



House of Commons  
Welsh Affairs Committee

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**The implications for  
Wales of the  
Government's  
proposals on  
constitutional reform –  
Government Response  
to the Committee's  
First Report of Session  
2010–11**

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**Fourth Special Report of Session  
2010–11**

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## The Welsh Affairs Committee

The Welsh Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Office of the Secretary of State for Wales (including relations with the National Assembly for Wales).

### Current membership

David T.C. Davies MP (*Conservative, Monmouth*) (Chair)  
Stuart Andrew MP (*Conservative, Pudsey*)  
Guto Bebb MP (*Conservative, Aberconwy*)  
Alun Cairns MP (*Conservative, Vale of Glamorgan*),  
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Jessica Morden MP (*Labour, Newport East*)  
Owen Smith MP (*Labour, Pontypridd*)  
Mr Mark Williams MP (*Liberal Democrat, Ceredigion*)

The following Members were members of the committee during the Parliament:

Glyn Davies MP (*Conservative, Montgomeryshire*)  
Nia Griffith MP (*Labour, Llanelli*)

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via [www.parliament.uk](http://www.parliament.uk)

### Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at [www.parliament.uk/welshcom](http://www.parliament.uk/welshcom)

### Committee staff

The current staff of the Committee is Adrian Jenner (Clerk), Anwen Rees (Inquiry Manager), Jenny Nelson (Senior Committee Assistant), Dabinder Rai (Committee Assistant), Mr Tes Stranger (Committee Support Assistant) and Laura Humble (Media Officer).

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## Fourth Special Report

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The Committee published its First Report of Session 2010-11, *The implications for Wales of the Government's proposals on constitutional reform*, on 21 October 2010. The Government response was received in the form of a memorandum on 5 January 2011 and is published as an Appendix to this Special Report.

## Appendix: Government Response

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The Government welcomes the Committee's inquiry into the proposed reforms. All main political parties committed during the general election campaign to the need to repair our damaged political system. It is also a key theme of the coalition's programme for government. The Government believes that we should have a political system that the people of the United Kingdom, including the people of Wales, should be proud to participate in.

The Committee's report focuses primarily on the Parliamentary Voting System and Constituencies Bill, which forms an important part of the Government's wider programme of constitutional renewal. The Bill, which was introduced in Parliament on 22 July 2010, aims to rebuild confidence in the political system that is currently at such a low ebb. A key principle underpinning the reforms is that when electing Members to the House of Commons, votes should have more equal weight throughout the United Kingdom - to achieve this, constituencies must be more equal in size. In addition, the Bill reduces the number of Parliamentary constituencies from 650 to 600. Seats will be allocated to each part of the United Kingdom in proportion to their electorates, based on the electoral registers that were due to be published on 1 December 2010 and which will be available in late February. If the 2009 electoral register data had been used, Wales would have been apportioned 30 seats (a reduction from 40 at present).

The Bill breaks the link between parliamentary constituencies and National Assembly for Wales constituencies so that a reduction in the number of MPs does not result in fewer Assembly members.

The Bill also provides for a referendum on the Alternative Vote system for electing MPs.

The Committee's report comments briefly on the Fixed-term Parliaments Bill, which was also introduced in Parliament on 22 July 2010. In the Bill, the Government seeks to introduce fixed-term Parliaments of five years, ending the uncertainty around the date of general elections. The Bill will provide that the UK Parliament can only be dissolved early if at least two-thirds of MPs vote for dissolution or if a Government is unable to secure the confidence of the House of Commons within 14 days of a no confidence vote.

The Government believes that these two pieces of legislation will be the foundation on which we can rebuild public confidence in our political system.

The Government has worked to ensure a timely and thorough response to this report in light of the progress in Parliament of both the Parliamentary Voting System and Constituencies Bill and the Fixed-term Parliaments Bill. We trust this response answers fully the concerns expressed by the Committee in its report.

