1 May 1997.
15. For the purposes of the fifth general review, the 1992 Act will require the Commission to take account of those preserved county boundaries which will be in operation at whichever is the earlier of two dates: either the date of their next (fifth) report or the tenth anniversary of their last (fourth) report. As the Commission consider they may report before the tenth Anniversary of their last report (i.e. 16 December 2004), they will be required to take account of the preserved county boundaries which will be in operation at the date of their report.
16. Since the fourth general review was completed, the Local Government (Wales) Act 1994 has created twenty-two unitary authorities in Wales. Although the unitary authorities have been statutorily defined as counties, the Commission are required to use the eight "preserved" counties as their review areas during the fifth general review. The 1994 Act established preserved counties and amended rule 4 of the Rules of Distribution to relate to the preserved county boundaries in Wales. On 11 March 2002, The National Assembly for Wales directed the Local Government Boundary

Commission for Wales to undertake a review of the preserved counties in Wales. The Local Government Boundary Commission submitted their report on 16 November 2002. The National Assembly for Wales considered this report and, on 1 April 2003, made an order giving effect to these proposals. The Commission will use the amended preserved counties as their review areas.

17. In 1996, the unitary authorities were divided into electoral divisions which are represented by one or more councillors on the local council. These electoral divisions have all since been reviewed by the Local Government Boundary Commission for Wales. The National Assembly for Wales made the final set of electoral orders on 6 December 2002 which will come into effect on 6 May 2004. The Commission have decided to use these electoral divisions as the basic building blocks for constructing parliamentary constituencies during their review.

### **Interim reviews**

18. In between their general reviews, the Commission have the power to hold interim reviews of groups of parliamentary constituencies. Interim reviews have traditionally been used to realign parliamentary constituency boundaries with altered local government boundaries. This is in order to remove the confusion that would be caused to the local electorate, and to alleviate the disruption to local political party organisations and the administrative problems caused to Electoral Registration and Returning Officers by the existence of different boundaries for parliamentary and local government purposes.

### **Published Reports**

19. A list of published reports on general reviews since the Commission were permanently established in 1944, together with other papers produced, are at Appendix C to this booklet.

### **Home Affairs Committee inquiry**

20. The Home Affairs Committee of the House of Commons inquired into the present rules and procedures for the redistribution of seats and reported in February 1987 in their Second Report of Session 1986-87 (HC 97-1).
21. The Committee's main area of concern was the cumulative increase in the number of constituencies in the UK which has occurred with each general review. As a result of four periodical reports (published in 1954, 1969, 1983 and 1995), the number of Welsh seats has risen from 36 to 40. In 1950 the total number of MPs in the UK was 625, by 1997 there were 659 MPs.
22. The cause of the incremental growth is the combined effect of the Rules for Redistribution of Seats contained in Schedule 2 of the Parliamentary Constituencies Act 1986 (see Appendix D). Rule 8 defines the electoral quota (the figure to which constituency electorates should approximate) as the total electorate of Wales divided by the existing number of seats. Any extra seats created under rules 5 and 6 (for reasons of

electoral parity and geography) in one review are therefore included in the divisor for calculating the electoral quota for the next review, thus creating a ratchet effect.

23. The Committee recommended that the size of the House of Commons should be stabilised as nearly as possible at its then level by using a fixed divisor for calculating the electoral quota.
24. The Government replied to the Committee's report in February 1988 (Cm.308). The Government was sympathetic to the Committee's view that the Commons should be stabilised at its then level but it rejected the fixed divisor method (because it would not always produce exactly the same number of seats) and did not propose an alternative of its own.
25. The Select Committee also considered the different levels of representation in England, Scotland, Wales and Northern Ireland e.g. on average, an MP in England represents about 70,000 electors whereas an MP in Wales represents about 56,000 electors. The Committee explained that it would not be difficult technically to amend the rules to achieve a uniform UK electoral quota. However, it made no recommendation.
26. There were two administrative changes recommended by the Committee and accepted by the Government:
  - (a) the extension of the statutory period, in which representations about a Commission's recommendations may be made, from one month to two; and
  - (b) the establishment of the enumeration date for a review as the date of publication of the most recent register of electors instead of the date of publication in the London Gazette of a Commission's notice announcing the start of a review.
27. No suitable legislative opportunity arose to give effect to those recommendations.
28. In 1995, during the debate in the House of Commons on the draft Order in Council to implement the recommendations contained in the Commission's fourth periodical report, there were calls from a number of MPs for the number of constituencies to be reduced. The then Home Secretary promised a review of the rules but, to date, no review has been held.

### **Present constitution of the House of Commons**

29. The House of Commons is at present constituted as follows:

	Number of seats
England	529
Scotland	72
Wales	40
<b>Great Britain</b>	<b>641</b>

Northern Ireland	18
<b>United Kingdom</b>	<b>659</b>

30. Prior to 1998, rule 1 of the Rules for Redistribution of Seats contained in Schedule 2 of the Parliamentary Constituencies Act 1986 stated that the number of seats in:
- (a) Great Britain shall not be substantially greater or less than 613;
  - (b) Scotland shall not be less than 71;
  - (c) Wales shall not be less than 35; and
  - (d) Northern Ireland shall not be greater than 18 or less than 16.
31. No figure was given for English seats and no maxima given for Scotland or Wales. However it appeared that the intention of the rule was that there should not be a substantially greater or lesser number of seats in England than 507. It also appeared that the number of seats in Great Britain should remain fairly constant and that, therefore, any increases in Wales or Scotland should be offset by decreases in England. As explained in "Home Affairs Committee Inquiry" above, however, the effect of the other rules has been to increase the number of seats in Wales, England and Scotland.
32. The Scotland Act 1998 amended rule 1 of the Rules for Redistribution of Seats. It repealed all reference to the minimum of 71 seats for Scotland. Additionally, section 81 of the Act requires the Boundary Commission for Scotland to apply the English electoral quota at the start of their next general review. The arithmetical effect of applying the English electoral quota (calculated on the 2003 electoral register) would be to reduce the number of Scottish seats from the current 72 to fewer than 60 seats.
33. In discussing their policy for their fifth general review, the Commission have considered the previous increases in the number of Welsh seats in relation to the requirements of rule 1, and the potential of a further increase resulting from the fifth general review. The Commission agreed not to set a target for the maximum number of seats but to have the broad aim of recommending constituencies as close as practicable to the electoral quota whilst at the same time taking rule 1 into account.

### **European Parliamentary Constituencies**

34. The Commission were formerly responsible for reviewing the European Parliamentary Constituencies. However, this responsibility was removed by the European Parliamentary Elections Act 1999, which introduced a regional based system of proportional representation for elections to the European Parliament.

## **Electoral Commission**

35. On 27 July 1999, the Government published, in response to the Fifth Report of the Committee on Standards in Public Life, a White Paper “The Funding of Political Parties in the United Kingdom” and a draft Bill “Political Parties, Elections and Referendums”.
36. The Bill made provision for the establishment of an Electoral Commission which would be wholly independent of the Government of the day. The role of the Electoral Commission would be, inter alia, to modernise the electoral machinery of the United Kingdom and promote greater public awareness of the democratic process. The Bill also provided for the transfer of the functions carried out by the four Parliamentary Boundary Commissions to the Electoral Commission, once they had completed their fifth general reviews. The Bill received Royal Assent on 30 November 2000. Although the Electoral Commission will therefore eventually subsume the Boundary Commission for Wales, the Act does not affect the current general review which will continue as planned.

## **Transfer of Responsibility for Electoral Law**

37. As a result of the re-organisation of the machinery of Government, that was announced shortly after the general election in June 2001, responsibility for electoral law was transferred from the Home Office to the Department for Transport, Local Government and the Regions. Following a further re-organisation in July 2002, responsibility for electoral law was transferred to the Office of the Deputy Prime Minister.

