The need for change

The largest seat in the House of Commons is the Isle of Wight, with an electorate at 1 December 2019 of 111,440; the smallest seat is Na h–Eileanan an Iar (Western Isles) with 21,202. Therefore one vote in the Western Isles is worth five votes on the Isle of Wight.

It is generally accepted that both of these seats have special circumstances; that is, their isolation from the British mainland (or from the large portion of the Irish island that is British and is called Northern Ireland). To get from the Western Isles to any part of the British mainland requires a 2½ hour ferry from Stornoway to Ullapool; from the Isle of Wight is at least an hour's journey by ferry to Portsmouth or Southampton. Orkney and Shetland have it worse, with the night ferry from Aberdeen. No other part of the UK has these specific problems.

Setting those three seats aside for clear geographical reasons, i.e. the geographical separation from the mainland, then the largest seat in the House of Commons is Milton Keynes South (96,671) and the smallest Arfon (42,664). Therefore, four votes in Arfon are worth nine votes in Milton Keynes South.

It can be seen that this problem is spread across the country and not confined to any one area:

	Smallest seats (excluding island seats)	**Electorate (01/12/19)**	**Largest seats (excluding island seats)**	**Electorate (01/12/19)**
1	Arfon	42,664	Milton Keynes South	96,671
2	Dwyfor Meirionnydd	44,748	North West Cambridgeshire	95,690
3	Aberconwy	44,919	Manchester Central	94,937
4	Caithness, Sutherland and Easter Ross	46,963	Sleaford and North Hykeham	94,619
5	Montgomeryshire	49,225	West Ham	93,444

The largest and smallest seats in each nation (excluding the three island seats) are as follows:

Nation	**Smallest seat**	**Electorate (01/12/19)**	**Largest seat**	**Electorate (01/12/19)**
England	Newcastle upon Tyne East	54,042	Milton Keynes South	96,671
Scotland	Caithness, Sutherland and Easter Ross	46,963	Linlithgow and East Falkirk	86,203
Wales	Arfon	42,664	Cardiff South and Penarth	79,534
Northern Ireland	East Antrim	64,948	Upper Bann	83,042

The largest and smallest seats in each English region (excluding the Isle of Wight) are as follows:

Region	**Smallest seat**	**Electorate (01/12/19)**	**Largest seat**	**Electorate (01/12/19)**
Eastern	Norwich North	66,716	North West Cambridgeshire	95,690
East Midlands	Northampton North	59,188	Sleaford and North Hykeham	94,619
London	Putney	61,211	West Ham	93,444
North East	Newcastle upon Tyne East	54,042	North Tyneside	77,477
North West	Wirral West	55,935	Manchester Central	94,937
South East	Romsey and Southampton North	68,447	Milton Keynes South	96,671
South West	Bath	61,688	Bristol West	87,859
West Midlands	Stoke–on–Trent Central	54,286	North Shropshire	83,881
Yorkshire and Humber	Kingston upon Hull West and Hessle	59,092	Normanton, Pontefract and Castleford	84,874

Even within an individual nation or English region, and even setting the island constituencies aside, constituencies may vary by as many as 40,000 voters, and in the North East of England the largest and smallest seats in the region are adjacent to one another.

The electorates and average constituency sizes in each of the nations and the English regions are as follows:

Nation/Region	**Electorate (01/12/2019)**	**Number of seats ***	**Region**
Eastern	4,469,748	58	77,065
East Midlands	3,478,897	46	75,628
London	5,422,192	73	74,277
North East	1,921,999	29	66,276
North West	5,383,886	75	71,785
South East	6,454,655	83	77,767
South West	4,193,464	55	76,245
West Midlands	4,157,363	59	70,464
Yorkshire and Humber	3,882,496	54	71,898
England	36,364,700	532	73,994
Wales	2,313,851	40	57,846
Scotland	3,932,929	57	68,999
Northern Ireland	1,296,305	18	72,017
United Kingdom	46,907,785	647	72,500

* excluding island constituencies

It can be seen that, when aggregated up, *all* the seats (or at least, the average of all seats) in a particular English region might be over 11,000 voters smaller than *all* the seats (or, the same average) in another English region; expanded to the country as a whole, the average Welsh seat has nearly 20,000 voters fewer than the average seat in the South East of England.

That this is unfair and is in need of amendment appears obvious and seems to have been stressed by members of your Committee from across the parties; although some members and some parties appear to believe that though *a* boundary review is needed, *this* particular boundary review or *that* review is unacceptable.

The nations of the United Kingdom

In what we might now call in the 21st century "ancient history", the story of representation of the nations of the UK has been one of over–representation of England. The Laws in Wales Acts under Henry VIII purported to annex Wales to England, and Wales has benefited from over–representation in the Commons from the start.

Scotland joined the Union in 1707 and was allocated 45 seats, which was probably less than its population deserved (no Census being carried out in the UK until 1801). Most Scottish counties received one MP, in line with the allocation of Welsh counties, whereas previously separately–represented burghs were grouped into constituencies.

Ireland joined the Union in 1801 and was allocated 100 seats, nowhere near what it deserved by virtue of its population (its true entitlement on population was over 200). Each Irish county received two MPs as did the cities of Belfast and Dublin. A certain number of towns represented in the Irish Parliament received one MP in the UK Parliament whereas the rest were abolished (the first example of abolishing rotten boroughs, three decades before the Reform Act).

The 1832 Reform Act significantly reorganised representation throughout the UK. Its recommendations were not solely based on population, although this was a factor. The Act nevertheless retained the pattern of under–representation of Scotland and Ireland.

	1831 Census	**1831 %**	**1832 seats**	**1832 %**
England	13,091,005	54.4	464	71.2
Wales	806,182	3.4	32	4.9
Scotland	2,365,114	9.8	53	8.1
Ireland	7,784,536	32.4	103	15.8
	24,046,837		652 *	

*excludes 6 MPs for university constituencies

It will be noted that under the Reform Act it was acceptable for Wales to have 32 seats in a 658–member house (there were six University MPs); its reduction to the same number in a 650–member House today appears now to be a point of contention.

Over the course of the 19th century the balance of population within the UK altered drastically. The causes for this were, principally, the Irish Famine of the 1840s, and the Highland Clearances. Industrialisation also played a vast part in the shift from a rural to an urban population but this had greater effect on population shift within the four nations than between them. By the time of Gladstone's Third Reform Act, which set up the single–member constituency pattern (including both divided counties and divided boroughs) with which we are familiar today, Ireland in particular had lost population in vast numbers. Although the distribution of seats between the nations remained largely unchanged (the most notable difference being an increase of seats for Scotland), the pattern of representation now more closely fitted the distribution of population across the UK.

	1881 Census	**1881 %**	**1885 seats**	**1885 %**
England	24,613,926	70.6	456	69.0
Wales	1,360,513	3.9	34	5.1
Scotland	3,735,573	10.7	70	10.6
Ireland	5,174,836	14.8	101	15.3
	34,884,848		661 *	

* excludes 9 seats for university constituencies

The next redistribution in 1917 did not significantly alter this pattern, although the continued decline in population in Ireland left that nation over–represented.

	1914 population estimate	**1914 %**	**1917 seats**	**1917 %**
England	34,437,231	74.2	485	70.1
Wales	2,523,453	5.5	35	5.1
Scotland	4,747,167	10.3	71	10.3
Ireland	4,381,398	9.5	101	14.6
	46,089,249		692 *	

* excludes 15 seats for university constituencies

The 1917 redistribution was the last until 1944 in the United Kingdom, with one exception. In 1922 the Irish Free State declared independence, removing immediately the 72 territorial and 3 university constituencies within that jurisdiction. Had Northern Ireland's representation at Westminster been left as it had been under the 1917 redistribution, it would have had 29 territorial constituencies and 1 university constituency.

