



**Government response to the Political and
Constitutional Reform Committee's Report on
the Parliamentary Voting System and
Constituencies Bill**

Presented to Parliament by the Deputy Prime Minister
by Command of Her Majesty
March 2011

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This publication is also available on <http://www.official-documents.gov.uk/>

ISBN: 9780101799720

Printed in the UK by The Stationery Office Limited
on behalf of the Controller of Her Majesty's Stationery Office

ID: 2408958 03/11 9629 19585

Printed on paper containing 75% recycled fibre content minimum.

Introduction

1. The Government is grateful to the Political and Constitutional Reform Committee for its report on the Parliamentary Voting System and Constituencies Bill, published on 7 October 2010.
2. This Government response addresses the Committee's conclusions and recommendations point-by-point.

Background

3. The Bill received Royal Assent on 16 February 2011. The Act delivers a key commitment in the Coalition's 'Programme for Government' to hold a referendum on the electoral system for the House of Commons and provide for the creation of fewer constituencies of more equal size.
4. The Government believes it is important to give the public, for the first time, a choice of the system to be used to elect the House of Commons. This Act therefore provides for a referendum which will give voters a clear choice between the existing First Past The Post system and the Alternative Vote system (AV), and includes provisions which will implement AV in the event that the referendum result is in favour of that system.
5. The Act also addresses the current inequality in the size of constituency electorates, which means that a vote has a different weight depending on where you live. Reducing the number of MPs will also bring the House of Commons more into line with the size of other legislatures across the world. This Act therefore provides that the number of MPs will be reduced to 600 and that, in future boundary reviews, each constituency will be required to be within 5% either side of a single electoral quota, subject to a small number of tightly drawn exceptions.

Response to conclusions and recommendations

Principle and process

6. **The Government has declared that the Parliamentary Voting System and Constituencies Bill is intended as a “major step” towards restoring people’s faith in Parliament. The Government’s failure to consult on the provisions in this Bill risks undermining that laudable intention. (Paragraph 1)**
7. The Government was clear that we needed to make quick progress on the Bill: the coalition agreement set out the Government's intention to hold a referendum on the Alternative Vote. It is our view that it was right that the Government moved swiftly to meet that commitment to the electorate, and for this reason the Government considered that 5 May 2011 is the right date for the poll. The Bill had to make progress in order that administrators and campaigners have time to prepare for that poll.
8. The Government ensured that the House of Commons had 8 days to debate the proposals of the Bill in detail, with Committee stage in the Commons being taken on the floor of the House. This is longer than has previously been allowed for other constitutional bills: for example, the Constitutional Reform and Governance Act 2010, which included provisions on a large number of topics ranging from Government financial reporting to Parliament to ending by-elections for hereditary peers in the House of Lords, had only 6 days of debate in Committee in the Commons; only one of these days was allocated for discussion of the proposals for a referendum on the alternative vote. The PVSC Bill also had 2 days of Second Reading debate and 17 days at Committee Stage in the House of Lords, making this the longest ever sitting for a Bill in the chamber of a Committee of the whole House.
9. We engaged with the Select Committees in each House who scrutinised the Bill. The Deputy Prime Minister and the Minister for Political and Constitutional Reform each appeared before the Political and Constitutional Reform Committee and the Lords Constitution Committee to discuss the Government’s programme of reform in this area.
10. The Government also worked closely with electoral administrators and the Electoral Commission in drafting the provisions on the conduct of the referendum, to make sure that the devolved elections, the local elections and the referendum are well run.
11. **The guiding principle behind the Bill is political. Nonetheless, the reforms it proposes are substantial and worthy of close consideration. It is true that, if enacted, they are likely to work to the benefit of particular political parties, but it has been argued with some evidence**

that this would be a case of righting bias within the existing system, although it has also been argued that it amounts to an attempt to legislate for “gerrymandering”. (Paragraph 5)