## The practical implications

**1. The timetable for making the necessary arrangements for holding two different elections on the same day in Wales is extremely challenging. While the Government argues that necessary arrangements will be introduced so that any potential confusion is minimised, many other experts, including an organisation representing electoral administrators in the UK are less confident that the elections will proceed smoothly. If the House does not amend the Bill and the elections go ahead on 5 May 2011 as planned, confusion will only be avoided as long as planning is rigorous and necessary administrative arrangements are put in place. We urge the Government to ensure that necessary planning is undertaken without delay and to publish information about how it proposes to manage the electoral arrangements as soon as possible. (Paragraph 13)**

The Government believes there are three clear advantages in combining the AV referendum with elections to the devolved legislatures on 5 May 2011. First, there is a need to get on with the job of constitutional reform as soon as we can. All main parties fought the election on a platform of political reform, and it is right that the issue of how MPs are elected is decided as quickly as possible. Second, a combined poll is likely to increase voter turnout. Combining polls is not unusual, and the 2010 General Election was combined with local elections in many parts of the country. In 1998, the Greater London Authority referendum was combined with local elections in the London boroughs. The Government does not believe that it makes sense for people in Wales to return to the polls three times next spring, and respects voters' ability to distinguish between the different polls. Third, combining the polls will save money. We estimate that, across all polls on 5 May, the overall savings might be of the order of £30m. The Government is committed to sharing these savings between the bodies administering the polls. In Wales, a combined poll will result in a saving of some £1m for the Welsh Assembly Government. This demonstrates the practical benefits of the Government's *Respect* agenda.

The National Assembly for Wales (Representation of the People) Order 2007 makes provision for the conduct of elections to the Assembly, including the elections on 5 May 2011. The Government sought modest changes to these arrangements, and presented an amendment Order<sup>1</sup> to Parliament on 25 October to make these changes - over six months in advance of the poll. The Order was made on 2 December, having been

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<sup>1</sup> The National Assembly for Wales (Representation of the People) (Amendment) Order 2010.

approved by both Houses. The Government consulted interested parties in Wales in preparing the Order, including the Regional Returning Officer for Wales. The Parliamentary Voting System and Constituencies Bill sets out the arrangements for combining the AV referendum with this poll.

The Electoral Commission has made clear that it is possible to deliver successfully the different polls on 5 May 2011, and that there are both benefits and risks to holding elections and referendums on the same day. In November, Jenny Watson, the Chair of the Electoral Commission, and Chief Counting Officer responsible for the conduct of the referendum, said:

*“Ultimately it is for the UK Parliament to decide whether the proposed referendum goes ahead, but as the Bill stands having passed through the Commons, enough progress has been made against the risks we set out to allow the National Assembly elections and [AV] referendum on 5 May to run smoothly. The Bill has now passed to the House of Lords for their consideration, and we will continue to monitor progress”.*<sup>2</sup>

The Government is alive to the need for rigorous and careful planning to ensure the polls are fair and well run on 5 May, and has been working with key stakeholders to ensure that the necessary arrangements are in place well in advance of the polls. A steering group has been established, chaired by the head of the Electoral Commission, and including representatives from both the Cabinet Office and the Wales Office, the Electoral Commission, the Welsh Assembly Government, Regional Counting and Returning Officers and electoral administrators, to ensure a consistent approach to the combined polls across the UK. The minutes of each meeting are available on the Electoral Commission website.

**2. Should the UK general election coincide with elections to the National Assembly for Wales on 7 May 2015, there will need to be extremely robust cooperation and rigorous planning between the UK and Welsh Assembly Governments and other agencies, so that confusion and other complications are avoided. We recommend that the Government commence work on this planning sooner rather than later, and keep us informed of progress. (Paragraph 17)**

**3. The Government should make clear during the Committee Stage of the Bill the other options it is considering to avoid the UK general election and the National Assembly elections both taking place on 7 May 2015. (Paragraph 18)**

The Government has discussed with the Welsh Assembly Government and the party leaders in the National Assembly the coincidence of general elections and elections to the National Assembly (and other devolved assemblies) in the context of the Fixed-term Parliaments Bill.

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<sup>2</sup> The Electoral Commission News Release, 11 November.

Under the provisions in the Bill elections to the devolved legislatures and the House of Commons will ordinarily coincide on the same day only every 20 years. The existing statutory term for the United Kingdom Parliament is five years, and the Bill has not brought about the possibility that elections to the House of Commons and devolved legislatures could coincide; it merely provides prior notice that, under ordinary political cycles, they will, every twenty years.

There are tangible benefits from combining polls, including increasing voter turnout and reducing the cost to the public purse, but the Government is also mindful of concerns expressed, including by some in the devolved institutions, about the coincidence of polls. The Government has consulted the First Minister, the Presiding Officer and party leaders in the Assembly, on possible options for deferring Assembly elections in years where they would coincide with parliamentary general elections, and has also consulted in Scotland in similar terms. We are considering next steps in light of the responses received.