Instead, under the Government of Ireland Act 1920, Northern Ireland received 12 territorial seats (the university constituency was unchanged), far below its deserts. This was a consequence of the setting up of the devolved Parliament at Stormont. Had Southern Ireland remained a part of the UK, under the same Act it would have had a devolved Parliament at Dublin and 33 territorial MPs at Westminster, again well below a fair allocation based on population. This would indicate an attitude that having a devolved Parliament was considered an alternative source of representation and that consequently a nation or area with a devolved Parliament should receive not merely equal representation at Westminster but under–representation as a consequence.

The pattern of representation at Westminster was then broadly in line with population, with a slight over–representation of Scotland and a heavier under–representation of Northern Ireland.

	1914 population estimate	**1914 %**	**1922 seats**	**1922 %**
England	34,437,231	80.2	485	80.4
Wales	2,523,453	5.9	35	5.8
Scotland	4,747,167	11.0	71	11.8
Northern Ireland	1,256,862	2.9	12	2.0
	42,964,713		603 *	

* excludes 12 seats for university constituencies

The inter–war era saw a relative decline in the population of the three smaller nations compared to England, leaving representation in the following state by 1939:

	1939 population estimates	**1939 %**	**1939 seats**	**1939 %**
England	38,973,000	81.6	485	80.4
Wales	2,487,000	5.2	35	5.8
Scotland	5,006,700	10.5	71	11.8
Northern Ireland	1,295,000	2.7	12	2.0
	47,761,700		603 *	

* excludes 12 seats for university constituencies

The favourable distribution to the smaller nations of the Union at this point gave rise to a myth that over–representation in the form of a guaranteed minimum number of seats had been granted to those nations under the Acts of Union or other historic legislation, partly because of their remoteness from London, partly because of their sparsely–distributed populations, and partly as recompense for their lack of self–government. This was a myth – despite its repetition in the Scottish Commission's third and fourth periodic reports – although the latter part is pertinent: if, indeed, Scotland and Wales had been given over–representation owing to lack of self–government, this can hardly justly apply now we have Scottish and Welsh Parliaments.

In 1948, the present redistribution mechanisms were put into place through the Representation of the People Act 1948. That Act set in place certain Rules for redistribution. Rule 1 stated that the number of seats for the parts of the United Kingdom would be:

Great Britain	Not substantially greater or less than 613
Scotland	Not less than 71
Wales	Not less than 35
Northern Ireland	12

The minimum number of seats for Scotland and Wales were thereby set at what were then their present allocations, despite this being by the post–war period a slight over–representation. The 'optimum' number for the United Kingdom as a whole was set at 625, 15 seats fewer than the total number of seats in the House in 1948, twelve of which arose from the abolition of university seats but the other three of which necessarily had to come out of England's allocation, because of the Scottish and Welsh minima.

It should be noted that the Minister responsible for the Bill, Herbert Morrison, made clear that the allocation of minimum numbers of seats to Scotland and Wales was not meant to be a permanent fixture, with the implication that changes in the electorates of the parts of the UK would lead the question to be revisited:

"There was raised the question of the degree of representation of Scotland and Wales, and my Scottish and Welsh friends were pressing for an undertaking that this guaranteed minimum of theirs in representation should be conceded to them for all time. I said "No, this time; not for all time."" (Official Report, 17th February 1948; Vol. 447, c 1114.)

It will be seen that these Rules set no minimum or maximum representation to the number of English seats, but they did perhaps imply that if the number of Scottish and/or Welsh seats increase above their minima, the number of English seats might decrease in case the total number of the UK becomes "substantially greater" than 591. In fact, by the time these Rules were replaced by a fixed number of seats in the Parliamentary Voting System and Constituencies Act 2011, no solution to this problem had been found, and the total number of seats increased to 659 – 641 of them in Great Britain – by the 1997 election. Whether 641 is a number "substantially greater than 613" was never tested at law.

The reason for the increase in the size of the House since 1948 is generally attributed by academics to something called the ratchet effect, on which there is freely available information. In effect, the Rules under which the Commissions operated until 2011 contained provisions, some of which were contradictory, which were supposed to force the Commissions to increase the number of seats at each successive review.

The ratchet effect has had a great impact on the fairness of the distribution of seats between the nations because it has taken no account of the relative declines of the Scottish and Welsh electorates compared to the English electorate. In fact the ratchet effect has operated in three different ways in the three nations of Great Britain.

a) In Scotland, the ratchet effect hardly operated at all. The Scottish Commission, in effect, took conscious decisions to ignore or to modify the other Rules in order not to increase the number of seats beyond what they saw as Scotland's deserts. In the periodical reports this is justified with detailed references to Scotland's electorate as a proportion of the United Kingdom's, a proportion which continued to decline.

Initial Report and First Periodic Report: *"While we were thus not precluded by the rules from proposing that the number of constituencies in Scotland should be increased beyond 71 we took the view that no such increase was necessary nor could it be reasonably justified looking to the electorate of Scotland as a whole."*

Second Periodic Report: *"We concluded that an increase in Scottish representation was not necessary nor could it reasonably be justified having regard to the position in Great Britain as a whole."*

Third Periodic Report: *"In all these circumstances we determined that for the purpose of formulating our provisional recommendations the number of constituencies in Scotland should remain at 71. At a later stage in our review we decided to recommend an increase in the number of constituencies in Scotland to 72…"*

Fourth Periodic Report: *"We addressed the question of the total number of constituencies in Scotland as an issue of fundamental importance at the outset of this review… We decided to settle on a target number of seats which we considered would be sustainable for the duration of the review… The target we set was 72 seats which took account of current circumstances… In the course of the review we did not encounter any reason to re–consider this policy, nor was any representation made to us that the total number of seats in Scotland should be altered."*

The ratchet was avoided by, where necessary, combining counties and then later regions, and *in extremis* reducing the allocation to Strathclyde to one seat fewer than it was strictly entitled to and justifying it on the basis of falling electorate.

b) In England the ratchet effect operated, but its impact was dampened by the greater size and subsequent greater number of constituencies in that nation. From an initial allocation of 506 seats after the first review under these Rules in 1948, England now has 533 seats: an increase of just over 5% in seventy years.

c) In Wales, in contrast to Scotland, the ratchet effect has been allowed to run wild. It may seem that the present allocation of 40 compared to a statutory minimum of 35 is no big deal, but on a proportionate basis it is enormous: an increase of 14%, which would be the equivalent of adding nearly 70 seats in England. Given the relative size of the two nations, an increase of even one seat in Wales is the equivalent of an increase of around 14 seats in England.

To begin with, the Welsh Commission took the same attitude as their Scottish counterparts and held the representation of Wales to 36 seats.

First Periodic Report: *"We decided that while no increase in the present representation was necessary, no substantial change had occurred since the last review which would afford justification for recommending a reduction of seats."*

Second Periodic Report: *"The total electorate of Wales had fallen from 1,814,300 in 1954 to 1,813,203 in 1965. The English electorate, on the other hand, had increased from 28,923,119 in 1954, to 30,025,849 in 1965. In the light of these figures we considered that, while it might prove impossible to produce an acceptable scheme for the elimination of one Welsh seat, there was certainly no case for a further increase in the total number of seats."*

The Welsh Commission increased the representation of Wales by two seats in the third and fourth periodic reviews. The third periodical report is essentially silent on the ratchet effect, only explaining that the additional seats arose through the allocation of additional seats to Gwynedd and Powys on the grounds of special geographical considerations. The fourth report 'passes the buck':

"In recommending this number of seats, we are mindful that the Home Affairs Committee recommended that constituencies in Wales should not total substantially more than 38. However, unless the method for calculating the electoral quota is revised, we can see little chance of entitlements being decreased. The Rules for Redistribution of Seats (See Appendix A) are the cause of the gradual increase in the number of seats."

