

PARLIAMENTARY CONSTITUENCIES BILL

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Parliamentary Constituencies Bill as brought from the House of Commons on 15 July 2020 (HL Bill 126).

- These Explanatory Notes have been prepared by the Cabinet Office in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

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These Explanatory Notes relate to the Parliamentary Constituencies Bill as brought from the House of Commons on 15 July 2020 (HL Bill 126)

Overview of the Bill

- 1 The principal legislation governing parliamentary constituencies and boundary reviews is the Parliamentary Constituencies Act 1986 (“the 1986 Act”). The Parliamentary Constituencies Bill amends the 1986 Act and makes provision in respect of:
 - the number of parliamentary constituencies;
 - the rules governing the setting of the boundaries of parliamentary constituencies;
 - the conduct of boundary reviews by the Boundary Commissions; and
 - the process for bringing the Boundary Commissions’ recommendations into effect.
- 2 The existing parliamentary constituencies in England are based on data from 2000; those in Scotland, Wales and Northern Ireland are based on data from 2001-2003. In effect, the current constituencies reflect how the UK population was at the beginning of the century and does not reflect changes in demographics, house building and migration.
- 3 Also, as a consequence of earlier legislation, there is currently a significant difference between the sizes of the electorate in many parliamentary constituencies.
- 4 The combined effect of this amending legislation and the retained elements of the 1986 Act will allow the Government to meet one of its 2019 Manifesto commitments - to “ensure we have updated and equal Parliamentary boundaries” and to do so on the basis of 650 constituencies.
- 5 The measures in the Bill follow and build upon the written statement of 24 March 2020, ‘Update: Strengthening Democracy’ ([HCWS183](#) and [HLWS179](#)), in which the Government set out its policy position in relation to the boundaries of parliamentary constituencies.
- 6 In developing the provisions, the Government has taken into account representations from colleagues on all sides of the House of Commons, and from the Public Administration and Constitutional Affairs Committee. The Government has also engaged with representatives of the parliamentary parties on the changes concerning the boundary review process.

Policy background

Parliamentary constituencies

- 7 Under the 1986 Act, there are four Boundary Commissions in the United Kingdom: one each for England, Wales, Scotland and Northern Ireland who are required (currently every 5 years) to carry out a review of the parliamentary constituencies in their part of the UK, and to submit to Government a report of their recommendations on the constituencies into which their part of the UK should be divided.
- 8 The Parliamentary Voting System and Constituencies Act 2011 (“the PVSC Act 2011”) amended the 1986 Act to provide for more equal-sized constituencies and also to reduce the number of constituencies, and therefore MPs, in the UK from 650 to 600. Under these changes, at future boundary reviews, the electorate of all constituencies, subject to a limited number of exceptions, should be no less than 95% and no more than 105% of the UK electoral quota (that is the average number of electors in a constituency). Under these provisions, there are four protected constituencies: the two constituencies on the Isle of

Wight, the single constituency of Orkney and Shetland and the constituency of Na h-Eileanan an Iar (formerly the Western Isles). As protected constituencies, they are permitted to deviate from the rule that no constituency electorate size should vary more than 5% from the UK electoral quota.

- 9 The PVSC Act 2011 also made amendments to the process of public consultation in boundary reviews, which included providing for three separate consultation stages (amounting to 24 weeks in total) and the introduction of public hearings at which individuals could make representations in person on the Boundary Commissions' proposals.
- 10 The PVSC Act 2011 required the Boundary Commissions to carry out a first boundary review of the constituencies within their part of the UK under the new provisions and to submit their final reports by 1 October 2013; thereafter boundary reviews would be held every 5 years. The Electoral Registration and Administration Act 2013 subsequently postponed the deadline for the submission of reports of that first review until 2018. The Boundary Commissions were required to carry out a fresh review and submit their final reports in September 2018.
- 11 The four Boundary Commissions commenced the 2018 boundary review in February 2016 in accordance with the changes made by the PVSC Act 2011 and submitted their final reports to the Government on 5 September 2018. The Government laid the reports before Parliament and arranged for them to be published on 10 September 2018. The recommendations of the 2018 boundary review have not yet been implemented.