## CHAPTER 4

# CRITERIA FOR REVIEWING PARLIAMENTARY CONSTITUENCIES

### Application of statutory provisions

1. The criteria described in this chapter and the procedures described in the following chapter apply equally to both general and interim reviews of parliamentary constituencies. However, there are differences between the two types of review.

### General reviews

2. General reviews are mandatory. The Commission are required to submit a periodical report on a general review of all the constituencies in Wales not less than eight or more than twelve years from the date of submission of their last periodical report - in the case of the current (fifth) general review, between 2002 and 2006. General reviews may involve some large-scale changes, sometimes including changes to the number of constituencies in an area. They take a number of years to complete and they may, in part, be contentious.

### Interim reviews

3. Interim reviews are discretionary. In between the times when general reviews are being held, the Commission have the discretion to hold interim reviews of one or more constituencies. Interim reviews normally involve small changes to small numbers of constituencies, usually as a result of local government boundary changes. They take less than a year to complete and they are generally less contentious, although a local inquiry may be required on occasion.

### Rules for Redistribution of Seats

4. In reviewing constituencies and making their recommendations, the Commission are required to give effect to the Rules for Redistribution of Seats which form Schedule 2 to the Parliamentary Constituencies Act 1986. The rules are reproduced at Appendix D. In broad outline, these rules have the following features regarding reviews in Wales:
  - (a) a limit on the total number of constituencies in Great Britain with a minimum number for Wales (rule 1);
  - (b) every constituency to return a single member (rule 2);
  - (c) as far as practicable constituencies not to cross preserved county boundaries (rule 4); and



- (d) constituency electorates to be as close as practicable to the electoral quota (rule 5).
5. Departures from the rules are authorised in various respects, notably to:
- (a) avoid excessive disparities in the electorates (rule 5);
  - (b) take account of special geographical considerations (rule 6); or
  - (c) take account of inconveniences which would be caused and local ties which would be broken by changes to constituencies (rule 7).
6. The electoral quota is the average number of electors in a constituency and is found by dividing the total number of parliamentary electors in Wales on the "enumeration date" i.e. on the date the start of a review is formally announced in the London Gazette, by the existing number of constituencies in Wales. The electoral quota for the general review which formally commenced in December 2002 is 55,640 (2003 electoral figures supplied by the Office of National Statistics).
7. Rule 6 permits the Commission to 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 (rules 4 and 5 are directed at avoiding constituencies which cross preserved county boundaries, and to creating constituencies with electorates as near the electoral quota as is practicable). The Commission consider that special geographical considerations which may have an impact on the ability to form a constituency which does not cross a preserved county boundary, or with an electorate as near the electoral quota as is practicable, will primarily relate to physical geography such as mountains, hills, lakes, rivers, estuaries, islands etc rather than to human or social geography. Matters of culture, history, socio-economics, and other possible aspects of non-physical geography are unlikely to have any impact on the desirability of crossing preserved county boundaries, or the desirability of departing from the electoral quota. Some of those matters may, however, arise as issues when considering local ties under the second limb of rule 7.

### **Nomenclature**

8. In making their recommendations, the Commission are also required by the Act to recommend a name and designation for each proposed constituency. The Act contains no guidance on these points.
9. When constituencies remain basically unchanged, the Commission are disposed to retain existing names if they are still appropriate. For a new constituency, the Commission consider that the name should normally reflect the name of the unitary authority or unitary authorities wholly or principally contained in the constituency. However, if a name recommended by the Commission is objected to and there is a suitable alternative name which generally commands greater local support, the Commission will usually revise their recommendations in favour of that alternative name. As only one name is allowed it will not be possible to have a Welsh and an alternative English name for a

constituency (or vice versa). A single bilingual name (such as Casnewydd Newport) however may be used.

### **Designation**

10. The Commission consider that, as a general principle, where constituencies contain more than a small rural element they should normally be designated as county constituencies. Otherwise they should be designated as borough constituencies. The designation generally determines who shall act as returning officer for parliamentary elections. The designation also affects the level of a candidate's expenses allowable at elections. The level of expenses is slightly lower in borough constituencies, to reflect the lower costs of running a campaign in an urban, usually compact, area. The designation is suffixed to the constituency name and is usually abbreviated: BC for borough constituency or CC for county constituency.

### **Practice**

11. In considering their procedures for a general review, the Commission consult the major political parties on broad issues of procedure ahead of the review. In formulating their provisional recommendations for particular areas, the Commission do not consult the major political parties, local authorities or other locally interested groups. The Commission consider that they should take the initiative in preparing provisional recommendations from all the information available to them. The proposals are therefore formed by the Commission from a position of independence and impartiality and are not influenced by any particular viewpoint or opinion. Once the proposals are published, the statutory procedures allow for a full public debate and interested parties can then make their views known to the Commission.
12. During their fourth general review, the Commission used district wards as the smallest unit for designing constituencies and did not divide wards between constituencies. During their fifth review, the Commission will use electoral divisions as their building blocks. The electoral divisions are generally indicative of areas which have a community of interest and the local political party organisations will be based on them, or groups of them. Any splitting of these units between constituencies is therefore very likely to break local ties, disrupt political party organisation, cause difficulties for Electoral Registration and Returning Officers and confuse the electorate.
13. The Commission do not base their recommendations on forecast or projected electorates or on populations, actual or projected. The Commission are required to base their recommendations on the numbers of electors on the electoral registers at the start of a review and they are unable to take account of any under-registration or over-registration of electors which is sometimes claimed in some areas.
14. There may be several ways in which to distribute constituencies within an area under review which are of equal merit so far as the rules are concerned. The Commission take the view that they have a general discretion in choosing between the different ways in which a preserved county could be divided into constituencies consistently with the rules referred to above. The question of what is and is not practicable may be influenced by many considerations including ones which are not specifically mentioned in any of the

rules. For example, the Commission frequently take into account geographical features, not as authorising a departure from either rule 4 or rule 5, as rule 6 specifically authorises them to do, but as justifying one particular scheme for dividing a preserved county into constituencies rather than another. Rivers, main roads, particularly motorways, and even railway lines, can have such an effect. Similarly, other factors which are not strictly geographical, such as school catchment areas and travel to work areas, may influence choices between various possible schemes which comply with the rules.

15. It is in this context that the question of growth (or decline) in the electorate becomes relevant. In considering the position regarding growth after the enumeration date, the Commission distinguish between different types of such growth. First, there is growth which can be shown to have occurred, typically by reference to electoral registers published since the enumeration date, by the time the Commission come to make a recommendation. To ignore totally a substantial existing increase in the electorate in selecting between possible schemes would appear to the Commission to be unrealistic.
16. Secondly, there is growth which may occur in the future after the time when the Commission are making their recommendations. This may vary from the highly speculative, based on anticipated plans of builders and planning authorities, to the very probable where sites are in the process of development. The Commission takes no account of projects which can be described as speculative. However, if they are satisfied that growth will occur in the very near future they regard themselves as entitled to take account of this in choosing between permissible options.
17. To sum up, the Commission do not take the view that they are obliged to shut their eyes entirely to growth (or decline) which has occurred since the enumeration date or which they are satisfied will occur. On the other hand, there can be no question of treating the electoral quota as anything other than what it is now known to be, viz., 55,640 for this general review, and growth (or decline) since the enumeration date can only be a factor which may be taken into account in choosing between schemes which are otherwise permissible under the rules.
18. The Commission are sometimes asked to make allowances for special circumstances which affect a particular area and which, according to those who make the request, justify more favourable representation than that of other areas e.g. to create a constituency with a low electorate, so as to ease the workload of the MP. The problems may arise in large rural constituencies or in constituencies in inner city areas. Except as indicated by the number of electors or any special geographical considerations, the Commission are not required to, and do not, take these other considerations into account when determining their provisional recommendations.