"We see no viable alternative but to recommend a total of 40 seats. We are of the firm opinion that legislative change is necessary to stop an upward drift in the number of seats caused merely by the arithmetic prescribed by the legislation... For example, we have calculated that even if the number of electors at the next (fifth) review were to remain the same as for this (fourth) review, and with the same distribution by county,

the allocation of 40 seats we have proposed in this review would, upon a strict application of Rule 5, result in the allocation of an extra, 41st, seat."

As a matter of fact, the Welsh Commission did avoid creating a 41st seat at the Fifth Periodic Review, but only by combining the preserved counties of Gwent and Mid Glamorgan, and by allocating South Glamorgan (with an entitlement to 5.84 seats) five seats, one less than its deserts, an allocation justified in the Commission's report in fairly disingenuous terms, without any mention of trying to avoid the ratchet effect. The report also notes blandly:

"Rule 1 provides that the number of constituencies in Wales shall not be less than 35. There has been concern about the way in which application of the Rules has led to an increase in the number of constituencies both in Wales and in the United Kingdom generally. Application of the Rules has the effect of tending to create additional constituencies (see the Home Affairs Committee Inquiry and our comments on this inquiry in Appendix C). We have been mindful of the concerns expressed on this matter. In the event the recommendations in this report would not lead to an increase in the number of constituencies."

Wales therefore has an enormous over–representation in the House of Commons on two grounds:
a) The ratchet effect has a stronger proportional impact on a small nation like Wales. An increase of even one seat is a 3% increase in the representation of Wales; and
b) The Welsh Commission did not take continuous action to hold down the ratchet effect, unlike their Scottish colleagues. This cannot be blamed on any significant differences between those two nations. The sparsely–populated and mountainous areas of north Wales may have led to the invocation of "special geographical circumstances", but the same applied to northern Scotland. The local government structure of the two nations were also similar: the historic counties until the 1970s, then the regional structure until the 1990s, followed by unitary authorities since then.

One thing to note about the different operations of the ratchet effect in the three nations of Great Britain is that they have operated quite independently and with no reference to the relative electorates of the three nations. It is not the case, which may have been more justifiable, that England as the nation with the greatest relative growth in its electorate has had the greatest growth under the ratchet effect.

The effect of all this was to increase the already–existing over–representation of Scotland and Wales. Between 1950 and 2001 the change in the electorates of the nations was as follows:

	Electorate (GE 1950)	**1950 %**	**1950 seats**	**1950 %**	**Average constituency electorate**
England	28,374,288	82.5	506	81.0	56,076
Wales	1,802,356	5.2	36	5.8	50,065
Scotland	3,370,190	9.8	71	11.4	47,467
Northern Ireland	865,421	2.5	12	1.9	72,118
United Kingdom	34,412,255		625		55,060

	Electorate (GE 2001)	**2001 %**	**2001 seats**	**2001 %**	**Average constituency electorate**
England	36,991,780	83.3	529	80.3	69,928
Wales	2,236,143	5.0	40	6.1	55,904
Scotland	3,984,306	9.0	72	10.9	55,338
Northern Ireland	1,191,009	2.7	18	2.7	66,167
United Kingdom	44,403,238		659		67,380

In 1950, the average Scottish seat had an electorate 84.6% the size of the average English seat; by 2001, this had fallen to 79.1%. In Wales, the fall is more marked, almost entirely because of the ratchet effect: from 89.3% in 1950 to 79.9% in 2001.

In 1999, the Scottish Parliament and Welsh Assembly were established. Section 86 of the Scotland Act 1998 provided that at the boundary review following the commencement of the Act, the Scottish Commission was to use the English electoral

quota. This was to bring Scottish representation in line with (and not under–represented, as had been the case with Northern Ireland) England. As a matter of fact on using that quota, Scotland was entitled to 57 seats, but eventually received 59 at the 2000 review on the basis of its isolated northern areas and other factors of the ratchet effect.
Perversely, the same reduction in representation was not applied to Wales, in what was clearly a matter of political fudging and party advantage rather than any great principle.

Between 2005 and 2019 the change in the electorates of the nation was as follows:

	Electorate (GE 2005)	**2005 %**	**2005 seats**	**2005 %**	**Average constituency electorate**
England	37,041,396	83.7	529	81.9	70,022
Wales	2,224,650	5.0	40	6.2	55,616
Scotland	3,839,900	8.7	59	9.1	65,083
Northern Ireland	1,139,993	2.6	18	2.8	63,333
United Kingdom	44,245,939		646		68,492

	Electorate (01/12/2019)	**2019 %**	**2019 seats**	**2019 %**	**Average constituency electorate**
England	39,476,140	83.9	533	82.0	74,064
Wales	2,313,851	4.9	40	6.2	57,846
Scotland	3,988,550	8.5	59	9.1	67,602
Northern Ireland	1,296,305	2.7	18	2.8	72,017
United Kingdom	47,074,846		650		72,423

It may be seen that the relative electorates of Scotland and Wales have continued to fall relative to England since 2000, since when we have had one review (implemented for the 2005 General Election in Scotland and the 2010 General Election elsewhere) and two abortive reviews under the new Rules. The average Welsh seat now has an electorate 78.1% the size of the average English seat. The decline was arrested in Scotland by the provisions of the Scotland Act 1998, which were designed to equalise the size of English and Scottish seats, but even so, the average Scottish seat has an electorate 91.3% the size of the average English seat (this cannot be solely attributed, as it was by David Linden MP in the Second Reading debate in an intervention on Douglas Ross MP's speech, to the island constituencies: even stripping these out, the average mainland Scottish seat has an electorate of 68,999, only 93.2% the size of the average mainland English seat).

This relative decline may be seen more clearly in the following table:

	England	**Wales**	**Scotland**	**Northern Ireland**
1950 General Election	82.5	5.2	9.8	2.5
1970 General Election	83.2	5.0	9.2	2.6
1987 General Election	83.3	5.0	9.2	2.5
2001 General Election	83.3	5.0	9.0	2.7
2005 General Election	83.7	5.0	8.7	2.6
1 December 2019	83.9	4.9	8.5	2.7
Change 1950–2001	*+0.8*	*–0.2*	*–0.8*	*+0.2*
Change 2001–2019	*+0.6*	*–0.1*	*–0.5*	*0.0*
Change 1950–2019	*+1.4*	*–0.3*	*–1.3*	*+0.2*

If anything, Scotland has experienced a more rapid decline in its relative electorate since 2000 than before. It therefore is not logical to suggest the allocation to Scotland of 59 seats at the 2005 election constituted any important marker that should be held to even as Scotland's electorate declines. To paraphrase Herbert Morrison, there is no reason why "*this guaranteed minimum of theirs in representation should be conceded to*

them for all time"; the allocation of 59 seats in 2005 should have been, and was, meant for *"this time; not for all time.""*

The relative decline of the Welsh electorate has been slower, but even if it had not declined at all, Wales is over–represented because of the ratchet effect. A minimum of 35 may have been the historic number in the Rules but again, as it bears no relation to Wales' present electorate, it is of no relevance today.

Conclusion

a) When the first devolved Parliament in this kingdom (Stormont) was established in 1921, a conscious decision was made to under–represent Northern Ireland in the Westminster Parliament as a quid pro quo. If the same conclusion cannot be reached for Scotland and Wales, whose devolved Parliaments were set up in 1999, then at the least the decision should be that they receive fair and equal representation in the Westminster Parliament and not over–representation.

b) Fairness and equality refers to all four nations of the Union, not just the three smaller ones. England should not be continually under–represented to match some mistaken idea that Scotland and Wales should have over–representation.

c) No minimum representation of Scotland or Wales is based on the Act of Union nor is it based in any rational conception. There is no good reason why (in the terms of the Labour amendment) Wales should have 35 seats when its electorate entitles it to 32, nor why Scotland should have 59 seats when its electorate entitles it to 56 or 57. The figures of 35 and 59 are not exactly plucked out of thin air and have vague historical reasons behind them, but are no more justifiable in 2020 than allocating Scotland a minimum of, say, 72 (its number before 2005).