Changes made by the Bill

- 12 The 1986 Act currently provides that, on implementation of the 2018 boundary review recommendations, the number of constituencies in the UK shall be 600. This Bill makes provision for the number of parliamentary constituencies to remain at 650. This is a change in policy from the position previously legislated for under the Coalition Government.
- 13 As a consequence of retaining 650 constituencies, the Bill removes the duty on the Government to implement the 2018 boundary review recommendations, and the requirement, under section 14 of the PVSC Act 2011 (as amended by the Electoral Registration and Administration Act 2013), to make arrangements, by 30 November 2020, to review the effects of the reduction in the number of constituencies to 600.
- 14 The Bill provides for the next boundary review, due to begin in early 2021, to be carried out on the basis of 650 constituencies and for the review to take place within the slightly shortened time frame of 2 years and 7 months (rather than the current 2 years and 10 months), and to report before 1 July 2023. The Bill enables this by making changes to the timings of the three stages of the publicity and consultation process at the next boundary review. In future, after the next boundary review, reviews will revert to taking place over the period of 2 years and 10 months.
- 15 The Bill provides for the next boundary review, due to begin in early 2021, to be based on the number of registered electors at 2 March 2020, instead of the number of registered electors as at 1 December 2020, following the 2020 annual canvass. The provision is made in light of the potential impact of Covid-19 on the operation of ongoing electoral registration activities and the annual canvass, and will provide for the next boundary review to be based on an alternative set of electoral data to mitigate potential risks of the impact of Covid-19. In future, after the next boundary review, reviews will be based on the number of registered electors included on the revised electoral registers that are due to be published following the annual canvass on or before the 1 December "review date" - the formal start of the review.

For example, the boundary review that is due to report before 1 October 2031 will be based on the electoral registers that are due to be published on or before 1 December 2028.

- 16 The Bill provides that at the next boundary review and future reviews, public hearings will take place at a different point in the review process. Currently, public hearings take place during the first (the “initial consultation period”) of the three periods of consultation conducted during a boundary review. For the next and subsequent boundary reviews, the Bill provides for public hearings to be held during the secondary consultation period. This is designed to improve the effectiveness of public hearings. Under this change, the Boundary Commissions would know from the initial consultation period the geographical areas where particular concern was being voiced; they could then plan public hearings for those locations accordingly.
- 17 The Bill also provides how Boundary Commissions may take into account local government boundaries at a boundary review. Under the current legislation, one of the factors that the Boundary Commissions may take into account when setting boundaries is the local government boundaries that are in place on the most recent ordinary council-election day before the “review date” (the formal start of the review). The Bill makes provision for Boundary Commissions to be able to take into account local government boundaries that are in place on the review date, as well as any such boundaries that are set out in provisions of legislation on the review date, but where those provisions have not yet come into force. This provision is designed to allow the Boundary Commissions to take into account more up to date information in relation to local government boundaries at boundary reviews. The measure is designed to minimise the potential for inconvenience to be caused for councils, MPs, councillors and political parties, and confusion for the public, due to council wards not aligning with parliamentary boundaries.
- 18 The Bill adds a constituency named Ynys Môn, comprising the area of the Isle of Anglesey County Council, to the list of protected constituencies. This will ensure that the Ynys Môn constituency comprising this area will remain as a constituency, and that, as a consequence, the requirement that the number of electors in a constituency should not vary more than 5% from the UK electoral quota does not apply to the Ynys Môn constituency.
- 19 The Bill provides that after the next boundary review, the length of time between boundary reviews is extended from 5 to 8 years. This will ensure parliamentary constituency boundaries are updated on a regular basis, though with less disruption caused to local communities and their MPs than by the current five-yearly reviews.
- 20 The Bill makes provision for how boundary recommendations come into effect following a boundary review. Currently, at the end of a boundary review, the Boundary Commissions submit their final reports to the Secretary of State or the Minister for the Cabinet Office who is required to lay the reports before Parliament. The Secretary of State is then required to lay the draft of an Order in Council giving effect to the recommendations in the reports before Parliament. The draft Order in Council must be approved by Parliament before it can be made by Her Majesty in Council. The Bill provides that, in future, the Boundary Commissions will submit their final reports to the Speaker of the House of Commons (who is the Chair of the Boundary Commissions). The Bill also provides that the draft Order in Council giving effect to recommendations will no longer be subject to any parliamentary procedure or approval before it is made. Finally, the Bill makes provision for a process by which a Boundary Commission may submit to the Speaker of the House of Commons a statement of modifications that the Commission consider should be made to the recommendations in the Commission’s report when those recommendations are given legal effect through an Order in Council. This is the only process by which Boundary Commission recommendations can be modified.

