

PARLIAMENTARY CONSTITUENCIES BILL

EXPLANATORY NOTES ON LORDS AMENDMENTS

What these notes do

- 1 These Explanatory Notes relate to the Lords Amendments to the Parliamentary Constituencies Bill (Bill 198) as brought from the House of Lords on 19 October 2020.
- 2 These Explanatory Notes have been prepared by Cabinet Office in order to assist the reader of the Bill and the Lords amendments, and to help inform debate on the Lords amendments. They do not form part of the Bill and have not been endorsed by Parliament.
- 3 These Explanatory Notes, like the Lords amendments themselves, refer to HL Bill 126, the Bill as first printed for the Lords.
- 4 These Explanatory Notes need to be read in conjunction with the Lords amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the Lords amendments.
- 5 Lords Amendments 1 and 2 were tabled by Lord Foulkes of Cumnock, Baroness Hayter of Kentish Town and Lord Rennard, and were opposed by the Government.
- 6 Lords Amendments 3 to 5 were tabled by Lord Young of Cookham, Lord True (the Minister), Lord Randall of Uxbridge, Lord Blencathra and Lord Campbell of Pittenweem, and were supported by the Government.
- 7 Lords Amendment 6 was tabled by Lord Thomas of Cwmgiedd, Lord Thomas of Gresford, Baroness Humphreys and Baroness Hayter of Kentish Town, and was opposed by the Government.
- 8 Lords Amendment 7 was tabled by Lord Lennie and Lord Grocott, and was opposed by the Government.
- 9 Lords Amendment 8 was tabled by Lord Shutt of Greetland, Lord Wills, Lord Janvrin and Lord Lexden, and was opposed by the Government.
- 10 In the following Commentary, an asterisk(*) appears in the heading of any paragraph that deals with a non-Government amendment.

Commentary on Lords amendments

Lords Amendments to Clause 1: Reports of the Boundary Commissions

Lords Amendments 1* and 2*

- 11 The Lords Amendments 1* and 2* would make changes to the timing of future boundary reviews under clause 1 of the Bill. The amendments would provide that after the next boundary review which under clause 1 is due to report before 1 July 2023, the Boundary Commissions would be required to undertake a review and submit their reports before 1 October 2033. The Boundary Commissions would then be required to undertake a review and submit their reports before 1 October of every tenth year after that date. The effect would be to provide for future boundary reviews (after the 2023 boundary review) to take place every ten years instead of every eight years.

Lords Amendments to Clause 2: Orders in Council giving effect to reports

Lords Amendments 3 to 5

- 12 Lords Amendments 3 and 4 would amend clause 2 to introduce a time limit for the Government to submit a draft Order in Council giving effect to the recommendations of the four reports of the Boundary Commissions following a boundary review. The amendments would require the Secretary of State or the Minister for the Cabinet Office to submit to Her Majesty in Council a draft Order in Council for giving effect to the recommendations as soon as reasonably practicable after all four reports have been laid before Parliament; and in any case, no later than the end of the four month period (beginning with the first date on which all four reports have been laid before Parliament) unless there are exceptional circumstances.
- 13 The amendments would provide that if the draft of an Order in Council is not submitted before the end of the four month period, the Secretary of State or the Minister for the Cabinet Office would be required to lay one or more statements before Parliament specifying the exceptional circumstances. A statement would be required to be laid before the end of the period of 10 sitting days beginning with the first sitting day after the end of the four month period. After this, a statement would be required to be laid before the end of each subsequent period of 20 sitting days beginning with the first sitting day after the previous statement was so laid, until the draft of an Order in Council is submitted.
- 14 Lords Amendment 5 is consequential and would define “sitting day” as meaning a day on which both Houses of Parliament sit; and for that purpose a day is only a day on which a House sits if the House begins to sit on that day.

Lords Amendment: New clause: The Boundary Commissions: constitution

Lords Amendment 6*

- 15 Lords Amendment 6* would insert new clause 5 into the Bill to make changes to the current provisions concerning the constitution of the four Boundary Commissions.
- 16 The new clause would amend paragraph 3 of Schedule 1 to the Parliamentary Constituencies Act 1986 ('the 1986 Act') to provide that the Deputy Chairs of the Boundary Commission for England and the Boundary Commission for Wales would be appointed by the Lord Chief Justice of England and Wales instead of the Lord Chancellor.

- 17 The new clause would also insert new paragraph 3A into Schedule 1 to the 1986 Act. New paragraph 3A provides for a process to be followed for the selection and appointment of Members (other than the Chair and Deputy Chair) of each of the four Boundary Commissions by the Secretary of State. The new selection and appointment process requires a selection panel to be convened by the Secretary of State comprising the Deputy Chair and two persons appointed by the Speaker of the House of Commons. The selection panel would determine and apply the recruitment process, and following this would select only one person for the role. The Secretary of State would either accept the selection or, if the person selected is not deemed suitable for appointment, reject the selection or require the panel to reconsider. The Secretary of State would be required to give the selection panel reasons in writing for requiring the reconsideration of, or rejecting, any selection.
- 18 The new clause would also amend paragraph 4 of Schedule 1 to the 1986 Act to provide for the Deputy Chair and two Members of all four Boundary Commissions to be appointed for a single, non-renewable term only.

Lords Amendment: New clause: Electorate per constituency

Lords Amendment 7*

- 19 Lords Amendment 7* would insert new clause 7 into the Bill. This new clause would amend rule 2(1) of Schedule 2 to the 1986 Act to provide that the electorate of any constituency shall be no less than 92.5% of the United Kingdom electoral quota (the total UK electorate divided by the number of constituencies, excluding protected constituencies), and no more than 107.5% of that quota. Currently, the permitted range in rule 2(1) is 5% above or below the United Kingdom electoral quota. The new clause would not amend the existing exceptions to the permitted number of electors in a constituency.

Lords Amendment: New Clause: Improving completeness of electoral registers for purposes of boundary reviews etc.

Lords Amendment 8*

- 20 Lords Amendment 8* would insert new clause 9 into the Bill that requires the Secretary of State, within a year of the Act coming into force, to make proposals for improving the completeness of electoral registers for the purposes of boundary reviews.
- 21 The new clause sets out two potential options which the Secretary of State would be able to include in these proposals. The first of these would be to require the Department for Work and Pensions to share the name, address, date of birth and nationality of individuals to whom they issue a National Insurance number ahead of their 16th birthday, with the relevant Electoral Registration Officer (ERO) and, if the ERO is satisfied as to each individual's eligibility, to add them to the register for their area. The second proposal would be for the Department for Work and Pensions to notify individuals of the criteria for eligibility to vote and the process for making an application to register to vote when issuing to them a National Insurance number.

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