One might as well put down an amendment guaranteeing Wiltshire 34 MPs on the basis that that was the number of seats the county had prior to the passage of the 1832 Reform Act. It bears as little relation to Wiltshire's present entitlement in 2020 as the number of seats allocated to Scotland in 2000 bears to Scotland's entitlement in 2020. To take a more up–to–date example: the city of Glasgow had 15 constituencies as late as 1970; it presently has seven, but all of them with electorates below the national average; even if Scotland is given 59 seats, Glasgow will be reduced to six seats on any fair distribution using 2019 or 2020 electorates. It makes as much sense to legislate for a minimum of seven seats to Glasgow as 59 to Scotland; it bears no relation to their present fair allocation.

Variance from quota

On 1 December 2019, the electorate of the United Kingdom was 47,074,846. Removing the electorates for the Isle of Wight, the Western Isles, and Orkney and Shetland, and dividing by 646 gives an electoral quota of 72,613. The present distribution of seats (excluding those three island constituencies) on that basis is:

Deviation from Electoral Quota	Electorate (01/12/2019)	ENG	WAL	SCO	NI	Total
Over 20%		20				20
15% – 20%	Max 87,135	32		2		34
10% – 15%	Max 83,504	62		3	2	67
7.5% – 10%	Max 79,873	43	1	3	1	48
5% – 7.5%	Max 78,058	44	1	3	1	49
Within 5%	Max 76,243	99		7	3	109
Electoral Quota	72,613					
Within 5%	Min 68,983	106	2	10	5	123
5% – 7.5%	Min 67,167	29		2	1	32
7.5% – 10%	Min 65,352	32	1	10	4	47
10% – 15%	Min 61,721	41	4	10	1	56
15% – 20%	Min 58,091	17	7	4		28
Over 20%		7	24	3		34
Total		532	40	57	18	647

Given the point of debate in your Committee is whether the variance from the quota should be 5% or 7.5%, a simplification of the above table shows the issue more clearly.

Deviation from Electoral Quota	Electorate (01/12/2019)	ENG	WAL	SCO	NI	Total
Over 7.5%		157	1	8	3	169
5% – 7.5%	Max 78,058	44	1	3	1	49
Within 5%	Max 76,243	99		7	3	109
Electoral Quota	72,613					
Within 5%	Min 68,983	106	2	10	5	123
5% – 7.5%	Min 67,167	29		2	1	32
Over 7.5%		97	36	27	5	165
Total		532	40	57	18	647

It can be seen from this table that more than half (334) of the constituencies in the United Kingdom have electorates more than 7.5% away from the quota, approximately half of these being too small and half too large. Therefore, even if the 7.5% amendment is carried, there will still be great disruption resulting from redistribution, as none of these 334 seats can remain unchanged, not to mention neighbouring seats which may have electorates within 7.5% of quota but which would have to change to accommodate changes to its neighbours.

It can also be seen that the potential differences between the electorates increases as the permitted variance does, as follows:

	Under 5%	Under 7.5%
Largest seat	76,243	78,058
Smallest seat	68,983	67,167
Difference	7,260	10,891

If one seat had 78,058 electors and another 67,167, as may be the case under the 7.5% amendment, then the largest seat would have an electorate 116.2% the size of the smallest (that is, 78,058 divided by 67,167, giving the relative proportions of the two numbers).

It is obviously a matter of opinion whether a difference of this magnitude is acceptable. It is my opinion that it is not.

Conclusion

a) The permitted variance from the quota should remain at 5%.

b) The English Commission, which seems reluctant to divide wards, and who consequently have put forward initial proposals at the two abortive reviews which ignore the factors in Rule 5.1. of the Parliamentary Constituencies Act 1986 (as amended by the Parliamentary Voting System and Constituencies Act 2011), should take guidance from the Scottish Commission which has managed to divide wards readily and easily at those two reviews. The use of divided wards makes compliance with a 5% variance from quota and the factors in Rule 5.1. a far easier task.

c) The English Commission should have its attention drawn to the various Rules which, although they rightly make that Commission "take into account" ward boundaries, do not forbid them from dividing them. At the two abortive reviews, the English Commission arguably gave its policy of not dividing wards the status of a Rule, and went further and elevated that policy or *de facto* Rule above the other Rules. They potentially left themselves open to judicial review on the grounds that they had misdirected themselves in this manner, particularly in respect of some of their recommendations in places such as Birmingham, Leeds, or Sheffield.

d) The English Commission, further to this, should consider the possibility of a statement setting out where they would consider divided wards: for example, in local authorities where the average ward size is above a certain number, or in local authorities where there is at least one ward above a certain number, or only in London and metropolitan boroughs, or some combination of such situations. In my view, divided wards are only really necessary in Greater Manchester, the West Midlands, and West and South Yorkshire, but other situations may emerge which would benefit from the division of wards.

Basis of calculation

It is my own opinion that the fundamental basis of electoral distribution in any country with the first–past–the–post voting system ought to be "one person, one vote; one vote, one value".

The first half of this statement is obviously subject to provisos: we do not allow under–18s to vote in this country, and we do not allow foreign nationals (excluding Commonwealth and Irish citizens) to vote at general elections. Other groups such as prisoners and members of the House of Lords also cannot vote. These provisions are in line with international standards and practice in many foreign countries. As a result, we cannot simply substitute 'population' for 'electorate' in the terms of a distribution, because some areas have high concentrations of people to whom the mantra "one person, one vote" does not and should not apply.

The second half of the statement carries with it the implication that each person's vote should count for approximately the same and that consequently electoral districts should be drawn containing approximately the same number of people who have the right to vote.

Two potential objections, which have been raised in the Second Reading debate and in your Committee, can be stated as follows:
a) Members of Parliament represent all people in their constituency, so the distribution should be done on the basis of population; and
b) The electoral register is incomplete or inaccurate and not therefore an appropriate basis for redistribution.

Population

Owing to the concentration of under–18s and foreign nationals in certain parts of the country, 'population' is not synonymous with 'electorate', nor is there some simple ratio between the two which applies uniformly across the country. The constituencies with the highest and lowest number of electors per 1,000 population is as follows:

		Electorate (01/12/2019)	**Population (mid–2018 estimates)**	**Electors per 1,000 population**
1	Congleton	81,388	96,042	847.4
2	Sefton Central	70,239	83,401	842.2
3	West Dorset	82,516	98,748	835.6
4	Christchurch	71,915	86,987	826.7
5	Macclesfield	76,626	93,375	820.6

		Electorate (01/12/2019)	**Population (mid–2018 estimates)**	**Electors per 1,000 population**
1	Cities of London and Westminster	62,048	129,893	477.7
2	Westminster North	64,412	134,137	480.2
3	Birmingham Ladywood	71,883	147,715	486.6
4	West Ham	93,444	188,275	496.3
5	Holborn and St Pancras	81,123	159,344	509.1

The counties with the highest and lowest number of electors per 1,000 population is as follows:

		Electorate (01/12/2019)	**Population (mid–2018 estimates)**	**Electors per 1,000 population**
1	Isle of Wight	111,440	141,538	787.4
2	Powys	104,206	132,447	786.8
3	Cheshire	828,214	1,059,271	781.9
4	Cumbria	387,535	498,888	776.8
5	Cornwall	438,680	568,210	772.0

		Electorate (01/12/2019)	**Population (mid–2018 estimates)**	**Electors per 1,000 population**
1	Greater London	5,422,192	8,908,081	608.7
2	West Midlands	1,946,833	2,916,458	667.5
3	Bedfordshire	463,000	669,338	691.7
4	Cambridgeshire	590,024	852,523	692.1
5	South Yorkshire	977,317	1,402,918	696.6

The 2011 Census gave the population of the United Kingdom as 63,182,000; dividing the UK into 650 constituencies would give an average population of around 97,200. Let us assume for the sake of argument that the population has grown to 65 million since then, which conveniently gives an average population of 100,000 (The 2018 mid–year electorates indicate a slightly higher figure, but this is not important for this illustration). The electorates and population of two local authorities at the ends of the scale are as follows:

	Electorate (01/12/2019)	**Population (mid–2018 estimates)**	**Electors per 1,000 population**
Cheshire East	304,277	380,790	799.1
City of Westminster (including City of London)	126,460	264,030	479.0

These figures suggest that a seat could be created in Cheshire East with a population of 100,000 and an electorate of 79,910, and another in Westminster with a population of 100,000 and an electorate of 47,900 (indeed, dependent on the concentrations of under–18s and foreign nationals in each area, the electorate of a seat in Cheshire East could be higher still and the electorate of a seat in Westminster lower). Therefore these two seats, equal under population, would have a difference of over 32,000 electors between them.