### The political implications

**4. Once again, our concerns are not, first and foremost, about the principles at stake in each of these consultations with the nation. They are about the wisdom and fairness of cramming so much debate and decision into so short a space of time, especially where these debates and decisions are about major constitutional changes of some considerable complexity. We urge the Government to give further consideration to these matters. The potential clash of elections in 2015 could present significant challenges. The Government will need to address this matter expeditiously. (Paragraph 20)**

The Government is committed to implementing much needed political reform as soon as possible, and believes that the Welsh electorate will be able to differentiate between the three polls in Wales next spring - the referendum on further law making powers for the National Assembly, the referendum on a change to the voting system for Parliamentary elections and elections to the National Assembly. There will be clear instructions on the ballot papers advising people how to cast their vote in each poll and, as with every election, there will also be information at the polling station advising people on the polls taking place. The Electoral Commission also has a formal role in promoting public awareness of the two referendums.

As mentioned in our previous answer, the Government is currently considering the potential coincidence of elections in 2015.

### Reducing the number of Parliamentary seats in Wales and equalisation of constituencies

**5. In a democracy, it is an important consideration that every effort is made to ensure that votes have equal weight. However, no electoral system genuinely delivers a wholly "fair" outcome in these terms. Notwithstanding this principle, other factors**

**legitimately weigh in the consideration of where the balance of fairness lies. It is also important that the interests of each region of the United Kingdom are properly heard at Westminster. The Government's proposals would reduce, at a stroke, the number of MPs representing Wales by 25%. By any yardstick, this would be a profound change to the way that Wales is represented in Parliament. (Paragraph 29)**

**6. The unique position of Wales in terms of its geography, culture and history has long been recognised in its Westminster constituencies. We recommend that the Government brings forward amendments to the Bill to permit the Boundary Commission to give greater weight to these factors when drawing up new constituencies than it is currently allowed under the current proposals. (Paragraph 33)**

The Government welcomes the Committee's conclusion that votes having equal weight is an important consideration in any democracy. The overriding principles of the Government's reforms are fairness and equality. Wales is currently significantly over-represented in Parliament, so that a vote in a Welsh constituency is, in effect, worth more than in most constituencies elsewhere in the United Kingdom. That is not fair, and cannot be right.

Whilst the 2009 electoral register data would have meant a reduction in the number of MPs in Wales of 25%, this should be seen in the context of an overall reduction in the size of the House of Commons resulting in the proportion of MPs representing Welsh constituencies reducing from 6% to 5%. We do not agree that this is as profound a change as might be thought at first sight. Following these reforms, a vote in Wales would be worth the same as anywhere else in the United Kingdom. Wales would continue to have a strong voice in Westminster.

The Government agrees that other factors besides equality should be considered in determining the boundaries of the new parliamentary constituencies. The revised rules for the distribution of seats provide for the Boundary Commissions, including the Boundary Commission for Wales, to take into account local geography and local ties in drawing the boundaries of new constituencies – the same factors set out in the current legislation. The factors include special geographic considerations such as the size, shape and accessibility of a constituency, local government boundaries and local ties, meaning that within the overall requirement for constituencies of broadly equal size, the Boundary Commission for Wales could, for example, take into account the history and geography of the South Wales Valleys in creating new constituencies in South Wales.

Constituencies may vary in size by as much as 10% of the UK electoral quota, which will afford the Boundary Commissions discretion to take local factors into account. On 2009 figures, this would represent a variation of around 7,600, which we consider provides the right balance between flexibility and fairness for electors in the weight of their vote.

## Scrutiny of the Executive

**7. Government is most effective when Parliament is able to provide effective and rigorous scrutiny. A reduction in the number of MPs without a corresponding reduction in the number of Ministers would increase further the dominance of the Government over the House of Commons and is clearly a matter of great constitutional importance. We strongly recommend that the Government clarify its position on this matter. (Paragraph 37)**

This argument has previously been raised by the Political and Constitutional Reform Committee. The Government recognises the concern, and the Minister for Political and Constitutional Reform has said that the Government will consider the issue later in this Parliament (and so before the reduction in the size of the House of Commons takes effect).

The Government notes that there is no logical correlation between the number of MPs and the number of ministers, and historically there has not been a consistent relationship between the size of the House of Commons and the number of Government ministers within it. The number of ministers in the Commons should be determined by what is needed to carry out the Government's parliamentary business, and this will not necessarily be affected by the change in the size of the chamber.