12. The provisions in the Act flow from the agreement made between the two Coalition parties when the Government was formed. The Government accepts that the provisions in this Act reflect the political reform priorities of the Coalition parties. All the major parties made political reform a core part of their manifestos for the last general election. The Conservative Party’s manifesto included a clear commitment to reduce the size of the House of Commons and to equalise the size of constituency electorates, and the Liberal Democrat manifesto included a commitment to reform of the electoral system.
13. These reforms are underpinned by the principle of fairness. The Government believes that one elector should mean one vote: for this to be true between as well as within constituencies, each must contain an approximately equal number of electors. The Government strongly rejects the suggestion that these reforms to the constituency-drawing arrangements involve “gerrymandering”: just as now, the boundaries themselves will be recommended by the Boundary Commissions, who are independent of Government.
14. The Government welcomes the Committee’s recognition of the link between the two parts of the Act. The Government accepts that there are also links between the policies in this Act and the other parts of the Government’s political and constitutional reform agenda. The Government has an ambitious agenda in this area: however there is no need for every single issue to be dealt with in one piece of legislation. The Government also notes that arguments have been made in the past that legislation should not contain proposals on too many different subjects. In this Bill we sought to strike an appropriate balance.
- 15. We agree with the Government that changes to the parliamentary voting system, to the number of Members of the House and to the process of setting constituency boundaries are issues that must be got right. But the speed with which the Government is intent that the Parliamentary Voting System and Constituencies Bill should make progress risks undermining that aim. It is always regrettable, and generally leads to poorer legislation, when such an approach to timetabling legislation becomes a characteristic of any Government’s political reforms. (Paragraph 12)**
16. The Government is strongly of the view that it was appropriate to make quick progress on the Bill in order to deliver the Coalition’s commitment to bring forward proposals for reform in this area as a matter of priority. The Government believes that it is reasonable that the current unfairness and

inequality in the weight of a vote should be addressed for the next general election, which the Government intends should take place in 2015. The Committee makes important points elsewhere in its report regarding the importance of allowing adequate consultation, including time for representations to be made by the public and political parties on boundary recommendations; and allowing time for political parties and candidates to prepare for an election on the new boundaries. The deadline is set to balance these competing priorities. The Secretary to the Boundary Commission for England, which faces the largest task, told the PCRC that his initial view and that of the Boundary Commission for England was that the timetable is achievable.

17. It is also important that the Bill made progress in order to enable preparations to be made for a referendum on 5 May 2011. The Government notes that, following the last change of Government in 1997, legislation was passed to provide for referendums to take place in Scotland and Wales on the establishment of devolved Assemblies in November of that year, six months after the general election. The Government does not consider it unreasonable to seek to hold a referendum a year into a Parliament. In addition, as the Government has set out, combining the poll on 5 May would have some significant advantages, combination will save approximately £30 million across all the polls on 5 May and is also more convenient for voters. Combination of elections is not unusual, and anything that increases voter turnout is welcome.
18. The Government believes that the debates that took place in the Commons and the House of Lords demonstrate that the Bill received very considerable scrutiny. The Government notes that the time allowed for debate on the Bill in the Commons exceeded the time for debate on other Constitutional Bills. The Bill that enabled the referendums on devolution in Scotland and Wales in 1997 was allocated two days for Committee, Report and Third Reading. The Government also notes that the Bill was the subject of rigorous, lengthy debate in the course of 17 days at Committee stage in the Lords.
19. The Government has worked closely with the Electoral Commission, electoral administrators and the Boundary Commissions to develop these provisions and is confident that the Act is coherent and comprehensive. During the passage of the Bill, the Electoral Commission stated that it was broadly content that the provisions as drafted will enable the polls taking place on 5 May 2011 to be run effectively.
20. The Government recognises the value of pre-legislative scrutiny and has given a commitment that future constitutional legislation will go through this process, but early in a Parliament it is not always possible for legislation to pass through this process.

Voting system for parliamentary elections

- 21. We welcome the Government's decision to hold a referendum on a change to the voting system rather than seeking to introduce a change directly through legislation. It seems to us entirely appropriate that the public should have the opportunity to make this choice, given the direct vested interest that politicians and the political parties have in the way in which Members are elected to the House. (Paragraph 15)**
22. The Government welcomes the Committee's support for its view that it is appropriate to give people a say on how their elected representatives to the House of Commons are selected, through a referendum on the voting system. This is indeed an important issue in which electors have a direct interest. The Government also notes that the Lord Constitution Committee has previously acknowledged that a proposal to change the voting system for the House of Commons is an appropriate issue on which to hold a referendum.
- 23. We do not offer a specific view on whether referendums should be held on the other political and constitutional reforms proposed by the Government. There is, however, no clarity as to whether any particular change requires this form of popular assent or not. Indeed, under present arrangements, a future government could, if it chose, ask Parliament to bring about further alterations to the electoral system through legislation without any requirement to hold a referendum. (Paragraph 17)**
24. The Government believes that referendums can be a valuable means of giving people greater say over important issues. We also recognise that referendums cannot and should not be held on every important issue. The Government shares the view of the Lords Constitution Committee¹ that Parliament should judge which issues should be the subject of national referendums. The Government also agrees with the Committee's view that referendums are most appropriately used in relation to fundamental constitutional issues, but that it is not possible to provide a precise definition of this term.
- 25. Different opinions have been expressed on whether a threshold should apply in the referendum, meaning that a reform would take place only if a given proportion of the registered electorate voted in favour. This is not an issue on which we intend to give a view in this Report. (Paragraph 19)**
26. The Government notes that the Committee has not given a view in this report on the issue of whether a threshold should be applied in the

¹ See FN 2

referendum. The Coalition Programme for Government made clear that the Act would provide for a simple majority referendum. The Government agrees with the recommendation of the Lords Constitution Committee that there should be a presumption against turnout thresholds and supermajorities. These have the potential to distort the result of a poll and frustrate the express will of the people, in some cases effectively turning abstentions into 'no' votes. The Government also notes that the House of Commons rejected an amendment proposing a 40% turnout threshold by 549 to 31 votes at Report stage.