- 21 These changes are designed to provide certainty that the recommendations of the independent Boundary Commissions - developed through a robust and impartial process that is open to extensive consultation - will be implemented 'automatically' without the possibility of political interference. Parliament, of course, remains sovereign and can amend the primary legislation providing the parameters for these reviews as it sees fit.
- 22 The Bill also makes a number of consequential amendments, in particular amending section 33(3)(a) of the Northern Ireland Act 1998. The constituencies of the Northern Ireland Assembly are the same as those of the UK Parliament. The amendments in the Bill provide that the automatic changes to the constituencies of the Northern Ireland Assembly (as a result of UK Parliamentary constituency changes) will only take place from the first Assembly election whose notice of election is published at least six months after the parliamentary constituency changes come into force (i.e. the first Assembly election to take place after six months and 25 days from the date the constituencies come into force). There would be an exception to this if, during the six month and 25-day period, the UK Parliament was dissolved prior to a Parliamentary general election to which the new constituencies apply. In this event, the new constituencies would be applied to the Northern Ireland Assembly from the date of the UK general election. The provision is designed to minimise any potential impact of future constituency changes that coincide with Northern Ireland Assembly elections.

Legal background

- 23 The Parliamentary Constituencies Act 1986 contains the current provisions for setting boundaries for parliamentary constituencies, primarily sections 2 to 5 of, and Schedules 2 and 2A to that Act. Those provisions were substantially amended by Part 2 of the Parliamentary Voting System and Constituencies Act 2011.
- 24 This Bill makes amendments to the Parliamentary Constituencies Act 1986 and the Parliamentary Voting System and Constituencies Act 2011. It also makes consequential amendments to the Boundary Commissions Act 1992, the Northern Ireland Act 1998 and the Electoral Registration and Administration Act 2013.

Territorial extent and application

- 25 The provisions of the Bill extend to England and Wales, Scotland and Northern Ireland.
- 26 The matters to which the provisions of the Bill relate are not within the legislative competence of the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly, and no legislative consent motion is being sought in relation to any provision of the Bill.
- 27 See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom. The table also summarises the position regarding legislative consent motions and matters relevant to Standing Orders Nos. 83J to 83X of the Standing Orders of the House of Commons relating to Public Business.