#### **Other relevant factors**

19. The Commission are not required by rule 4 of the Rules for Redistribution of Seats to have regard to unitary authority boundaries in Wales, but these are now readily identifiable, important local administrative areas and it would obviously be unwise to ignore their boundaries. However, many unitary authorities have electorates that are much too big to form constituencies with electorates close to the electoral quota. Whilst

the Commission propose to use the unitary authority boundaries as much as practicable, it nevertheless will often be necessary to cross unitary authority boundaries or divide unitary authorities between constituencies in order to avoid excessive disparities in the electorates of neighbouring constituencies.

20. Other information which is routinely taken into account by the Commission, as a result of making use of maps during their discussions on alternative redistributions, include, for example, major roads, railways, and other lines of communication; the juxtaposition of rural and urban areas; focal points and catchment areas i.e. small towns in rural areas and central points in large towns and urban areas.

### **Maps**

21. The Commission consider that maps have a very important role to play in the review of parliamentary constituencies. The Commission take expert advice on mapping from the Director General of the Ordnance Survey who is an assessor (i.e. a technical adviser) to the Commission. Not only do the Commissioners themselves make use of maps when forming their proposals but they also always arrange for maps to be issued to help illustrate their proposals. The issue of such maps is not a statutory requirement but the Commission realise that it is easier for members of the public to see how the proposals affect them by looking at a map.

### **Welsh language**

22. The Boundary Commission for Wales has adopted the principle that in the conduct of public business in Wales, it will treat the Welsh and English languages on a basis of equality.
23. Section 7 of the Welsh Language Act 1993 requires public bodies, who provide services to the public in Wales, to have a Welsh language scheme. In the preparation of such a scheme, account must be taken of the guidelines issued by the Welsh Language Board (WLB). The Commission prepared a scheme which the WLB approved on 10 November 1997. A copy of the scheme is available on request (see contact points in Chapter 8).
24. The undertakings contained in the Welsh language scheme are:
  - (a) all documents published by the Commission will be published in both languages;
  - (b) all Commission stationery will be printed bilingually and contain a standard statement that the Commission welcomes contact in the Welsh language;
  - (c) correspondence initiated by the Commission with individuals or groups who are known to prefer corresponding through the medium of Welsh will be sent in Welsh;
  - (d) newsletters, news releases, press notices, information booklets, public inquiry statements, reports to the Deputy Prime Minister and any other material

published by the Commission will be produced bilingually (and as one document) and shall contain a standard statement that the Commission welcome contact in the Welsh language;

- (e) any headings, keys, legends, lists, explanatory notes or copyright warnings added by the Commission to maps procured from map suppliers, will be produced bilingually;
  - (f) the Commission will endeavour to engage, whenever possible, Welsh speaking Assistant Commissioners to conduct its public inquiries when it is anticipated that there might be a number of Welsh speaking contributors;
  - (g) the Commission will engage professional external translators to attend its public inquiries to provide an instantaneous interpretation service;
  - (h) the Commission will endeavour to employ a Welsh speaker amongst its Secretariat whenever new staff are recruited. To further this aim, the Commission will include the ability to speak Welsh as a desirable requirement for posts within its Secretariat;
  - (i) the Commission will reply to all correspondence in the language chosen by the correspondent;
  - (j) the Commission will respond to all correspondence within ten working days of receipt of a letter regardless of whether the reply is to be sent in English, Welsh, or bilingually; and
  - (k) the Commission will answer all telephone calls in the language chosen by the caller.
25. The Commission are committed to ensuring adequate provision of interpretation services at local inquiries. They have agreed that two interpreters should be in attendance at each local inquiry.
26. The Commission are committed to appointing Welsh speaking Assistant Commissioners at local inquiries where the likelihood of Welsh being spoken is high.

## PROCEDURES FOR REVIEWING PARLIAMENTARY CONSTITUENCIES

### Start of Review

1. At the start of a general or interim review of parliamentary constituencies, the Commissions are required to give written notice to the Deputy Prime Minister of their intention to consider making a report. The Deputy Prime Minister must then publish a copy of the notice in the London Gazette. The date of publication of the notice becomes the enumeration date for the review and the Commission's proposals must be based on the numbers of electors on the electoral registers, and thus the electoral quota, on that date.
2. Arrangements are usually made for a question about the notice to be asked of, and answered by, the Deputy Prime Minister in the House of Commons. As a matter of courtesy, the Commission normally inform directly the national headquarters of the main political parties, MPs, Assembly Members, local authorities, and other interested parties, of the start of a review.

### Provisional recommendations

3. The Commission obtain the enumeration date electorate figures from electoral registration officers, either directly, or indirectly through the Office for National Statistics (ONS). When all the figures have been received, the electoral quota is calculated by dividing the total number of electors in Wales by the existing number of constituencies in Wales.
4. In order to give effect to rule 4 of the Rules for Redistribution of Seats, the Commission normally consider each of the eight counties separately. During the fifth general review, each of the eight preserved counties will be treated as a single review area. However, the Commission have discretion under rule 5 to recommend constituencies that cross these preserved county boundaries, where this will produce constituencies with electorates closer to each other or to the electoral quota.
5. The rules are so formulated that the requirement of rule 4, that so far as practicable constituencies should not cross preserved county boundaries, takes precedence over the requirement in rule 5 that the electorate of any constituency should be as near the electoral quota as practicable. During the last general review, the Commission did not find the need to exercise this discretion given to them by rule 5 to cross county boundaries, and individual seats were contained wholly within a county.
6. To establish the number of constituencies that should be allocated to a preserved county, the Commission adopt the practice of dividing the electorate of the preserved county by the electoral quota. This calculation produces the number of constituencies to which the

preserved county is theoretically entitled and it is this figure which the Commission use as an indicator of the number of seats to be allocated. The result is seldom a whole number, but a whole number of constituencies has to be allocated unless the preserved county boundary is to be crossed.

7. The theoretical entitlement is normally rounded to the nearest whole number in an effort to give effect to rule 1 but, on occasion, a marginal theoretical entitlement may be rounded up instead of rounded down to the nearest whole number to give effect to other rules.
8. The electorate of the preserved county is then divided by the number of whole constituencies which it has been provisionally decided will be allocated, so as to find the average electorate of the constituencies within the area. It is not often that there is a significant difference between this average figure and the electoral quota. The Commission aim to establish constituencies which contain electorates close to the average within the county so that there is less likelihood that there will be large disparities between the electorates of the resulting constituencies.
9. Taking into account all the considerations mentioned in chapter four and using electoral divisions, or where appropriate whole unitary authorities, as building blocks, the Commission provisionally decide how to divide the area into the number of constituencies provisionally allocated to it.

### **Publication**

10. Where the Commission have decided on their provisional recommendations for a preserved county, they are required to publish, in at least one newspaper circulating in each constituency in the preserved county, a notice stating:
  - (a) the effect of the proposed recommendations for the preserved county i.e. the name, designation, contents (unitary authorities or electoral divisions), and the electorate of each proposed constituency;
  - (b) an address within each constituency where the public may inspect the provisional recommendations; and
  - (c) that written representations may be made to the Commission about the provisional recommendations within one month after the date of publication of the notice.
11. In rural areas, the Commission sometimes deposit documents at more than one address within each constituency. The addresses where the public may inspect the proposals are usually those of the offices of the local authority, although other places such as public libraries may be used. In addition to depositing a copy of the notice at those addresses, and in order to help the public better to understand the proposals, the Commission also place on deposit detailed maps of the preserved county showing, amongst other things, the name, designation and boundary of each existing and proposed constituency.