27. The Electoral Commission's view is that the risks of holding the referendum together with other elections on 5 May 2011, clearly to a very tight timetable, can be managed if the rules for the referendum are sufficiently clear six months in advance. At the current rate of progress the Parliamentary Voting System and Constituencies Bill will be before the House of Lords in November 2010, but will by no means have completed its passage through Parliament. If the Bill is significantly amended in either House, the Government should reconsider the timing of the referendum. (Paragraph 39)

28. The Electoral Commission said in its briefing for Lords Second Reading that it "is broadly satisfied that sufficient progress has presently been made to enable the local Returning and Counting Officers to run the polls well and that voters will be able to participate in them". The Bill received Royal Assent in time to allow the Electoral Commission to manage the referendum within the statutory 10 week period.

29. Prior to Royal Assent administrators based their preparations on the detailed conduct and combination schedules contained in the Bill. These are very closely based on existing electoral arrangements which are well understood by electoral administrators. The conduct rules have been drafted in consultation with the Electoral Commission and election administrators and with the Territorial Departments so the Government is confident that they are appropriate and effective.

30. Provisions to allow the holding of combined polls are vital for the referendum to be administered successfully. We therefore welcome the fact that the Government will be bringing forward such provisions, but trust that it will get them right in order to avoid further significant change to the Bill at too late a stage for the referendum to be held safely on the date envisaged. (Paragraph 42)

31. The provisions enabling the referendum to be combined with other polls on 5 May 2011 were added to the Bill in the House of Commons before 5 November 2010, meeting the Government's commitment to the Electoral Commission to make the proposed rules public 6 months before the poll. As noted above, the Government has worked closely with the Electoral

Commission and electoral administrators in developing these provisions to ensure that they are appropriate and workable, and the House of Commons had the opportunity to debate them. The Government notes that the Electoral Commission has said it is satisfied that the Bill contains all the necessary provisions to ensure the polls on 5 May are well-run. The Government has taken account of the technical points raised by the Commission in drafting these provisions.

32. Our overriding concern when considering the referendum question is that voters know exactly what they are voting for. The Electoral Commission's duty to provide public information is vital to achieving clarity in the minds of the electorate. We accept the Commission's conclusions on the wording of the referendum question and recommend the Government amend the wording of the referendum question as suggested. If the Government fail to follow the Electoral Commission's conclusions we recommend the House scrutinise the reasons for that decision with particular care. (Paragraph 47)

33. The Government agrees with the Committee that it is imperative that electors have a clear understanding of the question they are being asked. The Government welcomed the Electoral Commission's report and tabled amendments to make the suggested changes to the question at Committee stage in the Commons, which were adopted.

34. Hasty drafting and lack of consultation appear to be responsible for the problems raised by the Electoral Commission with the way in which the Bill provides for the design of the ballot papers. We trust that these issues will be sensibly resolved at Committee stage, but regret that they were not resolved earlier. (Paragraph 50)

35. The forms prescribed in the Bill are very closely modelled on forms prescribed in existing legislation for elections. The Government consulted the Electoral Commission, SCOPE, printers and electoral administrators on the content, layout and formatting of the forms and made a number of subsequent changes to the forms. However, given that Electoral Commission guidance recommends against significant modifications to any voter-facing materials without user testing, the Government was reluctant to make significant changes to tried and tested materials.

36. However, to ensure that the forms are as accessible as possible, the Government has given the Electoral Commission a power to modify the forms which it may use to alter the wording or appearance of a form for the purpose of making it easier to use or understand for electors.

37. It is likely to be in the public interest for a free media to be able to comment openly and without restriction during the referendum campaign, and therefore to be exempt from the funding restrictions

which apply to campaigning groups. Members of this Committee have tabled an amendment to this effect which we ask the House to consider. (Paragraph 56)

38. The Government is grateful to the Committee for their focus on this particular issue and agrees that the effect of the provision in the framework legislation for referendums – the Political Parties, Elections and Referendums Act 2000 - position of media outlets in relation to spending limits is currently ambiguous. The Government therefore tabled an amendment very similar to that tabled by the Committee and identical in its intention, which inserted a new clause to clarify this point. This was tabled on 11 October, and debated and approved during the final day of Committee stage in the Commons on 25 October. It was simply to ensure that the amendments achieved the correct technical effect that the Government tabled its own amendment rather than accepting the Committee's.