Commentary on provisions of Bill

Clause 1: Reports of the Boundary Commissions

- 28 Clause 1 makes amendments to section 3 of the Parliamentary Constituencies Act 1986 (“the 1986 Act”) to make changes to the timing and frequency of reviews of parliamentary constituencies and the arrangements for the submission of boundary reports.
- 29 Subsection (2) amends section 3(1) of the 1986 Act to require the Boundary Commissions to submit boundary reports to the Speaker of the House of Commons (“the Speaker”), instead of the Secretary of State or Minister for the Cabinet Office.
- 30 Subsection (3) amends section 3(2) of the 1986 Act and requires the Boundary Commissions to carry out a review of parliamentary constituencies and submit reports to the Speaker as follows:
- (a) before 1 July 2023,
 - (b) before 1 October 2031, and
 - (c) before 1 October of every eighth year after that.
- 31 This replaces the current requirement for the Boundary Commissions to report every 5 years.
- 32 Subsection (4) inserts the following subsections into section 3 of the PCA 1986:
- subsection (2ZA) requires a Boundary Commission to send a copy of its report to the Secretary of State or the Minister for the Cabinet Office at the same time as it is submitted to the Speaker;
 - subsection (2ZB) provides that once the Speaker has received the report, the Speaker must lay the report before Parliament;
 - subsection (2ZC) requires the Boundary Commission to publish the report as soon as reasonably practicable after it has been laid before Parliament.
- 33 Subsection (5) amends section 3(2B)(a) of the 1986 Act which changes the timing for which progress reports are submitted to the Speaker to the “relevant January”. Subsection (6) inserts new subsection (2BA) which defines “relevant January” as meaning January 2022 for progress reports relating to the review reports due to be submitted before 1 July 2023, and in the case of all subsequent review reports the January that begins one year and nine months before the date a report is due to be submitted.
- 34 Subsection (7) removes section 3(5) to (5C) of the 1986 Act as a consequence of other changes made by the Bill. Section 3(5) of the 1986 Act concerns the laying of boundary reports before Parliament and is no longer required as a result of new section 3(2ZB). The matters currently provided for in section 3(5A) to (5C) of the 1986 Act have been replaced by provisions made by clauses 2 and 3 of the Bill concerning Orders in Council giving effect to boundary reports.

Clause 2: Orders in Council giving effect to reports

- 35 Clause 2 makes amendments to section 4 of the 1986 Act and concerns Orders in Council giving effect to recommendations in boundary reports.
- 36 Subsection (2) of clause 2 substitutes existing subsections (1) to (4) of section 4 of the 1986 Act with new subsections (1) to (2).

- 37 New section 4(1) of the 1986 Act requires 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 of each of the four Boundary Commissions following a boundary review. The draft Order must be submitted as soon as reasonably practicable after all four Boundary Commission review reports have been laid before Parliament by the Speaker under section 3(2ZB). A draft Order in Council is not required to be submitted if each of the four Boundary Commission review reports states that no alteration is required to be made to existing parliamentary constituencies.
- 38 New section 4(2)(a) provides that a draft Order in Council submitted under new section 4(1) may only give effect to the recommendations of the review reports with modifications where those modifications are required in accordance with new section 4A (introduced by clause 3 of the Bill). New section 4(2)(b) provides that a draft Order in Council may make provision for any matters which appears to the Secretary of State or the Minister for the Cabinet Office to be incidental to, or consequential on the recommendations in the reports or those recommendations with the modifications required in accordance with new section 4A.
- 39 Subsection (3) of clause 2 amends section 4(7) of the 1986 Act to remove reference to the need for the approval of each House of Parliament of draft Orders in Council under section 4 prior to making, as such approval will no longer be required as a result of the changes made by the Bill. Section 4(7) of the 1986 Act provides that the validity of any Order in Council purporting to be made under the 1986 Act shall not be called in question in any legal proceedings.

Clause 3: Modifications of recommendations in reports

- 40 Clause 3 inserts new section 4A into the 1986 Act. New section 4A makes provision in relation to modifications to recommendations in the report of a Boundary Commission resulting from a boundary review in accordance with section 3(1) of the 1986 Act. Where following a boundary review a report of a Boundary Commission has been submitted to the Speaker of the House of Commons, but a draft Order in Council has not yet been submitted to Her Majesty in Council, new section 4A(2) provides that a Boundary Commission may submit to the Speaker “a statement of modifications” specifying the modifications which they consider should be made to the report’s recommendations in order to correct any error in those recommendations, and their reasons for those modifications.
- 41 New section 4A(3) requires that a Boundary Commission on submitting a statement of modifications to the Speaker, must send a copy of it to the Secretary of State or the Minister for the Cabinet Office.
- 42 New section 4A(4) requires the Speaker to lay the statement of modifications before Parliament.
- 43 New section 4A(5) requires the Boundary Commission to publish a statement of modifications as soon as reasonably practicable after the statement has been laid before Parliament.
- 44 New section 4A(6) provides that where a statement of modifications has been laid before Parliament, the subsequent draft of the Order in Council must give effect to the recommendations of the report of the Boundary Commission with those modifications.