12. To publicise further the provisional recommendations, the Commission send copies of the notice to all interested parties (e.g. local authorities, MPs, academics, etc.). Local authorities and the House of Commons library also receive copies of the detailed maps. In advance of the notice being published in the newspapers, the Commission also issue to the news media a news release about the provisional recommendations, the representation period, and the subsequent procedures of a review (e.g. local inquiry, report etc.).
13. Copies of all news releases issued by the Commission are placed on the Commission's Internet site – [www.bcomm-wales.gov.uk](http://www.bcomm-wales.gov.uk)

### **Representations**

14. The Commission are required to consider all written representations made to them within the statutory one-month period. Those who make representations are requested to say whether they approve of, or object to, the Commission's proposals. In particular, objectors are advised to say what they propose in place of the Commission's recommendations. An objection accompanied by a counter-proposal is likely to carry more weight than a simple statement of objection. In this respect, a counter-proposal setting out the composition of each constituency in a review area is usually more persuasive than a proposal for the composition of only one constituency which does not address any knock-on effects elsewhere in the review area.
15. The Commission are anxious that all available information is put before a local inquiry to ensure that a considered decision is arrived at based upon all the facts. However, if representations and, in particular, counter-proposals are delivered late, it may not be possible to gauge the extent of support, if any, that exists for them. Therefore, those wishing to make counter-proposals are **most strongly advised to ensure that they are submitted on time**. They can be put on public display ahead of the inquiry so that other interested persons have the opportunity to study them.

### **Local inquiry**

16. This section explains the opportunities that are available at local inquiries for members of the public and organisations to take part in the debate into the Commission's proposals for redistributing parliamentary constituencies.
17. The Commission are bound to hold a local inquiry if representations objecting to the provisional recommendations for any constituency are received from an interested local authority (i.e. County Council or County Borough Council for the area lying wholly or partly in the constituency concerned) or a body of 100 or more electors. In addition, the Commission have the discretion to order a local inquiry even where such objections have not been received, but where the Commission think there would be benefit from one being held.
18. The inquiry is conducted on behalf of the Commission by an Assistant Commissioner (an independent lawyer) who is selected from a panel of Assistant Commissioners appointed by the Deputy Prime Minister. The inquiry is conducted at a convenient public place within the proposed county under review, such as the council chamber of one of



the unitary authority councils. Any interested person or organisation may, if they wish, attend in person or send a representative to make known their views.

19. The Commission are concerned to ensure that everyone has the opportunity to express their views fully and they therefore wish to stress very strongly that, after having made their representation within the statutory one month period, it is in their own interest that they should attend, or send a representative, to any local inquiry held in their area to explain their views on the Commission's proposals. Such attendance also affords them an opportunity to hear and comment on any counter-proposals put to the Assistant Commissioner and thereby assist him and the Commission more accurately to gauge the weight of local opinion on the various proposals.
20. The Commission give advance notice of the local inquiry by publishing a notice in local newspapers which states the time, date and venue of the inquiry and the name of the Assistant Commissioner. A news release publicising the inquiry is also issued to the news media and others some six weeks ahead of the inquiry so that interested parties have time, if they so wish, to make arrangements to be represented at the inquiry.
21. A copy of the notice, news release and copies of the representations are also placed on deposit at the council offices and public libraries where the provisional recommendations were displayed, so that the public may make themselves aware of any counter-proposals or other comments. A copy of the notice and news release are also placed on the Commission's Internet site – [www.bcomm-wales.gov.uk](http://www.bcomm-wales.gov.uk)
22. The Commission issue a statement which contains the reasons for their provisional recommendations and the issues likely to be raised at the inquiry. Where any representation challenges the legality of the Commission's proposals, the Commission will provide an explanation of the statutory requirements. The statement is put on deposit at council offices and public libraries with the notice, news release and copies of the representations. A copy of the statement is also sent to everyone who submits a representation.
23. The statement will be referred to by the Assistant Commissioner at the opening of the inquiry and anyone present who has not previously read the statement will have the opportunity to do so before the inquiry gets under way. The Commission are not represented at inquiries, although a member of their secretariat will be present to act as an observer and to assist with the mechanics of the inquiry. The purpose of a local inquiry is to ascertain the views of the public locally. The Commission do not, therefore, seek to defend their proposals at these inquiries and consider that to do so may give the wrong impression that they are unwilling or reluctant to alter what are their provisional recommendations.
24. No statutory procedure is prescribed for the conduct of a local inquiry: this is left to the discretion of the Assistant Commissioner. Verbatim reporters attend to produce a transcript, in English, of the proceedings at the inquiry. Simultaneous interpreters attend inquiries to translate from English to Welsh and Welsh to English. The Commission have also decided that proceedings will be recorded to ensure accurate transcriptions are made. Inquiries are informal affairs and statements can be read or oral submissions made

without any prior formality such as taking an oath or affirming. The purpose of an inquiry is to:

- (a) ascertain relevant local information and opinion;
  - (b) hear criticism of or support for the Commission's provisional recommendations;
  - (c) hear criticism of or support for any counter-proposals made during the representation period; and
  - (d) enable everyone attending who wishes to comment on any of these matters to do so.
25. After the Assistant Commissioner has opened the inquiry and referred to the Commission's statement, the Assistant Commissioner will normally ask for and make a note of the name (and sponsor - if that person is representing another person or an organisation) of everyone who wishes to speak, and settle a mutually convenient order in which those persons will speak. If there is sufficient demand, the Assistant Commissioner may decide to hold an evening session during the inquiry, although this does not happen very often.
26. It is essential for the smooth running of an inquiry that any persons wishing to propose, or elaborate on, a substantial or detailed counter-proposal disclose this fact at the beginning of the inquiry when giving their names. It is also essential that they provide copies of any written evidence or maps they use, to the Assistant Commissioner and the verbatim reporters, and to others attending the inquiry to give them an opportunity to study and comment on the counter-proposal. If the Assistant Commissioner deems it necessary, in order to allow time for consideration to be given to complex counter-proposals, he may adjourn the inquiry for a short while. However, it is to be hoped that this will seldom be required.
27. As mentioned earlier, any counter-proposals submitted for the first time at a local inquiry, and therefore not having been put on public display with the other representations ahead of the inquiry, are unlikely to be influential. Primarily, this will be because the Assistant Commissioner will not have been able to gauge the full level of support for, or opposition to, the counter-proposals. Generally, this only becomes apparent if interested parties have the opportunity to study them ahead of the inquiry. It may be that many other persons would have attended the inquiry had they been aware of the counter-proposals. In short, such counter-proposals will not have had the same public scrutiny as those submitted during the statutory one-month representation period. An Assistant Commissioner is most unlikely to adjourn an inquiry for more than a short period, so as to allow wider publicity for a new set of proposals when the person putting these forward has failed to comply with the timetable for making representations.
28. Other persons wishing to make submissions or read out written statements are also asked to provide, if possible, copies of their submission or statement for the convenience of the Assistant Commissioner, the verbatim reporters and others attending the inquiry.

29. After the Assistant Commissioner has heard each speaker, he will normally invite questions to be asked through him of that speaker, and he may have questions of his own. However, the discretion whether or not to allow questions rests with the Assistant Commissioner.
30. When the inquiry has closed and after he has received the verbatim transcript of the proceedings, the Assistant Commissioner will write his report and submit it direct to the Commission. He is fully entitled in that report to comment on any representation or submission, or on the Commission's proposals, or on any other proposals. He may recommend that the Commission's proposals be accepted intact or with alterations. Or he may recommend that a counter-proposal be adopted, with or without modifications, provided that it conforms to the rules and it appears to him to command greater support locally than the Commission's proposals.