Indeed, using the ratios of the two most extreme constituencies above (which both quite feasibly could be the basis of constituencies under a review conducted on the basis of population), and allowing for a variance from population quota of 5%, two constituencies could be created as follows:

	Population (mid–2018 estimates)	**Electors per 1,000 population**	**Electorate**
'Congleton'	104,999	847.4	88,978
'Cities of London and Westminster'	95,001	477.7	45,381

The difference in the electorates between these two hypothetical seats is 43,597; or, put another way, one seat has nearly twice as many electors as the other. Such a situation is clearly contrary to the idea of 'one vote, one value'. There is no good reason why the electors of the city of Westminster, or any other part of the country, should be massively over–represented in the House of Commons just because their neighbours are far more likely to be under–18s or foreign nationals than in any other part of the country; similarly, there is no good reason why the electors of Cheshire should be under–represented just because their neighbours are more likely to also be on the electoral register.

A second but more minor reason against the use of population is that it provides a slight advantage to England over the other nations of the United Kingdom. The relative electorates and populations of the nations are as follows:

	England	**Wales**	**Scotland**	**Northern Ireland**
Electorate (01/12/2019)	83.9	4.9	8.5	2.7
Population (mid–2018 estimates)	84.3	4.7	8.2	2.8
Advantage using population	+0.4	–0.2	–0.3	+0.1

A third reason against the use of population is that the Census is carried out once every ten years and so its numbers become out–of–date. It is also not certain that this or future Governments will decide to carry out decennial census in future. The Office for National Statistics does prepare annual population estimates but these are potentially open to vast inaccuracies, as indeed the very word 'estimates' suggests. Objections which have been levied against the electoral register for potential inaccuracies surely apply in even greater number to population estimates.

<u>Conclusion</u>

a. The use of population leads to the creation of constituencies with unequal numbers of electors and, in effect, rewards a voter in certain areas of the country, and gives him a greater share or say in the election of his MP, on the basis that his neighbour is either an ineligible or unregistered voter. This violates the principle of 'one vote, one value'.

b. The use of population as the basis for redistribution is unacceptable.

Accuracy of the electoral register

Reference has been made to the potential under–registration of electors and the effect this has on a distribution conducted on the basis of the electoral register. Prof. Toby James' evidence to your Committee suggests as many as 9.4 million people may be missing from the parliamentary electoral register, a figure which sounds too high (an average of over 14,400 people per seat) and may have been calculated by including those who are not eligible to become parliamentary voters such as under–18s and foreign nationals. This suggests that using the 1 December 2019 electoral register is not a sound basis on which to conduct the redistribution. This proposition however invites a number of objections and questions.

a. Although it is generally the case that 'more could be done', under–registration is a long–term problem in this country despite the expensive efforts of both central and local government. Consequently, if the 1 December 2019 register is not accurate it is unlikely that preceding or succeeding registers will be any more accurate, which leads to the conclusion that no register at all is accurate enough for use in a distribution. This then leads to the question of what alternative data source may be used and we are forced back on population which, as shown in the previous section, could lead to two seats of equal population but one with 32,000 voters more than the other: in effect, giving one voter a greater say in the election of the local MP on the basis that his neighbour has not got the vote, either because he is ineligible or he is not registered. It is a case of jumping out of a frying pan and into a fire.

b. One solution that has been offered is the use of the electoral register at the 2019 General Election (and similarly General Election registers at future reviews) on the grounds that it is more accurate. For example, in Second Reading debate:

Lloyd Russell–Moyle MP: *"Does my hon. Friend agree that there may be a case to always link the register to the last general election? We know that that is a credible register."*

Cat Smith MP: *"Of course, this year there are no elections because of the coronavirus crisis, but just six months ago we had a general election in this country and we know that the December 2019 register is incredibly accurate because we saw a spike in voter registration."*

Sir Jeffrey Donaldson MP: *"Our canvass has been postponed to 2021, and our view is that the general election datasets are the most accurate, because more people register*

in Northern Ireland—as I am sure is the case across the UK—for a general election. Therefore, the December 2019 dataset is very accurate."

I would dispute the idea that these registers are somehow more accurate, and specifically the idea that they are more accurate because such a large number of people registered in such a short space of time. The number generally quoted is somewhere in the region of half a million between 1 December 2019 and polling day, 12 December. One has to ask how such a large number of applications can be processed in such a short space of time by Electoral Registration Officers who are also engaged in all the other jobs of an election campaign: distributing polling cards and postal votes, verifying postal votes returned early, organising polling stations and the count, etc., and the implications this has for accuracy.

It is also well noted that a large proportion – perhaps, half – of the registrations made in the final days of an election campaign are in fact duplicates who have already registered. There is some evidence that some local authorities have counted these duplicates as part of their polling day electoral register, which inflates the number of electors, and stripped them out afterwards. This at least leads to questions over the accuracy of a polling day register compared to any other register.

c. If we assume (for the sake of argument) that those who are eligible to vote but have not registered are spread evenly throughout the population, then the use of the register has no impact on the distribution and allocation of constituencies. To illustrate this we use a simple example. We calculate the allocation to the four nations using the electoral register as it stood at 1 December 2019.

	England *	**Wales**	**Scotland ***	**Northern Ireland**
Electorate (01/12/2019)	39,364,700	2,313,851	3,932,929	1,296,305
Allocation using Webster's method	542	32	54	18

* Excluding protected constituencies

Now we assume that for every five registered voters in this country there is another eligible voter who is not registered, and that these unregistered voters are spread evenly throughout the population. This in effect increases the eligible number of voters

from the registered number by 20% across each of the nations. We calculate the allocation to the four nations using the number of eligible voters.

	England *	**Wales**	**Scotland ***	**Northern Ireland**
Eligible voters	47,237,640	2,776,621	4,719,515	1,555,566
Allocation using Webster's method	542	32	54	18

* Excluding protected constituencies

As a result the allocation is unchanged. This might be termed "a rising tide lifting all ships". In these circumstances the electoral register is a reasonable proxy for the number of eligible voters in the context of a redistribution.

d. Of course, it will be argued that unregistered eligible voters are not spread evenly throughout the population but are concentrated in certain areas and among certain demographics, and this is almost certainly correct and not very controversial.

The problem with unregistered voters in this context is precisely that they are unregistered. As a consequence, we hardly know where they are and can make no particularly accurate estimate of where they are. There is no 'patch', or 'fix', or mathematical formula that we can apply to some other set of data to give us the total number of eligible voters, or the number of eligible but unregistered voters, in order to give us data that can be used in a redistribution.