Clause 4: Publicity and consultation

- 45 Clause 4 makes amendments to section 5 of the 1986 Act concerning publicity and consultation as part of the boundary reviews under section 3 of the 1986 Act.

- 46 Subsection (2) amends section 5(1)(a)(iii) of the 1986 Act to provide that the length of the initial consultation period (the first of three consultation periods undertaken in a boundary review) is reduced from 12 weeks to eight weeks.
- 47 The amendments made by subsections (3), (4), (6) and (7) require the Boundary Commissions to hold public hearings during the secondary consultation period instead of during the initial consultation period. New section 5(4B) (which is inserted by subsection (7) of clause 4) requires the Boundary Commissions, after the end of the secondary consultation period, to—
- (a) publish records of the public hearings that have been held, and
 - (b) take steps to inform people in the proposed constituencies that written representations regarding the public hearing records may be made to the Commission during a further specified period of eight weeks (“the third consultation period”).
- 48 Subsection (5) amends section 5(4)(b) of the 1986 Act to increase the length of the secondary consultation period from four weeks to eight weeks.
- 49 Subsection (8) amends section 5(5) of the 1986 Act to provide that if a Boundary Commission produces revised proposals following the secondary consultation period, written representations may also be made on the revised proposals during the third consultation period.
- 50 Subsection (12) modifies section 5 of the 1986 Act for the next boundary review (in respect of which the Boundary Commissions are required to submit their reports before 1 July 2023) so that the secondary consultation period will be six weeks (instead of eight weeks) and the third consultation period will be four weeks (instead of eight weeks). These provisions allow the 2023 review to take place within a slightly shortened time frame of 2 years and 7 months (rather than the current 2 years and 10 months) and to report before 1 July 2023.

Clause 5: Number of parliamentary constituencies

- 51 Clause 5 amends rule 1 of Schedule 2 of the 1986 Act to provide that the number of constituencies in the UK will be 650 instead of 600.

Clause 6: Taking account of local government boundaries

- 52 Clause 6 amends rules 5 and 9 of Schedule 2 to the 1986 Act.
- 53 Rule 5(1) lists a number of factors which a Boundary Commission may take into account in making recommendations as part of a boundary review. Currently, rule 5(1)(b) allows a Boundary Commission to take into account local government boundaries as they exist on the most recent ordinary council-election day before the review date (the review date being the 1 December date provided for in rule 9(5) of Schedule 2 to the 1986 Act). Clause 6(2) replaces rule 5(1)(b), and new rule 5(1)(b) provides that a Boundary Commission may take into account local government boundaries which exist or are prospective on the review date.
- 54 Clause 6(3) inserts new rule 5(1A) which provides that in the case of a local government boundary which is prospective on the review date, it is that boundary rather than any existing boundary which it replaces, which may be taken into account by a Boundary Commission under rule 5(1)(b).
- 55 Subsection (4) of clause 6 inserts new paragraphs (3A) and (3B) into rule 9 of Schedule 2 to the 1986 Act. New paragraph (3A) provides that a local government boundary is “prospective” on the review date if on that date the boundary is specified in a provision of

primary or secondary legislation but that provision is not yet in force. New paragraph (3B) defines “primary legislation” and “secondary legislation” for those purposes.

Clause 7: Protected constituencies

- 56 Clause 7(2) amends rule 6(2) of Schedule 2 to the 1986 Act to add a constituency named Ynys Môn, comprising the area of the Isle of Anglesey County Council, to the current list of protected constituencies.
- 57 Subsection (3) of clause 7 makes a consequential change to rule 8 of Schedule 2 to the 1986 Act which sets out the method (referred to in rule 3 of Schedule 2) by which the Boundary Commissions allocate constituencies across the four nations of the United Kingdom at the start of a boundary review. Under rule 8(5), the allocation process does not apply to protected constituencies, and subsection (3) amends rule 8(5) to provide that the electorate of the Ynys Môn constituency is accordingly excluded from the calculation for the allocation of constituencies.
- 58 Subsection (4) of the clause amends rule 9(7) of Schedule 2 to provide that the reference in new rule 6(2)(c) to the area of the Isle of Anglesey County Council is to that area as it existed on the coming into force of the Schedule to the Bill.