### **Revised and modified recommendations**

31. The Commission consider the written representations, the Assistant Commissioner's report, the matters discussed at the local inquiry (the verbatim transcript), and any other relevant information. If they decide to revise their provisional recommendations, the revised recommendations are published, a news release is issued to all interested persons, comments are invited within one month and the same procedures described under "Publication" above are followed.
32. Where the provisional recommendations are revised following a local inquiry, the Assistant Commissioner's report together with an explanation of the Commission's decision is made available for public inspection with the other documents (i.e. news release, maps etc.) at the local council offices, public libraries, etc where the provisional recommendations and inquiry details were deposited.
33. The Commission take into consideration any representations made about the revised recommendations. However, if objections are received, the Commission are not obliged to hold a further local inquiry into the constituencies concerned, but they may do so at their discretion. The Commission wish to avoid the expense of second inquiries. It is to be hoped that first inquiries will be full and complete and that only exceptionally therefore will it be necessary to hold a second inquiry to obtain more information or ascertain local opinion on new and valid points which may potentially offer a solution, and which were not aired previously.
34. If a second local inquiry is held, the procedures mentioned under "Local Inquiry" above are repeated. If the revised recommendations are modified as a result of representations or the report on a second inquiry, the modified recommendations are published and the "Publication" process repeated again.

### **Final recommendations and report**

35. When the Commission have decided on their final recommendations for the whole country, they submit a written report to the Deputy Prime Minister. Depending on the

different circumstances in each preserved county, the final recommendations may be the provisional, the revised or the modified recommendations for that preserved county.

36. The report contains a description of the review by each review area (i.e. each preserved county), all the final recommendations, and a set of maps to illustrate the existing boundaries and those proposed by the final recommendations.
37. All interested parties are notified of the Commission's final recommendations for their respective area with an explanation of the Commission's reasons for the recommendations and are informed that a report will be sent to the Deputy Prime Minister in due course. Where the Commission have decided not to revise the provisional recommendations after a first inquiry, or not to modify the revised recommendations after a second inquiry, the interested parties in that area are sent, free of charge, a copy of the Assistant Commissioner's report on the first or second inquiry, as appropriate, with the notification of the final recommendations and an explanation of the Commission's reasons.

### **Order in Council**

The following three paragraphs are paraphrased from sections 3(5) and 4(2)-(7) of the 1986 Act.

38. As soon as may be after the Commission have submitted a report to him, the Deputy Prime Minister is required to lay the report before Parliament. If the report recommends alterations to the existing constituencies, the Deputy Prime Minister must also lay a draft Order in Council giving effect to the recommendations, with or without modifications.
39. If modifications are proposed, the Deputy Prime Minister is required to lay a statement of the reasons for them at the same time. The draft Order must be debated and approved (or rejected) by both Houses of Parliament. If the draft Order in Council is not approved, the Deputy Prime Minister may amend the draft and lay the amended draft before Parliament for approval.
40. Once the Order in Council has been approved by Parliament, the Deputy Prime Minister is required to submit it to be made by Her Majesty in Council. After the Order in Council has been made, the new constituencies take effect at the next following general election. Any by-elections held in the meantime have to be held on the old (existing) constituencies. The validity of an Order in Council, once made, may not be called in question into any legal proceedings.
41. Amendments have been enacted to sections 3 and 4 of the 1986 Act by the Political Parties, Elections and Referendums Act 2000 which will have the effect of removing the discretion of the Deputy Prime Minister to make modifications to the Commission's proposals. Those amendments are however not yet in force, and it is thought unlikely that they shall be brought into force until the Boundary Commissions have completed the next review of Parliamentary constituencies.

## ISSUES IN REVIEWING PARLIAMENTARY CONSTITUENCIES

### Participation

1. One of the principal and most persistent problems encountered by the Commission during their reviews is the difficulty in obtaining a reasonable level of participation by interested bodies and the electorate-at-large in the public debate on the Commission's proposals, in spite of the procedures for publishing and publicising the proposals described in chapter five.
2. A particular problem is to elicit such a response at the right time. When the Commission publish their provisional recommendations and invite written representations to be made within the statutory defined period of one month, those who object to, or do not fully agree with, the recommendations naturally take the necessary steps to ensure that the Commission are made aware of their views. They are informed directly of any local inquiry to be held and they are the most likely to attend any local inquiry held into those recommendations.
3. Those who support, or at least do not object to, the Commission's provisional recommendations do not often enough make known to the Commission their support or lack of objection. The Commission cannot, therefore, inform them directly of the holding of a local inquiry and it would seem that those people are less likely to attend local inquiries. This situation makes it more difficult for the Assistant Commissioner (and thereby the Commission) to obtain a true measure of local information and opinion. As a consequence of written representations and submissions made at a local inquiry, the Commission may revise their provisional recommendations.
4. As explained in chapter five, the Commission is not obliged to hold a local inquiry by representations received about revised recommendations, and second inquiries are rare. Furthermore, persons and organisations who had not made representations or attended an inquiry would not be notified directly of revised recommendations and may not learn of the changes until after the recommendations have been made final.
5. During the fourth general review, following consideration of the reports submitted by Assistant Commissioners and the written representations received following publication of the provisional recommendations, the Commission published revised recommendations for four of the eight counties. This indicates the Commission's willingness to revise their provisional recommendations and the value of that participation in the review at the appropriate time.
6. The Commission therefore wish to stress very strongly that any person or organisation interested in the provisional recommendations for their area (especially local authorities and political parties) should always exercise their statutory right and make written

representations to the Commission, whether for or against the provisional recommendations. In this way they can ensure that they receive notice of any counter-proposals. Moreover, they are urged to attend, or send a representative to, any local inquiry held in their area and to put forward their views on the provisional recommendations. In particular, any individual or organisation making a counter-proposal should attend the local inquiry to explain it and to afford others the opportunity to ask them questions about it.

7. Their attendance would also afford them an opportunity to hear and comment on the details of any counter-proposals put to the Assistant Commissioner and thereby assist him and the Commission more accurately to gauge the weight of local opinion on the various proposals. In this way, it is hoped that the final recommendations made by the Commission will be generally acceptable to the majority of those who will have to live and work with them.

### **Consistency**

8. Complaints sometimes arise that the Commission have not acted consistently in making their proposals for different areas and there is clearly some misunderstanding of the role of the Commission. Their role, from a position of impartiality, is to put forward for public consultation one scheme for redistributing constituencies to give effect to the Rules for Redistribution of Seats; to consider what is said in the public debate on the proposals; to make changes to the proposals, if necessary; and, after further consultation, to submit recommendations to the Deputy Prime Minister.

9. As the High Court said (*R v Boundary Commission for England ex parte Foot* 1983 1 Q.B.600 and to the provisions of schedule 1 of the Government of Wales Act 1998):

“It is important to realise that Parliament did not tell the Boundary Commission to do an exercise in accountancy - to count heads, divide by a number and then draw a series of lines around each resulting group. It told it 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 judgement, not scientific precision. That being so, strict compliance with Parliament’s instructions could result in several different answers. Indeed, it must surely be the fact that it is possible to come up with many different answers to the problem of where constituency boundaries shall be drawn, all of which would be sensible, that has led Parliament to seek advice from the commission. This is not to say that it is impossible for the commission to come up with a wrong answer, in the sense that it is one which could not possibly be given in light of Parliament’s instructions, properly understood. But it does mean that the mere demonstration that there is an alternative answer, which also could be put forward consistently with those instructions, tells us nothing. There being more than one answer, Parliament has asked the commission to advise on which, in their judgement, should be adopted.”

