

*A Green Paper on future electoral
arrangements for the National
Assembly for Wales*



Wales Office
Swyddfa Cymru



HM Government



A Green Paper on future electoral
arrangements for the National Assembly for
Wales

Presented to Parliament
by the Secretary of State for Wales
by Command of Her Majesty

May 2012

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A Green Paper on future electoral arrangements for the National Assembly for Wales

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About this consultation

- To:** Parties with an interest in the electoral arrangements for the National Assembly for Wales
- Duration:** From 21/05/12 to 13/08/12
- How to respond:** You can respond to this consultation by writing to:
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- Any enquiries (including requests for the paper in an alternative format) should also be sent to this address.
- Response paper:** A response to this consultation exercise will be published in due course at:
<http://www.walesoffice.gov.uk/>

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FOREWORD


By the Rt Hon. Cheryl Gillan MP, Secretary of State for Wales

When the coalition Government was formed in 2010, we embarked on a programme of fundamental political reform to make our political system far more transparent and accountable. We have come a long way since in delivering that programme, and our main achievements to date are set out in the body of this Green Paper.

The reforms we have introduced affect all parts of the United Kingdom. In Wales, they will mean changes to the constituency map with 30 new Parliamentary constituencies. We now need to look at the effects of these changes on the make-up of the National Assembly for Wales, and whether people would be better served by continuing to have 40 constituencies or to change to 30 constituencies, with the same boundaries as the Parliamentary constituencies.

The change to five-year fixed term Parliaments at Westminster also has implications for the Assembly, and we want people to have their say on whether the Assembly should have four or five year terms. We are also seeking views on other electoral matters. Each issue is set out in detail in this document, and a summary of the questions on which we would like your views can be found at Chapter 4.

We want Wales to have the right structure in place to deliver for our citizens, and this consultation gives everyone the opportunity to contribute their views. The Government is keeping an open mind on the extent of any reforms we will take forward. We will carefully consider the results of this consultation before deciding on any changes necessary. We will work closely with institutions in Wales in taking our proposals forward and will aim to announce the results of this consultation later in the year. Any changes that arise from this process will be implemented at the earliest opportunity.



A handwritten signature in black ink, reading "Cheryl Gillan", is centered on a light grey rectangular background. Below the signature is a thin horizontal line.

Cheryl Gillan
Secretary of State for Wales

Chapter 1

SUMMARY

This consultation paper sets out the Government's options and proposals for changes to the make-up of the Assembly, including the number of Assembly constituencies, the length of Assembly terms, whether candidates can stand at the same election in an Assembly constituency and a region and whether Assembly Members should be able to sit simultaneously in the Westminster Parliament.

We ask questions on each of the subjects set out in this paper, seeking your views on the best way forward, and the responses will help the Government decide what action to take. The subjects, and related questions, are set out in brief below, and are discussed in detail in Chapter 3. Instructions on how you can respond are set out in Chapter 5.

Assembly Constituencies

The 40 Assembly constituencies currently have the same boundaries as Parliamentary constituencies in Wales. But a reduction in the size of the House of Commons, and subsequent equalisation in the size of Parliamentary constituencies to increase the fairness of our system, will mean that the review presently underway will allocate 30 Parliamentary constituencies to Wales. The Government is inviting views on whether, when the Parliamentary constituencies change, the Assembly should continue to have 40 constituencies, with those constituencies made more equal in size, or should re-establish the link between Assembly and Parliamentary constituencies by changing to an Assembly of 30 constituencies, and 30 regional members. A way to manage future changes in the number of constituencies in Wales without changing the size of the Assembly is also put forward.

Length of term for the National Assembly for Wales

The Fixed-term Parliaments Act 2011 introduced five-year fixed term Parliaments, with the next Parliamentary General Election scheduled to be held on 7 May 2015. The Assembly has four-year fixed terms but, exceptionally, at the request of the Welsh Government¹ and with the agreement of the Assembly, the current Assembly has a five-year term, running to 2016, to ensure the next Assembly election does not clash with the Parliamentary General Election. We would like to hear whether you think the Assembly should have four or five year fixed terms.