If we accept (as we do) that unregistered eligible voters are not spread evenly throughout the population, then we cannot use the electoral register as a proxy for the total number of eligible voters; we cannot use population as a proxy for total number of eligible voters, as the population includes those not eligible to vote, such as under–18s and foreign nationals, who are also not spread evenly throughout the population; and we cannot manipulate either the registered electorate or the population data we have to give us a reliable estimate for the number of eligible voters, whether that is that the level of the nation, the English region, the local authority or the ward, and indeed the lower down we drill the more inaccurate any estimate would become, which is unacceptable given the wards will be used as the building blocks of constituencies in any redistribution.

e. Even if we accept (for the sake of argument) that there is some accurate calculation that can be made of the total number of eligible voters in a constituency, it can be argued that counting unregistered voters in the course of a redistribution privileges voters in constituencies with large rates of under–registration. Let us illustrate this by reference to two hypothetical constituencies, one with a higher under–registration rate than the other.

Constituency	**Eligible voters**	**Under–registration rate**	**Registered electorate**
'A'	90,000	10%	81,000
'B'	90,000	25%	67,500

The voter in constituency 'B' therefore has a greater share or say in the election of his MP, on the basis that his neighbour has not registered to vote. This violates the principle of 'one vote, one value'. But given the inability to accurately calculate the number of ineligible voters in the first place, the point is perhaps moot.

Conclusion

a. The Government and local authorities should continue to fund measures to register unregistered voters, but we may have to accept that a very high degree of completeness and accuracy in the electoral register is unlikely to happen soon and may in fact be impossible, as people may choose not to register for a variety of reasons and some may be impervious to the various campaigns aimed at getting them to register.

b. The level of inaccuracy in the electoral register may be overstated. For example, Prof. James suggests 9.4 million people, but his report 'Missing Millions Still Missing' suggests (page 7) a 2017 18+ population of 52 million and a local government electorate of 48 million, a gap of only 4 million, and a gap which may be partly and legitimately explained by the former figure including foreign nationals who are ineligible to become local government electors and therefore will never form part of the latter figure.

c. However inaccurate the electoral register may be, it is an actual real–world figure: if 10,000 electors are registered to vote in a ward, there are 10,000 actual people who can be identified and who have the right to vote. As such it is intrinsically a better figure than an estimate of the total number of eligible voters, as no accurate record exists of where unregistered voters live.

d. Neither the electoral register nor population estimates can be used as a proxy for the total number of eligible voters, nor can this number be accurately calculated by applying some mathematical formula to either of those data sets.
e. Consequently, the use of any estimate of the total number of eligible voters as the basis for redistribution is unacceptable.
f. In combination with the conclusion of the section on population above, we are thrown back on the electoral register in spite of its flaws; and its flaws may be excused and indeed dismissed on the basis that one registered voter is entitled to have his vote count for as much as another registered voter, regardless of the numbers of eligible voters who do not register. *Les absents ont toujours tort*, and this applies even more to those who absent themselves from the electoral register, let alone the polling stations.

Protected constituencies

In the 2011 Act it was seen fit to protect the Isle of Wight, the Western Isles, and Orkney and Shetland from the provisions of Rule 1 on the variance from the quota. This is in large part due to their geographical isolation. As mentioned at the start, all of these areas are accessible from the mainland only by ferry or in certain circumstances by air. No other part of the UK has these specific problems. I do not consider that any other part of the UK has need of, nor should they receive, protected status. In particular, I oppose protected status for:

a) Ynys Môn (the Isle of Anglesey). Anglesey is an island, but its connection to the mainland is not by ferry across miles of sea, but by road and rail via the Menai Suspension Bridge and the Britannia Bridge across just over 500 yards of the Menai Strait. Connections between Caernarvon and Bangor, and any part of the Isle of Anglesey, are no more difficult than in any other part of North Wales.

b) Cornwall. Much is made of the supposed difference between Cornwall and the rest of England, the status of the Cornish as a Celtic people, supposed linguistic differences, etc. A lot of this is over–hyped; a lot of it has also been invented in the last 50 years to match the rise of victimhood culture. If Cornwall is to have protected status, there is no good reason why Worcestershire (whose electorate is within 3,000 of Cornwall's) should not also receive it. In addition, protected status is unlikely to be necessary at this review as the electorate of Cornwall will almost certainly entitle it to six seats without the need of a seat crossing into Devon.

c) Northern Scotland. Much has been made of the problems of travelling in the north of Scotland. I have no doubt this is quite true, especially the further one goes from the Moray Firth, on the shore of which the majority of the Highland population live. I would however question the relevance of this in the modern era. Most people, if they need to contact their Member of Parliament or their office, will do so via letter, telephone, and increasingly email, rather than physically going to a constituency office or surgery. Your Committee might consider how much constituency casework is generated through surgeries and how much through letter, telephone, or email. In this context, geographical size of a constituency seems less relevant. Further, it appears to me that if people elect to live in sparsely–populated areas of the British mainland, they may expect to also live in geographically large constituencies, and that modern communication methods obviate the need to over–represent these areas.

d) Areas with significant numbers of Welsh speakers under the proposed Plaid Cymru amendment. These ties are likely to be immeasurable; furthermore, it is certainly the case that the overwhelming majority of Welsh speakers also speak English and will nevertheless have ties to their neighbours who are monoglot English speakers. The application of this amendment would also certainly have disruptive effects in Dyfed,

where constituency boundaries do not now, and almost certainly will not if a distribution is carried out without this amendment, follow linguistic boundaries, most notably the Landsker Line in Pembrokeshire.
e) Northern Ireland. It would be frankly hypocritical to oppose a protected minimum number of seats for Scotland and Wales and not to do the same for Northern Ireland. The allocation to Northern Ireland should be in line with its electorate, as calculated using Webster's method as is already part of the legislation. Again, protected status is unlikely to be necessary at this review as the electorate of Northern Ireland will almost certainly entitle it to its present 18 seats.

My opposition to protected status for all these areas does not apply only if it gives those areas over–representation compared with the rest of the United Kingdom; it applies even if seats can be allocated to them in line with the permitted variance from quota.

Automatic implementation

Having tried to be impartial and civil, I am afraid I shall have to show myself very vicious in this section. I hope you will understand.

The 1948 Act provided that, once the Commissions complete their work, their proposed constituencies are formed into Orders and laid before both Houses of Parliament for approval or rejection. The Act further provides that, if either House rejects a draft Order, the Secretary of State may amend the draft and lay it again before the House (this process potentially may go on without end, with the Government laying a series of drafts until one goes through).

The 2011 Act amends this procedure only to provide that the reports of the Commissions will be formed into a single Order for the entire country.

In the Second Reading debate, a number of MPs referred to this provision as if it were an important safeguard which, if removed, placed power in the hands of the Executive.

Cat Smith MP: *"…[R]emoving parliamentary scrutiny is worrying for the future integrity of our democracy. This loophole allows a power grab, with no parliamentary backstop to limit the dominance of the Executive."*

David Linden MP: *"I am deeply concerned about the provision in clause 2(3), which I believe is a power grab, removing the role of both Houses of Parliament… Frankly, it is alarming to see the Executive trying to grab power over boundaries… I do not think it happens to be a bad thing that we put things in front of Parliament, and if Parliament does not want them, it rejects them."*

Stephen Kinnock MP: *"My second concern is about parliamentary oversight. If we want to protect our democracy, why will the Government not allow the boundary commissions' changes to be brought back to Parliament for it to scrutinise? This is nothing short of a constitutional outrage… There is the potential for gerrymandering. The process is too opaque, and there are concerns and scepticism about the possibility of pressure being applied by the Government on the boundary commissions. If the Government have confidence in this process, why will they not allow Parliament to scrutinise the final proposals?"*

Kate Osborne MP: *"However, I certainly will not support the Government's undemocratic proposals to remove any parliamentary scrutiny from the boundary review*

process. Parliament has always had the final say over such crucial legislation, and the removal of parliamentary scrutiny is worrying for the future integrity of our democracy.... We cannot assume that the Government will not use the lack of parliamentary oversight to push through detrimental changes to the number of MPs. We will and must resist any attempt to gerrymander the electoral map…"