10. Apart from the fact that no two areas are exactly alike, the rules are interrelated in a complex way and allow the Commission discretion in their application. For example, rule 4 states that, so far as is practicable having regard to rules 1 to 3, constituency boundaries should follow preserved county boundaries. Rule 5 states that constituency

electorates should be as near the electoral quota as practicable having regard to rules 1 to 4, but the Commission may depart from rule 4 to avoid excessive disparities in the electorates. Rule 6 allows the Commission to depart from rules 4 and 5 for geographical reasons. The first limb of rule 7 gives the Commission discretion to depart from rules 1 to 6. And, the second limb of rule 7 requires the Commission to take account of inconveniences caused by changes to constituencies (other than changes made to comply with rule 4) and local ties which would be broken by the changes (see Appendix D).

11. There is usually no one perfect way to distribute constituencies within any given preserved county to give effect to the rules and it is virtually impossible to make recommendations that meet with the full approval of all parties or sides.
12. Essentially, the Commission are required to recommend constituencies following preserved county boundaries and having electorates close to the electoral quota, but with discretion to recommend otherwise in order to find an acceptable distribution. In practice, in one area the Commission may feel able to allow the requirement of rule 5, for electorates to be as near the electoral quota as practicable, to be given effect whereas, in another area, other factors such as the requirement of rule 4, to respect preserved county boundaries, or the existence of strong local ties, may prevent this. Elsewhere a compromise solution may be found. These subjective decisions are difficult, but the Commission reach their independent and impartial conclusions on the basis of all the information available to them.

## CHAPTER 7

# REVIEW OF THE WELSH ASSEMBLY ELECTORAL REGIONS

### **The Government of Wales Act 1998**

1. The Government of Wales Act 1998 established the National Assembly for Wales, and Schedule 1 (Assembly Constituencies and Assembly Electoral Regions) requires the Commission to undertake reviews of the Assembly regions at the same time as general reviews of parliamentary constituencies.
2. Schedule 1 of the Act specifies that the Assembly constituencies shall be the parliamentary constituencies in Wales. It also requires there to be five Assembly electoral regions which initially shall be the five European Parliamentary constituencies in Wales provided for by the European Parliamentary Constituencies (Wales) Order 1994. The Schedule also requires there to be four Assembly seats for each Assembly electoral region.
3. As outlined in Chapter 4 of this booklet, in reviewing parliamentary constituencies and making their recommendations, the Commission are required to give effect to the Rules for Redistribution of Seats which form Schedule 2 to the Parliamentary Constituencies Act 1986. The 1986 Act has in effect been extended by Schedule 1 to the 1998 Act which requires that when the Commission recommend alterations in pursuance of the 1986 Act affecting any parliamentary constituencies, they shall also consider whether any alteration:
  - (a) in the Assembly electoral regions, or
  - (b) in the allocation of seats to the Assembly electoral regions,will be required in order to give effect to the rules set out in paragraph 8 of Schedule 1 to the 1998 Act.

### **The Rules**

4. The rules are set out in paragraph 8 of Schedule 1 to the 1998 Act and are reproduced at Appendix E to this booklet. In broad outline, these rules have the following features:
  - (a) each Assembly constituency shall be wholly included in one Assembly electoral region;
  - (b) the regional electorates shall be as near to each other as is reasonably practicable, having regard to special geographical considerations;



- (c) the total number of Assembly seats for the Assembly electoral regions shall be one half of the total number of Assembly constituencies (the rules provide guidance where the total number of Assembly constituencies is not exactly divisible by two); and
  - (d) the number of Assembly seats for an Assembly electoral region shall be one fifth of the total number of Assembly seats for the Assembly electoral regions (the rules provide guidance where the total number of Assembly seats is not exactly divisible by five).
5. There are currently 40 Assembly constituencies and 20 Assembly seats, four each to the five Assembly regions.

### **Procedures**

6. Once the Commission have decided on their provisional recommendations for parliamentary constituencies, together with the consequential effects on Assembly regions, arrangements are made for publishing and publicising the proposals to allow a public debate to be held.
7. The procedures for reviewing parliamentary constituencies are given in Chapter 5 of this booklet. These procedures also apply in relation to the Assembly regions, except that:
- (a) the Commission are not required to publish in local newspapers the effects of their proposals (provisional or revised) for Assembly regions if those proposals are *only* for an alteration in the number of Assembly seats where the proposed (or revised) total number of Assembly seats for the electoral regions is exactly divisible by five; and
  - (b) the Commission are only required to hold a local inquiry in respect of the Assembly regions if they receive representations objecting to their proposals from an interested local authority or a body of electors numbering 500 or more. An "interested local authority" means the council of a county or county borough whose area is wholly or partly included in the Assembly electoral regions affected.
8. Where the Commission submit to the Deputy Prime Minister a report under the 1986 Act recommending alterations in parliamentary constituencies, the report shall show any alteration:
- (a) in the Assembly electoral regions, or
  - (b) in the allocation of seats to the Assembly electoral regions
- which the Commission recommend in order to give effect to the rules.
9. If, in the opinion of the Commission, no alteration is required for that purpose, they shall state that in the report.

10. If the report recommends any alteration in any Assembly electoral regions, it shall state the name (in English and in Welsh) by which the Commission recommend that the Assembly electoral regions (as proposed to be altered) should be known.

**Order in Council**

11. The 1998 Act specifies that an Order in Council under the 1986 Act (see Chapter 5 of this booklet) for giving effect, with or without modifications, to the recommendations contained in a report of the Commission may specify different dates for its coming into force:
  - (a) for the purposes of elections to the House of Commons, and
  - (b) for the purposes of the return of Assembly members.

## CHAPTER 8

# CONCLUSION

### Revision of booklet

1. It is hoped that the information, explanations and examples given in this booklet will fulfil the objectives set for it in chapter one and thereby help the Commission in carrying out their work. If any person has any helpful suggestions as to how the booklet may be improved, whether by correction, clarification, addition, deletion or in any other way, please write to the Secretary to the Boundary Commission for Wales at the address given below. The Commission would be pleased to consider any such suggestion for the revision of the booklet.

### Queries

2. Any queries about the content of this booklet, the Welsh Language Scheme or on any other aspect of the work of the Boundary Commission for Wales, can be made by writing to:

The Boundary Commission for Wales  
Caradog House  
1-6 St Andrews Place  
Cardiff  
CF10 3BE

Telephone: (029) 2039 5031

Fax: (029) 2039 5250

E-mail: [bcomm.wales@wales.gsi.gov.uk](mailto:bcomm.wales@wales.gsi.gov.uk)

Internet address: [www.bcomm-wales.gov.uk](http://www.bcomm-wales.gov.uk)

3. The addresses and telephone numbers of the other Parliamentary Boundary Commissions and the Local Government Boundary Commissions are given in Appendix B.



## APPENDIX A

# CONSTITUTION OF THE COMMISSION

In accordance with Schedule 1 to the Parliamentary Constituencies Act 1986.

1. Ex-officio member

The Speaker of the House of Commons is the chairman of each of the four Boundary Commissions.

2. Three other members

a) The deputy chairman, who presides over the Commission's meetings, is a judge of the High Court appointed by the Lord Chancellor.

b) One member is appointed by the Secretary of State for Wales.

c) One member is appointed by the Deputy Prime Minister.

3. Two assessors

a) The Registrar General for England and Wales.

b) The Director General of Ordnance Survey.

4. Two secretaries

The two joint secretaries are appointed by the Deputy Prime Minister.

5. Assistant Commissioners

The Deputy Prime Minister may, at the request of the Commission, appoint one or more independent Assistant Commissioners to conduct local inquiries. An Assistant Commissioner is normally an independent lawyer.