'Reduce and equalise'

39. There may be a case for reducing the number of Members of the House to 600, but the Government has not made it. (Paragraph 70)

40. The question of the size of the House of Commons is ultimately a matter of judgement: that has always been the case. The overall size of the House has in the past simply been the result of the collective considerations of the Boundary Commissions; those decisions have been taken in each of the reviews in each part of the United Kingdom entirely without reference either to the decisions of the other Commissions, or considerations regarding MPs' roles and functions. The size of the House has also been determined on the basis of legislation acknowledged by academics and in Boundary Commission reports as flawed, which results in an unwarranted upward pressure on the overall numbers.

41. In framing these proposals the Government took as its starting point the range of existing experience of Members and constituents in the UK under the present legislation. Under our proposals, the 1st December 2009 register suggests the electoral quota for the UK would be around 76,000. Over a third of the existing constituencies are already within five percent either side of this illustrative quota, and 41 are larger than the proposed upper limit, so the impact of our proposals will see constituencies of a size well within existing norms. However, if the House were, for example, 500 members, this would push the size of the average UK seat above 90,000 – and only 3 existing seats would be within 5% of that quota. For this size to become commonplace would be perhaps too great a departure from what Members and the public are accustomed to. 600 would therefore seem to strike the right balance.

42. The Government suggests that there is not an empirically “right” answer to this question. The MP for a rural area faces a very different challenge to an MP for an inner-city constituency, and those who argue that the size of the House should be calculated from a consideration of the role of MPs would face considerable challenges in making such an assessment in practice. The Government considers that any such approach is both unrealistic and unnecessary. Our proposals start from the existing experience of Members and their constituents, and make a modest reduction in the overall size on this basis.
43. The Government notes the Committee’s suggestion that the savings which we expect to result from the reduction in the number of MPs are limited compared to the overall size of the deficit, but we do not accept the suggestion that a saving of £12.2 million per annum is not worthwhile. More important, however, is the principle – all parts of the public sector have to do more with less, and we believe the same can legitimately be asked of the House of Commons. And whilst the Committee does not accept the international comparisons that we have drawn attention to, the fact that the UK has the largest directly elected national chamber in the European Union suggests that there is no reason why a national chamber cannot carry out its functions with fewer members. Even with 600 Members, the House of Commons will still be relatively large.
44. Nonetheless, having considered carefully the arguments which were made during Committee stage in the Lords, the Government agreed to amend the Bill to provide for a post-legislative review of the impact in the reduction in the size of the House of Commons to take place after the General Election.
45. The question of the number of Ministers is not an issue that needs to be resolved now – the reduction in the size of the House does not take effect until 2015. In addition, given that the issue at stake is the size of the executive in Parliament, we want to look at that issue in the round once there is some consensus on plans for reform of the Lords. The Government agrees with the Committee on this point.
- 46. The House should ensure that the new rules as proposed by the Government would not draw the equalisation requirement so tightly that new constituency boundaries would take insufficient account of geographical considerations, local ties and local authority boundaries. (Paragraph 87)**
- 47. We have not as a Committee attempted to determine the precise level of variation from the electoral quota that would be appropriate to achieve this goal: this is a matter for further political argument. (Paragraph 88)**

48. The Government welcomes the Committee's recognition that votes should carry an equal weight.
49. The Government's proposals allow for this principle – which is at the heart of the current Parliamentary Constituencies Act 1986, though made subject to other factors – to be given proper weight within a single member constituency system.
50. The provisions in the Act are designed to give the Boundary Commissions a clear set of criteria to be applied in drawing constituency boundaries. The view of leading experts in the field is that “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).”
51. The Act makes provision for the Commissions, as now, to take into account physical geographical features such as mountains and rivers, local government boundaries and local ties. These factors will, however, be subject to the overriding principle of equality in constituency size, because the Government believes that equality and fairness must be overriding principles.
52. The Government's proposals will allow the smallest constituencies to vary by 10% from the largest. Ultimately, the appropriate balance between equality and flexibility is a matter of judgement. The Government believes that a margin of flexibility of 5% either side of the UK quota provides the greatest degree of equality possible whilst allowing for the use of wards as the building blocks for constituencies in the majority of cases², which will provide a degree of continuity with communities and for parties. The Government therefore considers that the provisions in the Act strike the right balance.
- 53. Under the Government's current proposals, however, the Boundary Commission for Wales could find that it is significantly more limited in practice in its scope for variation from the electoral quota than the Boundary Commissions for England and Scotland. (Paragraph 89).**
- 54. We consider it important that the four Boundary Commissions should operate under the same constraints, and that each Commission should therefore have the same degree of flexibility in practice as regards constituency electorate size, to give them the same ability to take account of other relevant factors when drawing up constituency**