Clause 8: Registers used to determine the “electorate” in relation to the 2023 reports

- 59 Clause 8 amends the definition of “electorate” in rule 9(2) of Schedule 2 to the 1986 Act and inserts a new paragraph (2A) into rule 9 of Schedule 2 to the 1986 Act.
- 60 New paragraph (2A) provides that for the purposes of the report that each Boundary Commission is required to submit before 1 July 2023, the “electorate” of the United Kingdom, or of a part of the United Kingdom or a constituency, is the total number of persons whose names appear on a register of parliamentary electors (maintained under section 9 of the Representation of the People Act 1983) in respect of addresses in the United Kingdom, or in that part or that constituency, as that register has effect on 2 March 2020.
- 61 This means that the next boundary review due to report before 1 July 2023 will be based on the number of registered electors on 2 March 2020, instead of the number of registered electors at 1 December 2020. For all subsequent boundary reviews, reviews will be based on the number of electors on the “review date” (as defined under rule 9(5) of Schedule 2 to the 1986 Act as amended by clause 9 of the Bill).

Clause 9: Alteration of the “review date” in relation to the 2023 reports

- 62 Clause 9 amends the definition of “review date” in rule 9(5) of Schedule 2 to the 1986 Act. In relation to the report that each Boundary Commission is required to submit before 1 July 2023 (as provided for by clause 1 of the Bill), the review date is 1 December 2020. This reflects the slightly shorter time frame of 2 years and 7 months for the completion of the next boundary review in 2023.
- 63 For all subsequent boundary reviews, the review date continues to be 2 years and 10 months before the date the boundary review report is due to be submitted.

Clause 10: Removal of duty to implement etc. in relation to current reports

- 64 Subsection (1) of clause 10 provides that any duty of the Secretary of State or the Minister for the Cabinet Office under section 3(5A) of the 1986 Act to lay before Parliament the draft of an Order in Council giving effect to the recommendations in current Boundary Commission reports is treated as having ceased to have effect on 24 March 2020.

- 65 Subsection (2) provides that any other duties or powers under the 1986 Act relating to a current report are also treated as having ceased to have effect or to be exercisable from the same date.
- 66 Subsection (3) explains that a report of a Boundary Commission is “current” if, immediately before 24 March 2020, the report has been submitted to the Secretary of State or the Minister for the Cabinet Office under section 3(1) of the 1986 Act but no Order in Council has been made for giving effect to it.
- 67 The effect of the clause is to remove the requirement for the Secretary of State or the Minister for the Cabinet Office to implement the reports that the Boundary Commissions submitted in September 2018, as the recommendations of these reports are based on 600 parliamentary constituencies.

Clause 11: Removal of duty to review reduction in number of constituencies

- 68 Clause 11(1) omits section 14 of the Parliamentary Voting System and Constituencies Act 2011 (“the PVSC Act 2011”).
- 69 Section 14(1) of the PVSC Act 2011 requires the Secretary of State or the Minister for the Cabinet Office to make arrangements for a Committee to carry out a review of the effects of a reduction in the number of constituencies to 600 (the reduction resulting from an amendment made to the 1986 Act by section 11 of the PVSC Act 2011). Section 14(3) of the PVSC Act 2011 requires the arrangements to be made no earlier than 1 June 2020 and no later than 30 November 2020.
- 70 As the reduction in the number of constituencies to 600 has not taken effect, and as clause 5 of the Bill provides for the number of parliamentary constituencies to remain at 650, the duty to review the reduction in the number of constituencies is accordingly redundant.
- 71 Clause 11(2) treats the repeal of section 14 of the PVSC Act 2011 as having come into force on 31 May 2020.