## APPENDIX B

# ADDRESSES AND TELEPHONE NUMBERS OF THE OTHER COMMISSIONS

### Parliamentary

#### **The Boundary Commission for England**

Zone RG/11  
1 Drummond Gate  
London  
SW1V 2QQ

Telephone: (020) 7533 5177  
Fax: (020) 7533 5176  
E-mail: [bcomm.england@ons.gov.uk](mailto:bcomm.england@ons.gov.uk)  
Internet address: [www.statistics.gov.uk/pbc/default.asp](http://www.statistics.gov.uk/pbc/default.asp)

#### **The Boundary Commission for Scotland**

3 Drumsheugh Gardens  
Edinburgh  
EH3 7QJ

Telephone: (0131) 538 7200  
Fax: (0131) 538 7240  
E-mail: [secretariat@bcomm-scotland.gov.uk](mailto:secretariat@bcomm-scotland.gov.uk)  
Internet address: [www.bcomm-scotland.gov.uk](http://www.bcomm-scotland.gov.uk)

#### **The Boundary Commission for Northern Ireland**

Enterprise House  
55-59 Adelaide Street  
BELFAST  
BT2 8FE

Telephone: (028) 9072 6040  
Fax: (028) 9072 6077  
E-mail: [bcni@belfast.org.uk](mailto:bcni@belfast.org.uk)  
Internet address: no facility at present

## Local Government

### **Local Government Boundary Commission for Wales**

Caradog House (1st Floor)  
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### **Local Government Boundaries Commissioner for Northern Ireland**

Not currently active.

## APPENDIX C

# LIST OF PUBLISHED REPORTS AND OTHER PAPERS

### General Reviews of Parliamentary Constituencies

1. Initial Report of the Boundary Commission for Wales. November 1947. Cmd.7274. Took effect at the 1950 general election.
2. First Periodical Report of the Boundary Commission for Wales. November 1954. Cmd.9313. Took effect at the 1955 general election.
3. Second Periodical Report of the Boundary Commission for Wales. June 1969. Cmd.4086. Took effect at the 1974 general election.
4. Third Periodical Report of the Boundary Commission for Wales. February 1983. Cmd.8798. Took effect at the 1983 general election.
5. Fourth Periodical Report of the Boundary Commission for Wales. February 1995. Cmd.195. Took effect at the 1997 general election.

### Interim Reviews of Parliamentary Constituencies

In addition, there have been several reports relating to interim reviews of small numbers of constituencies held between the periods when general reviews of all constituencies were being conducted. Details of these reports can be provided on request. No interim reviews in Wales were held between the fourth and fifth general reviews.

### Other Published Papers

1. The Use of Computers in Redistributing Constituencies. G P Barnes, Secretary to the Commission. Electoral Studies (August 1987), Volume 6: Number 2, Pages 133-138 Butterworth & Co. (Publishers) Ltd.
2. Memorandum submitted by the Parliamentary Boundary Commission for Wales to the House of Commons Select Committee on Home Affairs Second Report from the Home Affairs Committee, Session 1986-1987. Redistribution of Seats. (House of Commons 97-I). HMSO.
3. The Criteria for Revising Constituency Boundaries. G P Barnes OBE, Late Secretary and R McLeod, Secretary to the Commission. OPCS Journal "Population Trends" No.57. August 1989.
4. The Fourth Periodical Review in its context: How the Boundary Commissions for England and Wales approached their task. R McLeod, Secretary to the Commissions.



Conference on Boundary Determination in the UK Parliament, Nuffield College, Oxford - June 1995. Published as part of “Fixing the Boundaries: Defining and Redefining Single-Member Electoral Districts” by I McLean and D Butler. Dartmouth Publishing Company.

## APPENDIX D

# RULES FOR REDISTRIBUTION OF SEATS

### Schedule 2 to the Parliamentary Constituencies Act 1986

#### 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.  
**REPEALED - by the Scotland Act 1998.**
  - (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.
  - 3A. A constituency which includes the Orkney Islands or the Shetland Islands shall not include the whole or part of a local government area other than the Orkney Islands or the Shetland Islands.
- 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.

- (1A) In sub-paragraph (1)(a) above “county” means, in relation to Wales, a preserved county as defined by Section 64 of the Local Government (Wales) Act 1994.
- (2) In sub-paragraph (1)(b) above "area" and "local authority" have the same meanings as in the Local Government (Scotland) Act 1973.
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.

#### 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 E

# THE RULES

### Schedule 1 to the Government of Wales Act 1998

#### **The Rules**

- 8.- (1) The rules referred to in paragraphs 4 and 7(2) are -
1. Each Assembly constituency shall be wholly included in one Assembly electoral region.
  2. The regional electorate for an Assembly electoral region shall be as near the regional electorate for each other Assembly electoral region as is reasonably practicable, having regard (where appropriate) to special geographical considerations.
  3. The total number of Assembly seats for the Assembly electoral regions shall be -
    - (a) one half of the total number of the Assembly constituencies, or
    - (b) (if that total number is not exactly divisible by two) one half of the number produced by adding one to that total number.
  4. The number of Assembly seats for an Assembly electoral region shall be -
    - (a) one fifth of the total number of Assembly seats for the electoral Assembly regions, or
    - (b) (if that total number is not exactly divisible by five) either one fifth of the highest number which is less than that total number and exactly divisible by five or the number produced by adding one to one fifth of that highest number (as provided by subparagraphs (2) to (4)).
- (2) If the total number of Assembly seats for the electoral Assembly regions is not exactly divisible by five, the Commission shall calculate the difference between -
- (a) the total number of seats for the Assembly electoral regions, and
  - (b) the highest number which is less than that total number and exactly divisible by five,
- and that is the number of residual seats to be allocated by the Commission.

- (3) The Commission shall not allocate more than one residual seat to an Assembly electoral region.
- (4) The Commission shall divide the regional electorate for each Assembly electoral region by the aggregate of -
  - (a) the number of Assembly constituencies in the Assembly electoral region, and
  - (b) one fifth of the highest number which is less than the total number of seats for the electoral Assembly regions and exactly divisible by five,

and, in allocating the residual seat or seats to an Assembly electoral region or Assembly electoral regions, shall have regard to the desirability of allocating the residual seat or seats to the Assembly electoral region or regions for which that calculation produces the highest number or numbers.