## Voter registration

**8. However, there are, we presume, wide variations around this average [about 91% or 92% of eligible voters registered] between different types of constituency. We recommend that the Wales Office produce estimates of registration levels in each constituency of Wales to inform debate on the Bill's effect on Wales. (Paragraph 39)**

**9. It is in the interests of all democrats that all eligible voters are able to cast their votes at elections. While we note that the Government is committed to increasing the number of voters on the electoral roll, we also note concerns that, once individual voter registration has been implemented in 2014, the 2010 electoral roll, which will be used to determine the electoral quota for the new constituencies in 2015, may be outdated. (Paragraph 41)**

**10. We recommend the Government reconsider its plans to introduce boundary changes based on 2010 data and consider ways in which more accurate and up-to-date data on those eligible to vote can be gathered. (Paragraph 42)**

Under the Parliamentary Voting System and Constituencies Bill currently before Parliament, the forthcoming boundary reviews will be conducted on the basis of the 1 December 2010 electoral register, just as boundary reviews in the past have used the latest registers. The Government believes the electoral register is the best means for



defining parliamentary constituencies because it is updated annually and produced specifically for electoral purposes.

The Electoral Commission cites data from the Office of National Statistics (ONS) that the best estimate for non-registration among the eligible household population in England and Wales at 15 October 2000 (the qualifying date for the February 2001 register) “lies between 8% and 9%”.<sup>3</sup> This means that around 91%-92% of those eligible to vote in England and Wales were included on the register in 2000-01. Non-registration in 2000 was 7% in England and 6% in Wales according to an ONS unadjusted study sample. This rate of registration is broadly in line with comparable countries such as Canada, France and Australia.

One aim of the Bill is to ensure that parliamentary constituencies are reviewed more frequently than they are now. Up until now, full reviews have been carried out every eight to twelve years, which means that constituencies do not reflect recent changes in the electoral register by the time new boundaries take effect. The Boundary Commission for Wales published its fifth periodical report on parliamentary constituency boundaries in 2005 using electoral registration data from 2002. The Commission's recommendations formed the basis for the parliamentary constituencies in Wales used in the 2010 General Election.

The Bill provides for boundary reviews to take place more regularly in future. The four Boundary Commissions must report on the new parliamentary constituency boundaries before 1 October 2013, and every five years thereafter. This will ensure that the most up-to-date electoral data is used to determine the make-up of parliamentary constituencies.

The Electoral Commission has noted that the “completeness of Great Britain's electoral registers remains broadly similar to the levels achieved internationally; but there is no room for complacency”.<sup>4</sup> The Government recognises the need for electoral data to be as accurate and up-to-date as possible and, working with Electoral Registration Officers in local authorities, is seeking to increase the level of registration and ensure that data in the 2010 electoral register is as accurate as possible.

Whilst there is no one, single solution to under-registration, the Government is also taking forward a number of initiatives to improve the completeness and accuracy of the register. In the shorter term, this includes working with local authorities to identify people not on the register using existing public sector databases, who could then be actively encouraged to register. In the medium term, the Government is accelerating the move to Individual Electoral Registration (IER) from 2014. These initiatives will help target campaigns to increase rates of registration in groups which have had historically lower levels of registration, such as black and minority ethnic communities, private sector tenants and younger people.

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<sup>3</sup> The Electoral Commission's Report, Understanding electoral registration: the extent and nature of non-registration in Britain (2005).

<sup>4</sup> The Electoral Commission's Report: The completeness and accuracy of electoral registers in Great Britain, March 2010.

Electoral Registration Officers are required to publish a register following the annual canvas of electors. This information is collated and published by the Office for National Statistics (ONS). However, ONS data does not include registration rates (i.e. estimates of the percentage of eligible voters on the electoral register).

Whilst it would be possible to match population estimates to the numbers registered in order to generate a notional registration rate, population data is estimated and will include some people not eligible to register to vote – for example due to nationality. In areas where population churn is high, both the population estimate and numbers registering to vote will be subject to change. This means that simply combining the two datasets risks producing a misleading picture of registration rates. As the Electoral Commission has indicated<sup>5</sup>, the process of estimating registration rates is an “imprecise science”.

The Wales Office is not therefore able to provide the Committee with the accurate, constituency-level data it requested. However, at Annex A, we attach a table setting out the total number of electors in Wales on the electoral registers for parliamentary and local/Assembly elections in 2007, 2008 and 2009, and the mid-year population estimates for Wales for those years. The caveats set out in previous paragraph also apply to the data in this table.