Rachel Hopkins MP: *"I believe that the removal of parliamentary approval from the process is a backward step. Parliamentary scrutiny of any proposals ensures transparency of the process within the public domain and avoids any perceptions, right or wrong, of power grabs by the Executive."*

Christian Matheson MP: *"I am suspicious of anything that removes Parliament from these processes—from any process, frankly. Parliamentary scrutiny is absolutely essential. I do not like the idea of Parliament being sidelined, even when we are discussing matters concerning our boundaries, because these matters are central to our democracy. If Parliament had been removed from the issue of boundaries, then in my area we would now have the notorious Mersey Banks constituency—it was one of those constituencies where we would have had to go out of the constituency, through another, and back into it—because the proposals would not have been able to have been challenged in this House."* (The second part of Mr. Matheson's argument is in fact incorrect. The Mersey Banks constituency was one proposed by the English Commission in its initial proposals at the 2013 review. After public consultation, which was universally hostile to the constituency, the seat did not form part of the revised proposals. In effect, it was removed long before Parliament became involved in the process.)

Martin Vickers MP: *"I agree with the comments that have been made about the final decision not coming back to this House. Too often we are faced with decisions by outside bodies—independent commissions, agencies and so on—where we are told, "You, as an MP, know that the Government or Parliament have no say. We cannot overturn that." This matter should eventually come back to Parliament."*

Ruth Jones MP: *"I am concerned about the removal of parliamentary approval and scrutiny from the process. Under the current rules, Parliament has the ultimate authority to accept or deny boundary changes. The draft boundaries order must be agreed by both Houses of Parliament before being approved by Her Majesty at a meeting of the Privy Council. However, the measures contained in the new Bill will remove Parliament from the process, which means that Parliament will no longer be required to approve the draft order before it is made by Her Majesty at the meeting of the Privy Council. We all*

remember what happened the last time the Government attempted to bypass Parliament as they sought to illegally prorogue Parliament, and this is not a good way to go."

Helen Hayes MP: *"Many Members have raised the issue of the alarming removal of parliamentary oversight from the process. Parliament has an important role to play as an emergency backstop to prevent power grabs by the Executive, but the Tories are attempting to remove that backstop, thereby threatening serious unforeseen consequences for the future of our democratic process. Such a move is of deep concern for the integrity of our parliamentary democracy. In response to concerns, the Government assert that removing Parliament from the process will ensure that the boundary commissions' reports will be implemented without interference from either Government or Parliament, but that is not strictly true. The Government make the legislation that instructs the boundary review process, and Ministers have already taken political advantage of the process by creating a loophole in the Bill. Without parliamentary oversight, the handbrake that previously prevented the Tories from removing 50 MPs on an entirely arbitrary basis no longer exists. If passed, the new legislation will allow the Tories to force through reductions to the number of MPs without any backstop in place to prevent it… In such a context, there can be no guarantee that Ministers will not take advantage of the silencing of Parliament in favour of strengthening their own Executive power."* (The latter part of Ms. Hayes' argument is also incorrect. The number of MPs can only be amended by Act of Parliament, not *"force[d] through"* by executive fiat.)

It is my view that these concerns are not only overblown (hyperbolic comments such as *"nothing short of a constitutional outrage"*, "*of deep concern for the integrity of our parliamentary democracy*", and *"the silencing of Parliament"* are utterly without foundation and have been thrown about without evidence or indeed any connection with reality) and, worse, fundamentally mistaken or, where not mistaken, made in bad faith.

We also need to dispose of the intolerable arrogance of Members of Parliament who think they are central to the world, no matter how much members of your Committee, who are all Members of Parliament and so members of the "MPs' Union", agree with that arrogant view, and no matter what party they sit in. The comment of Mr. Matheson that he is "*...suspicious of anything that removes Parliament from these processes—from any process, frankly... I do not like the idea of Parliament being sidelined"*, or the complaints of Mr. Vickers, who takes umbrage with the fact that he is *"faced with decisions by outside bodies—independent commissions, agencies and so on—where we are told, "You, as an MP, know that the Government or Parliament have*

no say" are of no account whatsoever, and are no more than the complaints of arrogant men who think their views are central to the running of the country and the world. In this case, their views on what their constituencies should look like are of no more importance than those of any other constituent, can be expressed through the ordinary consultation process, and should not be in any elevated position through which they may veto the Commissions' recommendations.

Further comments of Mr. Matheson (*"I absolutely support the idea of an independent Boundary Commission that will work independently. We do have confidence in the Boundary Commission. What is not independent, however, is the instructions that are given to the Boundary Commission. That is where the manipulation by the governing party comes in, and that is why the Opposition are right to question the judgment being made tonight."*), along with those of Ms. Hayes, indicate a confused and confusing argument that, as the Government are setting the Rules in the Bill, the impartiality of the Commissions and of their reports is compromised: not because the members of the Commissions are personally corrupt or are 'leant upon' by the Government or by party officials during the review process, but because they conduct the review according to "the Government's Rules" and these are rigged from the start.

The first point to note about the existing procedure detailed at the start of this section is the potential for Governmental mischief. If the Commissions report in favour of a series of constituencies politically unfavourable to the Government, it has only to instruct its supporters to vote down the draft Order, and have the Secretary of State make favourable amendments to the pattern of constituencies and use a party majority to pass a revised Order. In the light of this, Mr Linden's comment that *"we put things in front of Parliament, and if Parliament does not want them, it rejects them"* in fact would appear to endorse this opportunity for gerrymandering under the old Rules; this procedure also gives the very *"potential for gerrymandering"* Mr Kinnock was concerned about.

The second point in respect of the existing procedure is that it is painted as allowing Parliament some degree of oversight over the Commissions' recommendations, potentially because the Commissions could 'go wrong', make mistakes, and create a pattern of constituencies which do not conform with the Rules, or potentially (under this new argument) that the Commissions could come up with a series of 'rigged' constituencies because they operate under 'rigged' Rules.

The point in respect to this argument is that Parliament has never exercised its oversight and veto powers to fix mistakes in the Commissions' recommendations – the

Commissions rarely make mistakes and usually correct themselves before Parliament has any need to – but has only ever used them for party political purposes; indeed, these powers have only ever been abused when they have been used. There are two clear examples and three lesser, and more arguable, examples:

a) In 1948, the Government introduced an amendment to the Commissions' recommendations to create 17 additional seats for certain cities and large boroughs. Academic opinion was largely agreed this move benefited the governing party. In response, one Opposition MP suggested that the short title of the Bill be changed to the "Representation of the Labour Party Bill".

b) 1969: the "Callamander" (Official Report, 2nd July 1969; Vol. 786, c452.) The Home Secretary, having received the reports of the Commissions, first refused to lay the relevant Orders, then brought in a Bill only implementing the recommendations in Greater London and certain other heavily over–sized provincial seats (which was defeated in the Lords) and finally (with judicial action threatened) laid the relevant Orders, with the Government Whips instructing their MPs to vote against them. All this was ostensibly justified on the ground that the Redcliffe–Maud Commission would soon report on the reorganisation of English local government, and that a new boundary review would be required once their recommendations were implemented. The published diaries of Government Ministers of the time indicate that this was something of a cover; the failure to implement the review is estimated to have saved the governing party 20 to 30 seats at the 1970 General Election, which was fought using constituencies defined using 1953 data.