² Commenting on modelling conducted by the Boundary Commission for England, the Secretary to that Commission confirmed to the Political and Constitutional Reform Committee that ‘it appears possible to allocate the correct number of constituencies using wards’.

boundaries. Members of the Committee have therefore tabled an amendment to the Bill which would give each part of the United Kingdom a very slightly different electoral quota, to ensure that each of the four Boundary Commissions should retain the ability to vary the number of registered voters in a constituency by a full 5% in either direction. (Paragraph 90)

55. The Government believes that a single UK quota has the advantage of clarity and fairness across the UK. The Committee proposed an amendment to the PVSC Bill which would have provided for each Commission to use a national electoral quota. The Government opposed this amendment on the basis that it would have resulted in a difference between the smallest permissible constituency in Scotland and the largest permissible in Northern Ireland of 17%, rather than the maximum of 10% (on the basis of the 2009 electoral register and excluding the excepted constituencies). This degree of variation runs counter to the principle of equality underpinning the Act, and would be a disproportionate response to an issue which has only a limited and rare impact in practice, and which is amenable to technical mitigation.
56. The provision at Rule 7 of new schedule 2 to the Parliamentary Constituencies Act 1986, inserted by clause 11(1), of the PVSC Bill recognises that rounding to a whole number for each part of the UK can have the result that the mean electorate within a nation differs from the UK electoral quota with the effect that the flexibility of a Commission might be constrained in practice where the overall electorate is small. In Northern Ireland, which on 2009 electoral register data would be entitled to 15 seats, the largest degree of rounding possible would have resulted in the effective 'headroom' between the mean electorate within Northern Ireland and the UK electoral quota being less than 2% of the UK electoral quota.
57. The provision provides additional flexibility for Northern Ireland in the event that the flexibility drops below around 3% of the quota, a level which we judge would unreasonably constrain the judgements of the Boundary Commission for Northern Ireland. The next smallest nation in electorate terms is Wales. Given that Wales would be allocated, on 2009 electoral register data, around twice the number of seats as Northern Ireland, the potential difficulty is only half that in Northern Ireland; on 2009 electorates, the smallest potential flexibility for the Boundary Commission for Wales by contrast is considerably greater at 3.33% of the UK electoral quota. In drafting the provisions the Government therefore judged that similar provision in Wales to that in Northern Ireland was not necessary. The Government continues to hold that view. The Secretaries to the relevant Boundary Commissions were consulted on the technical aspects of these provisions during the drafting of the Bill.

58. The review the Government is proposing will mean that every prospective parliamentary candidate, current Members of the House included, will not know until eighteen months before a general election in 2015 what the boundaries will be of the constituency they intend to contest, or if indeed they will have a constituency to contest. It is also not clear whether political parties have the necessary resources and resilience at a local level to adapt successfully within this timeframe to contesting new constituencies across the whole of the country. (Paragraph 92)

59. The Government recognises the importance of allowing all those involved in the electoral process adequate time to prepare for the 2015 general election. However a boundary review must also afford adequate time for the Boundary Commissions to do their job thoroughly, and allow enough time for representations to be made by the public and political parties on boundary recommendations. There is a balance to be struck between ensuring that the process is thorough and effective, and allowing sufficient time for parties to prepare for the subsequent election on the new boundaries, and the Government believes that the Act strikes that balance effectively. Furthermore, we have to ensure that boundaries are more up to date; the boundaries in use at the 2010 general election in England were based on electoral register data that is ten years old, and if a review were not completed by the time of the next general election in 2015, those boundaries would be 15 years out of date. The deadline is set to balance these competing priorities. As stated in paragraph 16, the Secretary to the Boundary Commission for England, which faces the largest task, told the PCRC that his initial view and that of the Boundary Commission for England was that the timetable is achievable.

60. It is worth noting that the deadline is for the submission of the final reports of the Commissions, and the Boundary Commission's proposals will in many cases be well known before that point from the consultations; and in addition, the uncertainty regarding the timing of boundary reviews and elections is considerably reduced by the Government's proposed reforms both to the legislation underpinning boundary reviews and the proposal for Parliamentary terms to be set at 5 years. By way of contrast, the Boundary Commission for England submitted its third general report in February 1983; elections took place on the new boundaries in June of that year. Furthermore, the Boundary Commission for Scotland submitted a report following a review which reduced the number of constituencies from 72 to 59 in November of 2004, and a general election took place on those considerably revised boundaries in May 2005.

61. We recommend that the Government and the Independent Parliamentary Standards Authority should consider the impact of the proposals on the ability of individual Members of Parliament to

perform their duties effectively when deciding upon individual Member resource allocation. (Paragraph 93)

62. The Government agrees that consideration will need to be given to this issue. The Parliamentary Standards Act 2009 requires the IPSA to regularly review the expenses scheme. The Act also provides that the IPSA must have regard to the principle that MPs should be supported efficiently, cost-effectively and transparently in carrying out their Parliamentary functions.