## APPENDIX F

### GLOSSARY AND ABBREVIATIONS

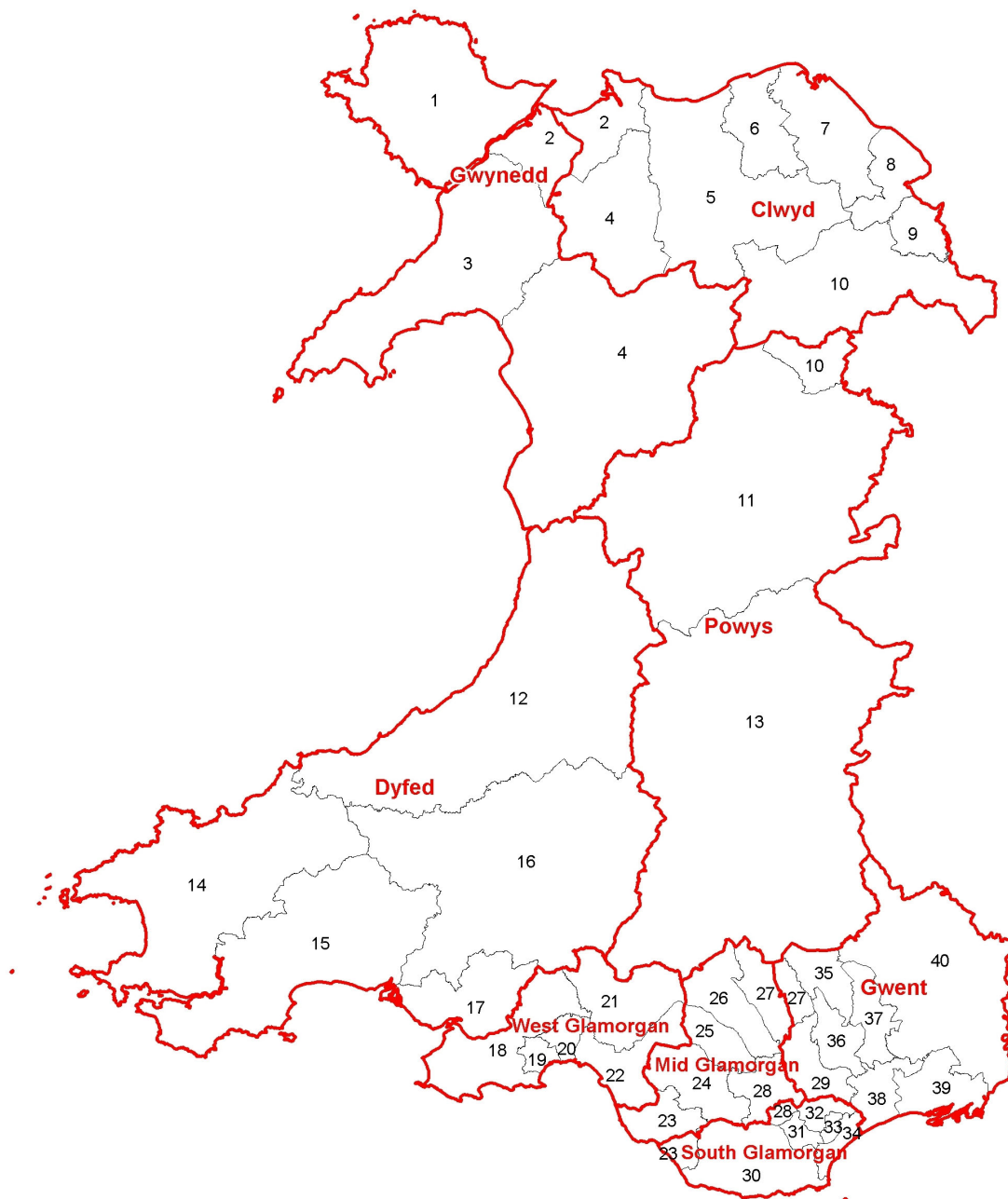
<b>Assessor</b>	Statutorily appointed technical adviser to the Commission being either the Registrar General for England and Wales or the Director General of Ordnance Survey.
<b>Assistant Commissioner</b>	Independent lawyer appointed by the Deputy Prime Minister at the request of the Commission to conduct a local inquiry.
<b>Borough Constituency</b> Abbreviated to <b>BC</b>	Parliamentary constituency containing a predominantly urban area.
<b>County Constituency</b> Abbreviated to <b>CC</b>	Parliamentary constituency containing more than a small, rural element.
<b>Designation</b>	Classification as either a borough constituency or as a county constituency.
<b>Disparity</b>	Difference between the electorates of the constituencies in a given area (usually between the largest and smallest electorates) or between an electorate and the electoral quota.
<b>Electoral quota</b>	The average number of electors in a constituency found by dividing the total electorate of Wales by 40 (the existing number of parliamentary constituencies in Wales).
<b>Electorate</b>	The number of registered parliamentary electors in a given area.
<b>Enumeration date</b>	The date on which the Commission's notice to the Deputy Prime Minister is published in the London Gazette. Proposals must be based on the numbers of electors on the electoral registers on this date.
<b>Final recommendations</b>	The recommendations submitted in a report to the Deputy Prime Minister at the end of a review. They may be the provisional, the revised or the modified recommendations in any given area.
<b>General review</b>	Major review of, and redistribution of, parliamentary constituencies in Wales every 8 to 12 years.
<b>Interim review</b>	Minor review of a small number of parliamentary constituencies, usually following local government boundary changes.

<b>Local inquiry</b>	Informal public hearing in a given area conducted by an Assistant Commissioner. Required when objections to provisional recommendations received from an interested local authority or a body of one hundred or more electors.
<b>Modified recommendations</b>	The revised recommendations as modified.
<b>Periodical report</b>	Report to the Home Secretary on a general review of parliamentary constituencies every 8 to 12 years.
<b>Provisional recommendations</b>	Initial proposals for public consultation.
<b>Redistribution of seats</b>	Re-division of a given area into new parliamentary constituencies.
<b>Representations</b>	Letter commenting on the provisional, revised or modified recommendations, either for or against.
<b>Revised recommendations</b>	The provisional recommendations as revised.
<b>Rules for Redistribution of Seats</b>	The statutory criteria for parliamentary constituencies under Schedule 2 to the Parliamentary Constituencies Act 1986.
<b>Special geographical Considerations</b>	Dispensation to depart from the strict application of other criteria for parliamentary constituencies, includes size, shape and accessibility.
<b>Theoretical entitlement</b>	Number of parliamentary constituencies to which a given area is theoretically entitled, found by dividing the parliamentary electorate of the area by the electoral quota. Used by the Commission as an indicator of the number of constituencies to be allocated.
<b>Unitary authority</b>	A form of local government consisting of a single tier as opposed to the former County / District structure. There are 22 Unitary Authorities in Wales.



APPENDIX G

MAP SHOWING EXISTING PARLIAMENTARY CONSTITUENCIES  
and **PRESERVED COUNTIES** \*



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\* following the Preserved Counties (Amendment to Boundaries) (Wales) Order 2003

- |   |                                      |
|---|--------------------------------------|
| <b>1 Ynys Môn</b>                                 | <b>21 Neath</b>                      |
| <b>2 Conwy</b>                                    | <b>22 Aberavon</b>                   |
| <b>3 Caernarfon</b>                               | <b>23 Bridgend</b>                   |
| <b>4 Meirionnydd Nant Conwy</b>                   | <b>24 Ogmore</b>                     |
| <b>5 Clwyd West</b>                               | <b>25 Rhondda</b>                    |
| <b>6 Vale of Clwyd</b>                            | <b>26 Cynon Valley</b>               |
| <b>7 Delyn</b>                                    | <b>27 Merthyr Tydfil and Rhymney</b> |
| <b>8 Alyn and Deeside</b>                         | <b>28 Pontypridd</b>                 |
| <b>9 Wrexham</b>                                  | <b>29 Caerphilly</b>                 |
| <b>10 Clwyd South</b>                             | <b>30 Vale of Glamorgan</b>          |
| <b>11 Montgomeryshire</b>                         | <b>31 Cardiff West</b>               |
| <b>12 Ceredigion</b>                              | <b>32 Cardiff North</b>              |
| <b>13 Brecon and Radnorshire</b>                  | <b>33 Cardiff Central</b>            |
| <b>14 Preseli Pembrokeshire</b>                   | <b>34 Cardiff South and Penarth</b>  |
| <b>15 Carmarthen West and South Pembrokeshire</b> | <b>35 Blaenau Gwent</b>              |
| <b>16 Carmarthen East and Dinefwr</b>             | <b>36 Islwyn</b>                     |
| <b>17 Llanelli</b>                                | <b>37 Torfaen</b>                    |
| <b>18 Gower</b>                                   | <b>38 Newport West</b>               |
| <b>19 Swansea West</b>                            | <b>39 Newport East</b>               |
| <b>20 Swansea East</b>                            | <b>40 Monmouth</b>                   |

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