Clause 12: Effect of Orders in Council under the 1986 Act on NI Assembly constituencies

- 72 Clause 12 amends section 33(3)(a) of the Northern Ireland Act 1998. Section 33 of the Northern Ireland Act 1998 provides that five members of the Northern Ireland Assembly are returned for each of the parliamentary constituencies in Northern Ireland. Section 33(3) provides that where an Order in Council resulting from a boundary review under the 1986 Act changes one or more of the parliamentary constituencies in Northern Ireland, the constituency changes take effect for the purposes of elections to the Northern Ireland Assembly from the first ordinary or extraordinary Assembly election which takes place after the Order in Council comes into force.
- 73 Clause 12 amends section 33(3)(a) of the Northern Ireland Act 1998 so that the automatic changes to the constituencies of the Northern Ireland Assembly (as a result of UK Parliamentary constituency changes) will only take place from the first Assembly election, whose notice of election is published at least six months after the parliamentary constituency changes comes into force (i.e. the first Assembly election to take place after six months and 25 days from the date the constituencies come into force). There would be an exception to this if, during the six month and 25-day period, the UK Parliament was dissolved prior to a parliamentary general election to which the new constituencies apply. In this event, the new constituencies would be applied to the Northern Ireland Assembly from the date of the UK general election.

Clause 13: Minor and consequential amendments and savings

- 74 Clause 13 explains that the Schedule to the Bill contains minor and consequential amendments. These amendments made by the Bill do not affect the validity of any Order in Council made under the 1986 Act before the Bill comes into force.

Clause 14: Extent, commencement and short title

- 75 Subsection (1) of the clause provides that the Bill extends to England and Wales, Scotland and Northern Ireland.
- 76 Subsection (2) provides that the Bill comes into force on the day on which it is passed, but the amendment made by paragraph 4(3) of the Schedule may come into force on a later date in accordance with paragraph 4(4) of the Schedule.
- 77 Subsection (3) cites the short title of the Bill - the Parliamentary Constituencies Act 2020.

Schedule: Minor and consequential amendments

- 78 Paragraphs 1 to 5 of the Schedule to the Bill make minor and consequential amendments to the 1986 Act.
- 79 Paragraph 2 omits section 6C. Section 6C provides that in the 1986 Act references to the “Secretary of State” mean the Secretary of State or the Minister for the Cabinet Office. This general provision is no longer needed as the Bill amends each reference in the 1986 Act to “Secretary of State” by adding reference to the Minister for the Cabinet Office. Paragraph 3 amends such references in Schedule 1 to the 1986 Act.
- 80 Paragraph 4(2) amends rule 2(3) of Schedule 2, and the calculation of the United Kingdom electoral quota, as a consequence of the number of seats remaining at 650 and the creation of the additional protected constituency of Ynys Môn.
- 81 Paragraph 4(3) amends rule 5(2A) of Schedule 2 to insert “County of Blackpool” into the description of the North West region in the table of English regions which is inserted by paragraph 1(3) of Schedule 2 to the European Parliamentary Elections Etc (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), to correct a mistake made in those Regulations.
- 82 Paragraph 4(4) provides that if this Bill is passed on a day which is before paragraph 1(3) of Schedule 2 to those Regulations comes into force, paragraph 4(3) comes into force immediately after that provision of those Regulations comes into force (instead of on the day on which this Bill is passed).
- 83 Paragraph 5 makes consequential changes to Schedule 2A of the 1986 Act which concerns public hearings about Boundary Commission proposals, as a result of the other changes made by the Bill in relation to the consultation process for boundary reviews and written representations that may be made on proposals.
- 84 Paragraphs 6 and 7 omits provisions of the Boundary Commission Act 1992 that are spent.
- 85 Paragraphs 8 and 9 omit provisions of the PVSC Act 2011 which are superseded by the changes made by this Bill or are spent.
- 86 Paragraphs 10 and 11 omit section 6 of the Electoral Registration and Administration Act 2013 which is superseded by provisions made by this Bill.