63. We recommend that the Government should assess thoroughly the likely impact of the provisions on party-political organisation, particularly at a local level, and explain what steps it intends to take in mitigation before the Bill is sent to the House of Lords. (Paragraph 94)

64. The Government accepts that the forthcoming review will result in changes across the country, which will have an impact on party-political organisation. However, as we set out above, we believe that the provisions strike the right balance. In addition, as Professor Johnston noted in his evidence to the Committee, party political organisation is often closely tied to local government wards, and parties will therefore benefit from the decision to set the parity range so as to allow for the continued use of wards as building blocks of Parliamentary constituencies in the majority of cases. Furthermore, for the review after the next review, where the overall size of the Commons is reduced to 600, the Boundary Commissions will be able to take into account the inconveniences attendant on changes in constituencies.

65. One possible way in which the impact of the measures could be made less stark would be to provide for a more gradual approach to the reduction in the number of constituencies and to the equalisation of their size than the current proposals intend, over a series of boundary reviews rather than over a single review. (Paragraph 95)

66. The Government considers that one reducing review to 600 seats would be less disruptive to constituents and Members than the process proposed by the Committee. Following the first review the degree of change will be far smaller. This will offer more consistency for Members and constituents over the longer term. At subsequent reviews the Boundary Commissions will also be able to consider the inconveniences attendant on changes. In his evidence to the Political and Constitutional Reform Committee, the Secretary to the Boundary Commission for England reported the view of the Commission at the time of the last general review, which was clear that it would be better to reduce the seats in one go, in order that disruption is reduced in the long run. The Government agrees with this assessment.

67. We acknowledge the grounds for making exceptions from the electoral quota requirement for the constituencies of Orkney and

Shetland and Na h-Eileanan an Iar on the grounds of practicality. This will mean, however, that votes cast in these constituencies will have a proportionately much greater weight than votes elsewhere in the United Kingdom. (Paragraph 98)

68. The House may wish to consider further exceptions for parts of the United Kingdom where it is the wish of voters (expressed, for instance, through petitions) to be underrepresented in Parliament, for reasons of strong local ties. (Paragraph 99)

69. It is true that in the case of the two named exceptions to the parity rule, votes will have proportionately greater weight than votes in other constituencies because of their small electorates. The Government believes that the unique circumstances of these two constituencies make this necessary. They are dispersed island groups that could not readily be combined with the mainland. These islands have both remote locations and populations too small to be within the parity target, but large enough to sustain an MP (as they do now). The Government listened to all suggestions put forward during the Bill's passage, and accepted that constituencies on the Isle of Wight should not include parts of the mainland and tabled an amendment to this effect at Commons Consideration of Lords Amendments. However, as we have made clear, the provisions are underpinned by a clear principle of equality, and the Government believes that it is right that the number of exceptions to the rule was kept to a minimum in order that votes have equal weight wherever this is practically possible.

70. If the first boundary review under the Bill is to be completed in good time for a general election in May 2015, as the Government wishes, there seems to be little option but to use data from this year's electoral roll, to be finalised in December 2010, as the basis for drawing up new constituency boundaries. This data is certain to be incomplete and inaccurate, and the extent to which this is the case will vary across the country, potentially with political repercussions. It is for individual Members to judge whether the flaws in this data are such as to undermine the principle of equalisation that the Government claims motivates its proposals. (Paragraph 113)

71. The existing process for drawing boundaries operates on the basis of the electoral register, and has done so since at least the 1940s. It is the Government's view that the electoral register remains the most appropriate database for Parliamentary boundary reviews. It makes sense to base Parliamentary constituencies on the Parliamentary electoral register; to use population would undermine the principle of one elector, one vote. There are also powerful practical reasons for doing so: the register is updated annually, while population statistics, are updated on a ten-year basis and are themselves imperfect. The Secretaries to the English and Scottish

Boundary Commissions highlighted these practical issues in their evidence to the Political and Constitutional Reform Committee.

72. The Government also considers that there is a compelling case for ensuring that boundaries are reviewed and in force by 2015 – in England, for example, they would otherwise be based not on the register from 2010, but on electoral register data from 2000 that would be 15 years out of date.

73. The Government therefore takes the view that the electoral register remains the right basis for reviews, and wishes to see a register that is as complete and accurate as possible. The registration rate in the UK is around 91%³; broadly in line with other comparable countries – such as Canada, France and Australia – all of whom have registration rates in the low 90s. However, the Government is committed to improving registration rates as part of introducing individual electoral registration. Data matching pilots will be launched in 2011 for local authorities to compare the electoral register against other public databases to identify people not currently on the register.