c) In 1982, four members of the main Opposition party brought judicial review against the Commissions after they had produced their reports but before the draft Orders had been laid (R v Boundary Commission for England, ex parte Foot [1983] QB 600). This was ostensibly on the grounds that, while the Commissions had gone a good way to achieving electoral equality, even more equal constituencies could have been created by crossing borough and county boundaries. An academic text on the case records "There was little doubt that the case was brought for partisan electoral purposes, either to delay the next general election or to ensure that it was held using the existing constituencies." This case was rejected and the 1983 General Election was held under the new constituencies, although the Orders implementing them were passed only three months prior to polling day.

d) In January 2013, an amendment was made to the Electoral Registration and Administration Act 2013 which had the effect of postponing the 2013 review for five years; while this was not the same as voting down a draft Order, the effect was similar. The amendment was carried by a combination of the Labour Party, then in opposition, and the Liberal Democrats, then a junior partner in Government; the amendment was moved first in the Lords, against the advice of the Clerks, and it would have been ruled

out of order had it been moved first in the Commons. It is openly acknowledged that the Liberal Democrats withdrew their support for the review, not because of any concerns with the process, but as a tit–for–tat over the failure of House of Lords reform, a failure which can be attributed to Conservative backbenchers. The Labour Party had not supported the review from the start and had consistently stated that the Rules in place constituted gerrymandering.
e) The four Commissions reported to Government in 2018. No draft Order implementing these reports was ever laid. In the Second Reading debate, Cat Smith MP stated *"The Minister says that it is to stop MPs blocking new boundaries, but in the last Parliament it was her Government who never tabled that review for a vote, so we will never know the outcome of a vote that never took place."* Ms. Smith presumably knows full well that we can make a pretty accurate estimate of the outcome of that vote: her Party, still adamant that the Rules constituted gerrymandering, would have joined with the other Opposition parties and dissident Conservatives and would have defeated the draft Order. In this case, the knowledge of how MPs would vote blocked the new boundaries before MPs themselves had the opportunity to block them.

In neither of the two last cases did the Labour Party genuinely believe the Rules constituted gerrymandering; these were arguments made in bad faith to justify their voting against recommendations made by impartial Boundary Commissions.

In none of the five cases illustrated was the opposition to the proposed constituencies motivated by concern over the Commissions' conduct; in every case it has been motivated by – sometimes brazen – concern for party political advantage, or at least the avoidance of disadvantage.

This all rather goes to show that the Commissions' recommendations are far more prone to political interference if Parliament possesses oversight and veto power, and suggests that this interference may in fact be reduced if automatic implementation is introduced.

To turn now back to the argument, put forward by Mr. Matheson and Ms. Hayes, that, as the Commissions propose constituencies in line with Rules laid out in the Act, the impartiality of the Commissions and of their reports is compromised, and that therefore Parliament should have some sort of reserve power to reject their recommendations; above, I called this argument confused and confusing; it may be better to label it spurious nonsense.

First, it is not the Government that lays down the Rules under which the Commissions operate; it is Parliament which does this through Act of Parliament. It is therefore for Parliament to determine what Rules the Commissions may apply in creating constituencies. So long as these Rules are applied consistently and impartially – and I believe there is general agreement that the Commissions do so – Parliament has no need of a veto power over the Commissions, and its only interest in having such power must be for political reasons: to reject a pattern of constituencies if it is politically unfavourable either to an MP's own seat or to the collection of seats represented by his party.

Second, even if we accept the theory that in a Parliament with a one–party majority, then in reality it is the Government setting the Rules in the Act rather than Parliament, then this has been the case in every boundary review ever conducted in this country. The boundary review conducted prior to the 1832 Reform Act was conducted under Rules, not contained in an Act of Parliament, but instead contained in instructions given by the Whig Government of the day. The first boundary review under the new procedures, from 1946 to 1948, was conducted under Rules contained in an Act passed by the post–war Parliament with a dominant one–party majority. The boundary review which reduced Scotland from 72 to 59 MPs was conducted under a provision that Scotland should use a higher quota in the Scotland Act 1998, passed by a Parliament again with a dominant one–party majority. All boundary reviews are carried out under Rules contained in an Act of Parliament and all Acts of Parliament may be criticised on the basis that really it is the Government that has set the terms of the legislation. No previous Boundary Commission has had its impartiality or its recommendations' impartiality impugned on this basis.

If the Bill currently under consideration becomes an Act, the Commissions will have to operate under the Rules contained in that Act, and in that respect they are no different to any of their predecessors. If a review conducted under this Bill is 'rigged', every boundary review in this country's history and pretty much any other country's history has been 'rigged'.

Third, even if we accept (for the sake of argument; I do not accept this for a second) that the Commissions' impartiality is somehow compromised by operating under supposedly rigged "Government rules", it is proposed that the same Parliament which passed the Act with the 'rigged' rules then examines and sits in judgment over the 'rigged' constituencies that result, which is perverse.

What is really intended by the proposal to revert to the old Rules and get rid of automatic implementation is this: the Labour Party – which since 1959 has, at every election, represented constituencies with average electorates less than those of the Conservatives, sometimes (such as 1970 and 1992) as many as 10,000 electors fewer per seat – find that they have a far greater number of under–sized seats which may be subject to amendment or even abolition under a fair redistribution, and calculate that if they can combine with the nationalist parties – who are also opposed to a fair distribution between the nations – and with enough Government MPs whose individual majorities take a hit under redistribution, they can vote down the draft Order, retain the present unfair pattern of constituencies for as long as possible, and thereby retain their under–sized seats and consequent over–representation as possible.

The argument that those who support the retention of Parliament's veto power do so because they support parliamentary scrutiny, or oppose an "executive power grab", or because they are concerned the Commissions could either make errors in their recommendations or else propose a biased pattern of constituencies, is a false one. These are simply cover arguments, made in bad faith, which they do not actually believe, and which mask their real aim of hoping to vote down the recommendations to protect their own party's under–sized seats.

One further argument in favour of automatic implementation is that this is the system that applies in what may be termed our 'nearest neighbours' (i.e. Commonwealth nations using the parliamentary system of government and single–member constituencies), i.e. Australia, Canada, and New Zealand. In none of these three countries can Parliament interfere with the recommendations of a boundary commission (and in none of these countries, whose cultures are closer to our own than almost anywhere else, is this considered *"a constitutional outrage"*, a *"power grab by the Executive"*, or an example of *"Parliament being sidelined"*, nor is *"Parliamentary scrutiny"* in these matters considered *"absolutely essential"*; if anything, there would probably be an outcry if the Government attempted to introduce a Parliamentary power of veto). The Commission's reports are implemented upon certain actions (such as publication in an official gazette) being carried out, without any input or veto power on Parliament's part at all. In Canada, Parliament conducts a formal review of the boundary process at the review's conclusion but this does not affect the implementation of the Commission's recommendations (this may be something for your Committee to consider implementing, if there is any genuine concern that the Commissions could make mistakes in formulating their proposals, rather than fictitious concern created to mask the desire to kick this review into the long grass). There is no good reason why, if

automatic implementation can operate in Australia, Canada, and New Zealand, that it cannot also do so in the United Kingdom.

To close on this issue with a simple argument that was put in former times: *"We consider it right that there should be an independent review body, and we think it wrong that whatever Government is in power should be able to devise a way, for whatever reason, of not accepting these recommendations in full. The last Administration are to be condemned, and have rightly been condemned,... we had the remarkable performance of an Order being voted down by the Home Secretary's own supporters, using their majority—hypocrisy and a bad example to the country which at the time was almost unequalled. The right hon. Member for Cardiff, South–East talked about the impartiality of the review body. This must be the case. I doubt whether we in this House, when our own constituencies are involved, even collectively, let alone individually, can claim equal impartiality. I support the view that the body should be independent of this House and not at the mercy of the Government in power."* (Official Report, 28th October 1970; Vol. 805, cc323–324.) An independent Boundary Commission, and no method of devising a way of not accepting their recommendations in full, and an end to hypocrisy and bad examples to the country through playing political games can only be achieved through automatic implementation.

A.F. 29/06/2020.