



Chloe Smith MP
Minister of State

Cabinet Office 70 Whitehall London SW1A 2AS

William Wragg MP
Chair
Public Administration and Constitutional
Affairs Committee
House of Commons
London, SW1A 0AA

Our reference: MC2020/01904

By email: pacac@parliament.uk

24 March 2020

Dear William,

Legislation to set the framework and rules for future Parliamentary constituency boundary reviews

I wanted to inform you of the Government's emerging policy position regarding boundary reviews. I have today laid a written statement to provide this clarity for Parliament, the public and electoral administrators. My statement (copy attached) sets out the Government's thinking on a number of key measures. When Parliamentary time allows, the Government is minded to bring forward primary legislation which would:

- make provision for the number of parliamentary constituencies to remain at 650, and bring the 2018 Boundary Review to a close without implementation;
- ensure fair and equal boundaries. The Government is minded to not change the tolerance level of +/- 5%: a constituency's electorate may be up to 5% above or below the average electorate size (the "electoral quota");
- not propose any additional protected constituencies;
- change the rule so that boundary reviews are conducted every eight years (currently every five);
- bring into effect the recommendations of the independent Boundary Commissions by way of an Order in Council, which would not be subject to parliamentary procedure.

Underpinning these headline provisions, there are a number of technical measures relating to how the boundary reviews would operate, in particular in respect of the length of the review process and the publicity and consultation requirements. I am currently engaging with

stakeholders, including the Parliamentary Parties Panel, to test the policy on these procedural matters before legislation is finalised.

When considering the present situation with Covid-19, it is reasonable that you may question why the Government is making its intentions for boundary reviews known at this moment. I have set out the reasons for this below which I hope will provide some clarity.

Working to ensure the health and safety of the British public is the Government's top priority. We still however have a responsibility to govern, plan for the future and ensure that where possible, essential Parliamentary business continues and legal obligations are met.

If primary legislation is not brought forward then the Government is legally required to give effect to the recommendations from the Boundary Commissions as set out in their 2018 reports - including reducing the number of constituencies to 600. The written statement makes clear that there are other legal obligations still extant if we do not act now, which ought to be lifted.

As this is not the Government's vision, I believe there is an interest to clarify our position at the earliest opportunity as the House of Commons is scheduled to potentially discuss this very issue on Friday.

I will write to you again when legislation is introduced into Parliament to provide more detail on its provisions and to invite you to discuss with me, should you wish to hear more about our thinking and to raise any questions you may have.

I hope you and the Committee will join me in supporting this legislation. If you would like to get in touch before then, please do not hesitate to do so.

Yours ever,

A handwritten signature in black ink that reads "Chloe". The signature is written in a cursive style and is underlined with a single horizontal line.

Chloe Smith MP



In the written statement of 19 March, 'Postponement of electoral events' (HCWS174 and HLWS169), the Government outlined its proposals for urgent electoral legislation to postpone forthcoming elections as part of the wider steps to tackle the spread of the coronavirus.

Working to ensure the health and safety of the British public is the Government's top priority. We still however have a responsibility to govern, plan for the future and ensure that where possible, essential Parliamentary business continues and legal obligations are met.

The House of Commons may debate the Government's policy stance on UK Parliamentary boundaries on Friday 27 March, in light of the Private Members' Bill tabled by the Hon. Member for Wellingborough (Peter Bone).

I believe clearly setting out the Government's emerging policy position would provide clarity for Parliament, the public and electoral administrators. Given this policy area is of direct relevance to the Commons, it is important that the first Chamber is properly informed.

This is also pertinent because at present, the Government is legally required to give effect to the recommendations from the Boundary Commissions as set out in their 2018 reports - including reducing the number of constituencies to 600. In this statement I lay out the Government's thinking on this matter.

Need for equal and updated boundaries

The Conservative Government committed, in its 2019 Manifesto, to delivering updated and equal UK Parliamentary boundaries with the essential aim of making sure that every vote counts the same - a cornerstone of democracy.