## Scrutiny by the House

**11. The Government is determined to pass this legislation quickly in order that the referendum on the Parliamentary electoral system can take place in May 2011. However, we agree with the Political and Constitutional Reform Committee that the Bill has been given insufficient time for proper scrutiny. (Paragraph 49)**

The coalition's programme for Government set out the Government's intention to hold a referendum on the alternative vote. The Deputy Prime Minister made clear that we should move swiftly to meet that commitment to the electorate, and the Government believes that 5 May 2011 is the right date for the poll. The Bill has to make progress in order that administrators have time to prepare for the poll.

Parliament is having ample opportunity to debate the proposals in full. For example, there were eight days of debate during the Bill's Commons stages, including five days at Committee stage and two days at Report and Third Reading, all on the floor of the Commons. At Committee stage, some Members took the opportunity to engage in political grandstanding instead of debating the proposals, and it is regrettable that this denied the House the opportunity to debate the clauses of the Bill in full. But the Government does not agree that eight days of Commons debate represents insufficient time for proper scrutiny.

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<sup>5</sup> The Electoral Commission's Report: The completeness and accuracy of electoral registers in Great Britain, March 2010.

The Bill has also been subject to select committee scrutiny. As well as the Welsh Affairs Committee, the Minister for Political and Constitutional Reform has given evidence to the Political and Constitutional Reform Committee and both he and the Deputy Prime Minister have appeared before the House of Lords Constitution Committee.

Taken together, this represents a robust scrutiny process involving both Houses and a number of select committees.

**12. The Welsh Grand Committee gives all Welsh Members the opportunity fully to debate issues relating to Wales. That the Parliamentary Voting System and Constituencies Bill impacts significantly on Wales is clear. In the light of this, we consider the Secretary of State for Wales's decision not to convene a meeting of the Welsh Grand Committee in this instance to be very disappointing. (Paragraph 50)**

The Government gave very careful thought to the need for a meeting of the Welsh Grand Committee to debate the Parliamentary Voting System and Constituencies Bill. We concluded that there was no need for such a meeting.

From the start, the Government recognised the importance of the Bill to Wales. We ensured that a Wales Office Minister, the Parliamentary Under-Secretary of State for Wales, was responsible for taking through the Wales-specific aspects of the Bill, working closely with the Bill Minister, the Minister for Political and Constitutional Reform.

MPs have had plenty of opportunity to discuss the implications for Wales of the Bill. As set out in our preceding answer, there were eight days of debate on the floor of the Commons. This was sufficient time to scrutinise the Bill's provisions, but unfortunately some Members chose to delay progress rather than debate the important provisions which impact on Wales.

In September, the Secretary of State for Wales gave an opportunity for all MPs representing Welsh constituencies to discuss the Government's proposals with the Bill Minister (the Minister for Political and Constitutional Reform). The Bill Minister made clear that his door is open to meet MPs to discuss specific aspects of the Bill, including its impacts in Wales.

Given the opportunities that the Government has made available for debate and dialogue on the Bill, we believe that a Welsh Grand Committee in this instance would have served only to duplicate those opportunities that have not been taken by opposition members on other occasions.

## Annex A

**Total Electors in Wales 2007-2009**

| Year | Mid Year Population Estimate (aged 16 and over) | Parliamentary Electors | %     | National Assembly Electors | %     |
|------|---|------------------------|-------|----------------------------|-------|
| 2007 | 2,419,700                                       | 2,257,474              | 93.30 | 2,273,586                  | 93.96 |
| 2008 | 2,437,400                                       | 2,261,769              | 92.79 | 2,279,779                  | 93.53 |
| 2009 | 2,449,100                                       | 2,261,269              | 92.33 | 2,280,240                  | 93.11 |

## Parliamentary elections

You can vote in UK general elections once you are on the electoral register and provided that you are also:

- aged 18 or over on polling day
- a British citizen, or a qualifying Commonwealth citizen or a citizen of the Irish Republic (living in the UK)
- not legally excluded from voting (for example, if you are in prison)

British citizens living abroad who have been registered to vote in the UK within the past 15 years can register as an overseas voter, which means:

- you can vote in UK general elections and European Parliamentary elections

## Assembly and local government elections

You can vote in Assembly elections if you have registered to vote and you are:

- a British citizen living in the UK
- a qualifying Commonwealth citizen living in the UK
- a citizen of the Irish Republic living in the UK
- a European Union citizen living in the UK
- registered to vote as a Crown Servant
- registered to vote as a service voter

You can not vote in local government elections if you are:

a British citizen living abroad and registered as an overseas voter.