Standing as a constituency candidate and a regional candidate

Under the Government of Wales Act 2006, candidates for election to the Assembly are currently prohibited from standing in both a constituency and a region at the same time. We believe this restriction should be lifted, and would like to know if you agree that a candidate should be able to stand in both a constituency and a region in the future.

¹ The statutory name for the executive is the *Welsh Assembly Government*, although since May 2011 it wishes to be known as the *Welsh Government*.

Multiple mandates

The Government recognises that there are concerns about whether someone who sits in two legislative bodies simultaneously can do justice to both roles. Currently, an Assembly Member can also be a Member of Parliament or a Member of the House of Lords – a practice commonly known as “double jobbing”. We seek views about whether legislation should be brought forward to bring an end to the practice of “double jobbing”.

Chapter 2

THE GOVERNMENT'S PROGRAMME OF CONSTITUTIONAL REFORM

The Government is delivering a significant programme of political renewal to restore trust in our political system:

- We are reducing the size of the House of Commons, and creating fewer and more equally sized constituencies so that people's votes carry the same weight, no matter where they live;
- We have established five-year, fixed term Parliaments, so that a Parliamentary General Election can no longer be called at the whim of a Prime Minister. The next election for the House of Commons will take place on 7 May 2015, unless an extraordinary General Election is called prior to that date, and every five years thereafter;
- We held a referendum on the Parliamentary voting system, and we are looking at the rules on party funding and lobbying; and
- We have established a Commission to look at the consequences of devolution for the House of Commons (issues more commonly known as the "West Lothian Question") which is due to report in the course of the current Parliamentary session.

We are also introducing a power of recall to allow voters to force a by-election if their MP is found guilty of serious wrongdoing, speeding up the implementation of individual elector registration and taking forward reform of the House of Lords.

These reforms will help strengthen Parliament, and make our elected representatives more accessible and accountable to the people who elect them. They also make the way in which Parliament works more open and transparent.

This programme of political renewal impacts on all parts of the United Kingdom and, in Wales, has consequences for the Assembly. A smaller House of Commons with more equally sized constituencies will result in a reduction in the number of Welsh Parliamentary constituencies from 40 to 30. Currently the constituencies used to elect Assembly Members are the same as those used to elect Members of Parliament, and changing the Parliamentary constituencies makes it necessary to look at how Assembly constituencies should be structured in future.

Establishing fixed Parliamentary terms also has implications for the Assembly. An Assembly term is usually four years, but the current Assembly has a five-year term, running to 2016, to ensure the next scheduled Assembly election does not coincide with the Parliamentary General Election in 2015.

In addition to the Government's programme of constitutional reform across the United Kingdom, recent developments in Welsh devolution also provide a backcloth to this consultation exercise. The Assembly now has law making powers in all twenty areas which are devolved to Wales following an affirmative vote in the referendum held in March 2011.

In October 2011, the Government established the Commission on Devolution in Wales (the "Silk Commission") to review the financial and constitutional arrangements in Wales, and make recommendations for change likely to have a wide degree of support. Issues relating to the election of Assembly Members do not form part of the Commission's remit.

The Commission is undertaking its work in two parts. In Part I it is reviewing the case for the devolution of fiscal powers to improve the financial accountability of the Assembly, which are consistent with the United Kingdom's wider fiscal objectives. The Commission is due to report its findings in the autumn. It will then turn its attention to the second part of its remit, and will look at whether modifications should be made to the boundary of what is devolved and non-devolved. The Commission will report on this aspect of its work by spring 2014.

The review should help underpin the Welsh devolution settlement by making the devolved institutions in Wales - the Assembly and the Welsh Government - more accountable to the people they serve and identifying where the boundaries of the settlement can be made more straightforward.

The Government wants to ensure that the Assembly has the right structure to meet future challenges. In this consultation paper we seek views on how many Assembly constituencies there should be, the length of Assembly terms and some other issues linked to Assembly elections.

We ask some questions in the following chapter on which we would particularly welcome views. These are numbered for ease of reference and are summarised in Chapter 4. It would be helpful where possible if you could refer to the numbered questions when responding to the consultation.