Commencement

87 The Bill will come into force upon Royal Assent (see clause 14(2)).

Financial implications of the Bill

88 The Bill's principal effect on public expenditure stems from the fact that it will lead to the retention of 650 constituencies, rather than these being reduced to 600 at the next general election, as would happen if the existing legislation remained in place and the 2018 boundary review was brought into effect. Reducing the number of MPs by 50 would result in savings in terms of MPs' salaries and accommodation, staff, travel and subsistence costs. These savings will no longer be made.

89 There are also savings associated with the measures in the Bill. These include savings made by avoiding winding-up payments and budgets for 50 MPs and associated staff redundancies, and by the reduced boundary review costs that result from moving to a less frequent, eight-yearly boundary review cycle.

90 Cabinet Office analysts estimate that the public expenditure implications of the Bill, taking into account these savings (but not the non-monetised benefits of the bill) is approximately £116m over ten years, adjusted for inflation.

Parliamentary approval for financial costs or for charges imposed

91 A money resolution was required for the Bill to cover the likely increase resulting from the Bill in public expenditure payable under other Acts.

92 As described in paragraph 88 above, there are the costs in terms of MPs' salaries, allowances and pensions etc resulting from the retention, under clause 5, of 650 constituencies rather than the reduction to 600 constituencies. MPs' salaries, for example, are paid out of money provided by Parliament under the Parliamentary Standards Act 2009.

93 No ways and means resolution is required for the Bill as it does not authorise any new charges on the people (broadly speaking, new taxation or other similar charges).

Compatibility with the European Convention on Human Rights

94 Lord True has made a statement under section 19(1)(a) of the Human Rights Act 1998 that, in his view, the Bill's provisions are compatible with the Convention rights.

95 The Bill engages Article 3 of Protocol 1 to the European Convention on Human Rights (ECHR). This provides: "The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure free expression of the opinion of the people in the choice of the legislature".

96 The Bill maintains the principle of equal suffrage, and the overriding factors for Boundary Commissions undertaking boundary reviews to achieve equality of electorate size and geographical size in parliamentary constituencies, all of which are currently provided for in the 1986 Act.

97 Consequently the Bill is compatible with Article 3 of Protocol 1 to the ECHR.

These Explanatory Notes relate to the Parliamentary Constituencies Bill as brought from the House of Commons on 15 July 2020 (HL Bill 126)

Related documents

98 The following documents are relevant to the Bill and can be read at the stated locations:

- Written statement: 'Update: Strengthening Democracy' ([HCWS183](#) and [HLWS179](#)), 24 March 2020
- Public Administration and Constitutional Affairs Committee's report: 'Parliamentary Boundary Reviews: What Next?' ([HC 559](#)), published 19 February 2018

Annex A – Territorial extent and application in the United Kingdom

99 This Bill extends and applies to England and Wales, Scotland and Northern Ireland.¹

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within the competence of Senedd Cymru?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Legislative Consent Motion sought?
Clause 1 (Reports of the Boundary Commissions)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 2 (Orders in Council giving effect to reports)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 3 (Modifications of recommendations in reports)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 4 (Publicity and consultation)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 5 (Number of parliamentary constituencies)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 6 (Taking account of local government boundaries)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 7 (Protected constituencies)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No

¹ References in Annex A to a provision being within the legislative competence of the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly are to the provision being within the legislative competence of the relevant devolved legislature for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.

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Clause 8 (Registers used to determine the “electorate” in relation to the 2023 reports)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 9 (Alteration of the “review date” in relation to the 2023 reports)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 10 (Removal of duty to implement etc. in relation to current reports)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 11 (Removal of duty to review reduction in the number of constituencies)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 12 (Effect of Orders in Council under the 1986 Act on NI Assembly constituencies)	No	No	No	Yes	N/A	N/A	N/A	No
Clause 13 (Minor and consequential amendments and savings)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 14 (Extent, commencement and short title)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Schedule (Minor and consequential amendments)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No

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PARLIAMENTARY CONSTITUENCIES BILL

EXPLANATORY NOTES

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