74. It would be desirable to identify a system whereby those eligible to vote could be automatically registered, and only removed from the register at their request. (Paragraph 114)

75. The electoral registration system in Great Britain is based on applications from electors, either on behalf of households or individually. There is no legal requirement for individuals to register to vote.

76. The Government has announced plans to speed up implementation of individual electoral registration (IER) in Great Britain, which will make the system more secure against fraud and ensure that individuals take greater responsibility for the process of registering. The new system will be implemented during the lifetime of the current Parliament in 2014. To complement the move to IER, the Government intends to test data matching schemes during 2011 with the aim of identifying eligible electors who are not the electoral register. Participating EROs will be able to compare the electoral register against other public databases and find people missing from the register, who will then be asked if they wish to apply to register. These pilots will provide invaluable information about the extent to which other public databases can assist EROs in ensuring that their registers are as complete and accurate as possible. If these test schemes are successful the Government will consider rolling out data matching nationally as a means of encouraging electoral registration.

³ Electoral Commission Report: The Completeness and Accuracy of the Electoral Registers in Great Britain (March 2010)

77. The Committee's proposal for automatic registration would represent a significant shift away from the present system of elector-led application and voluntary registration, to a system of automaticity with an opt out. Such a system would present a number of issues for the electors. As well as the cultural change this would entail, it would also present potential challenges in terms of ensuring the accuracy of the electoral register and its security against fraud, which would require very careful further consideration.

78. We ask the House to consider whether our proposal would increase the perceived legitimacy of the Boundary Commissions' decisions, and reduce the likelihood of local frustration and the possibility of legal challenge to the Commissions' recommendations. (Paragraph 119)

79. As the Secretary to the Boundary Commission for Scotland noted in his evidence to the Committee, it would be difficult for the Commissions to say in the abstract how they planned to approach decisions other than to say that they will consider all the relevant factors in accordance with the legislation. We therefore consider that an amendment of the kind proposed by the Commission is not appropriate. However, as the Secretary to the Boundary Commission for England noted in his evidence to the PCRC, at the last two reviews in England the Commissioners put together a booklet to inform interested parties about the process and what the rules would require. There was also extensive use of the Commissions' websites to inform interested parties about all aspects of the review. It would of course be open to the Commissions to consider any issues that come to light as a result of this process.

80. Members of the Committee have therefore tabled an amendment, which is intended to improve the quality of the consultation. This amendment would allow people to make representations to the Boundary Commissions on proposed constituencies other than the one in which they live and to provide for information on the number of electors within sub-ward divisions of constituencies to be made available on a nationwide basis. We commend the amendment to the House. (Paragraph 130)

81. It is important that interested parties from both within a proposed constituency and from neighbouring constituencies may make representations to the Commissions for alternative schemes that work within the rules. The Government did however not accept the Committee's amendment, since representations may already be made by people within or outside the affected constituency under the Act's existing provisions and the Act does not alter this approach.

82. We welcome the retention of the Boundary Commissions' power to appoint an independent Assistant Commissioner to consider written

representations. The changes in the consultation process are likely to lead to written representations that are longer and more complex. Appointing an Assistant Commissioner will allow the Boundary Commissions to obtain independent, expert advice which will enhance the transparency and legitimacy of the process while giving them flexibility in their resourcing. (Paragraph 132)

83. The Government notes the Committee's view. The scheme currently in the 1986 Act provides for the appointment of Assistant Commissioners by the Secretary of State at the request of any Commission, to inquire into, and report to the Commission upon, such matters as the Commission think fit.

84. The House may wish to consider whether the Bill should be amended so that it makes clear that only written representations will be received by the Boundary Commissions, subject to the requirements of the Disability Discrimination Act 1995. The abolition of public inquiries is a hugely significant change in the process of boundary setting. Clarity in the changes to that process is vital if the consultation process is to be meaningful and so enhance the legitimacy of the Boundary Commissions' decisions. (Paragraph 134)

85. The Government's position, based on the evidence, and academic opinion, is that local inquiries are far more effective in principle than in practice. They do not in general drive real engagement by the general public; rather, the process is dominated by political parties and their legal representatives. We believe that the extended written consultation process will actually be more effective in allowing the general public to have their say.

86. Nonetheless, the Government has listened carefully to the concerns of those who argue that there should be some form of oral element to the boundary review process. As a result, the Government brought forward amendments at Report stage in the House of Lords which provide for a public hearing process, enabling an opportunity for the public and parties to express their view, providing sensible discretion for the Boundary Commissions that ensures the timetable for completion of their review by October 2013 is met. This includes provisions for a 'counter-representation stage', during which all written representations received during the period for representations on the Commissions' initial proposals will be published and there will follow four weeks for comments on those representations.