The last boundary review to be implemented in England was based on data from 2000; the last to be implemented in Scotland, Wales and Northern Ireland used data from 2001-2003. In effect, our current constituencies reflect how the UK population was at the beginning of the century. Today's youngest voters have been born since then: this disregards significant changes in demographics, house building and geographical migration.

The Government has also taken into account representations from colleagues on all sides of the House, and from the Public Administration and Constitutional Affairs Committee.

When Parliamentary time allows, the Government is minded to bring forward primary legislation to set the framework for future boundary reviews, including the next review due to begin in early 2021. Such provisions would cover the number of constituencies, the frequency of reviews, the boundary review process, and the process by which those recommendations are brought into legal effect.

Maintaining 650 seats

Legislation currently provides that, on implementation of the 2018 Boundary Review recommendations, the number of constituencies in the UK shall be 600. The Government is minded to instead make provision for the number of parliamentary constituencies to remain at 650.



In doing so, we would also remove the statutory obligation to implement the 2018 Boundary Review recommendations and the statutory obligation on the Government to make arrangements to review the reduction in constituencies to 600 by 30 November 2020.

Under current legislation the Boundary Commissions are required to report on their next review by October 2023. In order to meet this deadline they would have to begin that review in early 2021. Without changes to primary legislation, there would be a legal obligation for the Boundary Commissions to undertake that review on the basis of 600 constituencies.

This is a change in policy from the position previously legislated for under the Coalition Government. Since that policy was established in the Coalition Agreement, the United Kingdom has now left the European Union. The UK Parliament will have a greater workload now we are taking back control and regaining our political and economic independence. It is therefore sensible for the number of parliamentary constituencies to remain at 650.

Electoral quota tolerance

The Boundary Commissions are generally required to propose constituencies whose electorates vary in size by no more than +/- 5% from the average (“the electoral quota”). The Government is not minded to amend this tolerance level which achieves equal and fair boundaries whilst allowing the Boundary Commissions the flexibility to take account of other factors, such as physical geographical features and local ties, subject to the overriding principle of equality in constituency size.

Equal representation

Updated and equal boundaries will ensure that every constituent nation in the United Kingdom has equal representation in the UK Parliament, and deliver parity of representation across the United Kingdom's constituencies.

Under the existing legislation, passed in 2011, there are four protected constituencies where the electoral quota tolerance does not apply on account of their unique geography: Orkney and Shetland, Na h-Eileanan an Iar, and two seats for the Isle of Wight. The Government is not minded to make changes to these protected constituencies, or to propose any more protected constituencies given the need to ensure equal representation.

Boundary review cycle

Under the current legislation, boundary reviews must take place every five years. As the Government also intends to repeal the Fixed-term Parliaments Act 2011, future boundary reviews will inevitably be decoupled from the cycle of general elections. We need to strike a balance between regularly updated parliamentary constituencies and the disruption caused to local communities and their MPs by boundaries changing at every general election.

The Government is minded to consider that conducting boundary reviews every eight years strikes the right balance. An eight-year review cycle would generally allow for updated constituencies to be in place for two general elections before being reviewed in time for a third general election.

Implementing the recommendations of the independent Boundary Commissions



Currently, at the end of a boundary review, the Government lays the reports of the independent and impartial Boundary Commissions before Parliament. The recommendations contained in the reports are then brought into effect by way of an Order in Council that must be approved by Parliament by the affirmative procedure before it can be made.

The Government is minded to continue to provide that the reports are still laid before Parliament (by the Speaker who is Chair of the Boundary Commissions) but would change the means of bringing the Boundary Commissions' recommendations into effect. The new recommended constituency boundaries will be brought into effect automatically by the Order in Council.

This change would provide certainty that the recommendations of the independent Boundary Commissions - developed through a robust and impartial process that is open to extensive consultation - would then be implemented without interference. Parliament, of course, would remain sovereign and can amend primary legislation as it sees fit.

Engagement with political parties

The Government is keen to establish the broad support of Parliament for such changes and will engage with the political parties represented in the UK Parliament on such proposals.

This will include engagement with the Parliamentary Parties Panel on the technical measures planned. These include provisions relating to the length of time the Boundary Commissions have to conduct their reviews within the boundary review cycle and the process involved in the reviews, such as public hearings and consultation. I hope there is scope for broad cross-party agreement on such improvements.