87. We recommend that the House should consider amending clause 8(6) to limit the Secretary of State's power to modify the implementation of a Boundary Commission's recommendations only to situations where this is with the agreement of the Boundary Commission in question. Members of the Committee have tabled an amendment to this effect, and we commend it to the House. (Paragraph 139)

88. The power referred to by the Committee has existed in the legislation governing boundary reviews for over 50 years. There is no record of the power to modify having been used. However the Government considers that a power of this nature may be desirable; for example in order that an error could be corrected without requiring the relevant Boundary Commission to report afresh. In response to the amendment proposed by the PCRC, the Government brought forward an amendment at Report stage in the House of Commons - the Bill now provides that modifications to a Boundary Commission's recommendations may only be made at the request of the relevant Boundary Commission.
- 89. It is self-evident that a reduction in the number of Members of Parliament will increase the dominance of the Executive over Parliament if the number of Ministers sitting and voting in the House is not correspondingly reduced. This is a matter of constitutional importance that goes to the heart of the relationship between the Executive and the House. That the Government claims that no progress can be made on this issue because no conclusion has yet been reached on the overall size and nature of government is ironic at best and hypocritical at worst, given the Government's readiness to reduce at haste the number of Members in one House without consideration of the number of Members there should be in the other. Members of the Committee have put their names to an amendment to link the size of the House with the number of Ministers allowed to sit and vote in it, and we commend this amendment strongly to the House. (Paragraph 145)**
90. The Government remains committed to strengthening Parliament in relation to the Executive, as we are doing by the Fixed-term Parliaments Bill and the reforms already made to the working practices of the House. We have been clear that we accept the principle that there is a link between the legislature and the size of the executive.
91. Indeed, there are statutory limits on the number of Ministers in the House of Commons, and on the number of paid Ministers. What is commonly referred to as the 'payroll vote' includes not just paid Ministers, but also unpaid Ministers and Parliamentary Private Secretaries. The House of Lords Constitution Committee has noted that the amendment which was defeated in the House of Commons might not have had the effect of reducing the overall size of the payroll vote, because it would have dealt with neither the number of Parliamentary Private Secretaries in the House of Commons, nor the number of Ministers in the House of Lords. There is no immediate need to resolve this issue, since the provisions relating to a reduced number of MPs will not take effect until 2015. The Government therefore intends to reflect on the arguments made during the passage of this Bill, and set out its plans once there is greater clarity on the

composition of the second Chamber, including how many Ministers could be drawn from there.

Conclusion

- 92. In an ideal world, reforms such as those proposed in the Bill would be brought forward on a cross-party basis. This is what the Government is attempting in its reform of the House of Lords and of party political finance. Given the partisan impact of some of the measures in the Bill, albeit that there may be principled reasons for introducing them, party political consensus was perhaps never going to be achieved in this case. Nonetheless, by not attempting to reach a consensus on its boundary reform proposals, the Government has strengthened the argument of those who claim that it is bringing forward the Bill for partisan motives, and made it more likely that future Governments of different political complexions may feel emboldened to bring forward other measures to their own political advantage without the benefit of cross-party support. (Paragraph 146)**
93. Each of the three main parties made political reform a core part of their manifesto commitments for the 2010 general election. The Government accepts that the provisions in this Act reflect the political reform priorities of the Coalition parties. However, the Government believes that electoral reform is an issue on which the public should be given an opportunity to express their view, which is why it is proposed to hold a referendum. There is wide acceptance of that principle. Furthermore, the introduction of reforms to the rules for the distribution of seats was a Conservative Party Manifesto commitment. Constitutional reforms have previously been brought forward on this basis. It is also worth noting that the reforms do not alter the fundamental characteristics of the way in which constituency boundaries are drawn in the UK - that is, by an independent Boundary Commission following consultation on their proposals.
- 94. Given that both of the parts of the Bill would significantly affect how voters are represented in Parliament, it is also worth asking why voters are being offered the opportunity to go to the polls in a referendum only on reform of the voting system, but not also on reform of constituency boundaries. If, as the Government claims, equalisation is to the benefit of voters, they would surely support the proposal if it was put to them directly. (Paragraph 147)**
95. The two parts of the Bill are related, as the Committee acknowledges. However, the existing legislation underpinning Parliamentary constituencies – the Parliamentary Constituencies Act 1986 - was not the subject of a referendum; nor was any of the earlier legislation on this matter. The

Government does not accept that legislation which simply gives greater weight to a concept that is already at the heart of existing rules, and provides for the same factors to be taken into account by the four independent Boundary Commissions as now, need be the subject of a referendum when earlier Acts were not. We believe that there is, however, broad consensus that the people should have a choice of the electoral system itself.



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ISBN 978-0-10-179972-0



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