In due course, the Government hopes that such reforms will strengthen democratic accountability of Parliament to the British people.

I hope this provides clarity on the Government's policy intent over this Parliament. Of course, as stated above, the Government's immediate legislative priority will be taking the necessary steps to protect the health and safety of the British public.



PACAC (Public Administration and Constitutional Affairs Committee)

House of Commons · London SW1A 0AA

Tel 020 7219 3268 Email pacac@parliament.uk Website www.parliament.uk/pacac

Chloe Smith MP
Minister of State at the Cabinet Office
by email

30th March 2020

Dear Chloe,

Thank you for your letter of 24th March notifying the Committee of the Written Ministerial Statement (WMS) on Update: Strengthening Democracy.

As you highlight in the WMS the Conservative Party manifesto at the last General Election commits the Government to ensuring the UK has updated and equal Parliamentary boundaries, a view that is in line with the conclusions of the 2018 Report of the Public Administration and Constitutional Affairs Committee *Parliamentary Boundary Reviews: What Next?*, HC 559. It is regrettable that the last parliamentary election took place using constituency boundaries based on data from 2000-03.

It is vital that the issues, and if necessary legislative changes, in relation to parliamentary boundaries are identified, discussed and decided upon early by Parliament. As you set out in the WMS, the legal default position is that the House of Commons will reduce in size to 600 members under the Boundary Commission Review 2018, and if a new boundary review were to take place it too would be required to be conducted on the basis of 600 constituencies.

The Government is proposing to reduce the parliamentary oversight of the process of implementing boundary reviews. What is the reasoning for changing the involvement of Parliament from the affirmative procedure on the Order in Council to Order in Council automatically coming into effect? The WMS announces a significant policy change that has not been set out before. You indicated the Government believes that now the UK has left the European Union Members of Parliament will have a greater workload. I would be grateful if you could explain the rationale for this statement, for example sharing the outcome of any consultation or review that the Government has undertaken to quantify this increase. What research has been conducted to identify the additional parliamentary workload which will result from the UK leaving the EU, and to calibrate that against the number of Members of Parliament required to work on this legislation? Please could you provide copies of all reports and research that have led to the policy change.

Further, devolution is now an established part of the UK's constitutional architecture, with large areas of competency now devolved to institutions in Northern Ireland, Scotland and Wales. The Committee is aware that the Government is currently drawing up a White Paper on devolution across England, following the manifesto commitment to bring "full devolution across England" ensuring "every part of our country has the power to shape its own destiny". Given this commitment, it seems likely that a significant number of decisions and even whole policy areas in England may in the near future, as with decisions in the devolved nations be taken away from Westminster and Whitehall. What steps has the Government taken to consider the effect of devolution policy on the areas of responsibility and competence of Parliament and the consequent membership requirements for both Houses of Parliament?

The WMS also addresses the frequency of reviews and suggests moving from 5-yearly to 8-yearly reviews. This policy position is taken with a view to the manifesto commitment to "get rid of the Fixed-term Parliaments Act 2011", and you suggest as a result "boundary reviews will inevitably be decoupled from the cycle of general elections". Under the Act, a Review Committee should be established this summer to review its operation. It seems to prejudge the work of this Review Committee to come to conclusions about decoupling the Boundary reviews before the new mechanism for calling general elections in the UK has been decided on by Parliament. In particular, when you state that an 8 year cycle would cover two general elections this suggests that the Government is considering reducing the standard term of Parliament from 5 to 4 years. As the Government seem to have advanced its thinking in relation to this aspect of potentially replacing the Fixed-terms Parliament Act 2011, the Committee would be grateful if it could be updated on the Government's thinking in regards to how Fixed-terms Parliament Act 2011 might be repealed and replaced.

Events have overtaken and the second reading of the Parliamentary Constituencies (Amendment) Bill was postponed when the House rose this week. However, such a policy change should be scrutinised, and I look forward to being able to discuss this with you when the House returns.

William Wragg MP
Chair, Public Administration and Constitutional Affairs Committee
(approved by the Chair and sent by email)