Chapter 3

PART 1: ASSEMBLY CONSTITUENCIES

The Number of Assembly Constituencies

- 1.1 There are currently 40 Assembly constituencies, each returning one Assembly Member under the first past the post electoral system. There are also 5 Assembly electoral regions, each returning four Assembly Members under the Additional Member System (AMS). This brings the total number of Assembly Members to 60. The Government continues to believe that an Assembly of 60 members is the right size, and does not propose to alter the number of Assembly Members.
- 1.2 Currently the constituencies used to elect Assembly Members are the same as those used to elect Members of Parliament. However, the size of the House of Commons is being reduced as a result of the Parliamentary Voting System and Constituencies (PVSC) Act 2011, and in future there will be fewer Parliamentary constituencies in each part of the United Kingdom, including Wales. The independent Boundary Commission for Wales is presently conducting a review that will result in 30 Parliamentary constituencies in Wales, and published its initial proposals on 11 January 2012². This has been followed by a series of public consultations, the process for which is set out in Annex D. The 2011 Act breaks the link between Assembly constituencies and Parliamentary constituencies and there is currently no mechanism to review and modify the boundaries of the 40 Assembly constituencies.³
- 1.3 These developments mean that we need to change the present arrangements for Assembly constituencies. The Government is minded to take forward one of two options. Both options would result in changes to the current map of Assembly constituencies.

Option 1: Continue with 40 Assembly constituencies, each electing one Assembly Member. This would require a new system of boundary reviews to be put in place to allow Assembly constituencies to be made more equal in size and updated from time to time; or

Option 2: Re-establish the link between Assembly constituencies and Parliamentary constituencies, by changing to an Assembly of 30 constituencies, each electing one Member, with a further 30 Members elected from the regions. The number of regional Assembly Members could be modified if the number of constituencies

² Boundary Commission for Wales, “2013 Review of Parliamentary Constituencies in Wales: Initial Proposals”, January 2012.

³ The Parliamentary Constituencies and Assembly Electoral Regions (Wales) (Amendment) Order 2011 made a number of minor changes to some Assembly constituencies, which are due to come into force for the 2016 Assembly elections. There is no power to make further changes.

changes in future, to ensure the overall size of the Assembly does not alter.

- 1.4 Some commentators have suggested other options, but as a fundamental principle the Government believes that a partially proportional voting system is right for the Assembly. We have no plans to bring forward changes which would reduce the current level of proportionality in the Assembly, where one third of Assembly Members (20 out of 60) are elected under the Additional Member System⁴. The two options subject to consultation either maintain that ratio (Option 1) or increase the proportion of regional seats (Option 2). The Government will consider the merits of each option according to their impact on the democratic process in Wales. It is not the Government's intention to give advantage to any political party.
- 1.5 We will decide which option to adopt having carefully considered the responses to this consultation, and will choose the option we believe is in the best interests of the Assembly and of Wales as a whole.

Option 1: 40 Assembly Constituencies

- 1.6 The 40 Assembly constituencies are shown overleaf.
- 1.7 Under **Option 1**, Assembly constituencies and Parliamentary constituencies would not have the same boundaries in future, and the link which existed since the start of the Assembly would not be restored. The number of Assembly constituencies (and Assembly Members representing those constituencies) would remain the same as at present. The boundaries of the 40 Assembly constituencies would need to be independently reviewed from time to time. Compared to Option 2, Option 1 would mean more electors in Assembly elections remaining in the same constituency.
- 1.8 However, there is greater complexity in having different boundaries for Parliamentary and Assembly elections than the present arrangement, where the same boundaries are used for both elections.
- 1.9 The boundaries of the 40 Assembly constituencies would need to be reviewed in future to a separate timescale from Parliamentary constituencies. This would add cost compared to Option 2, where there would be no need to review Assembly and Parliamentary constituencies separately because they would have the same boundaries. Having different boundaries for both sets of constituencies could also complicate political party organisation and electoral arrangements and potentially add cost.

⁴ Currently, 40 Assembly constituency members are elected via the first past the post electoral system, and 20 Assembly regional members are returned under the Additional Member System of proportional representation. Regional members are elected from a party's regional list in proportion to the number of votes they get in the region, but adjusted in inverse proportion to the number of constituency seats they win.

- 1.10 That said, it should be noted that in Scotland UK Parliamentary and Scottish Parliamentary constituencies have had different boundaries since 2005.

Periodic Boundary Reviews for 40 Assembly Constituencies

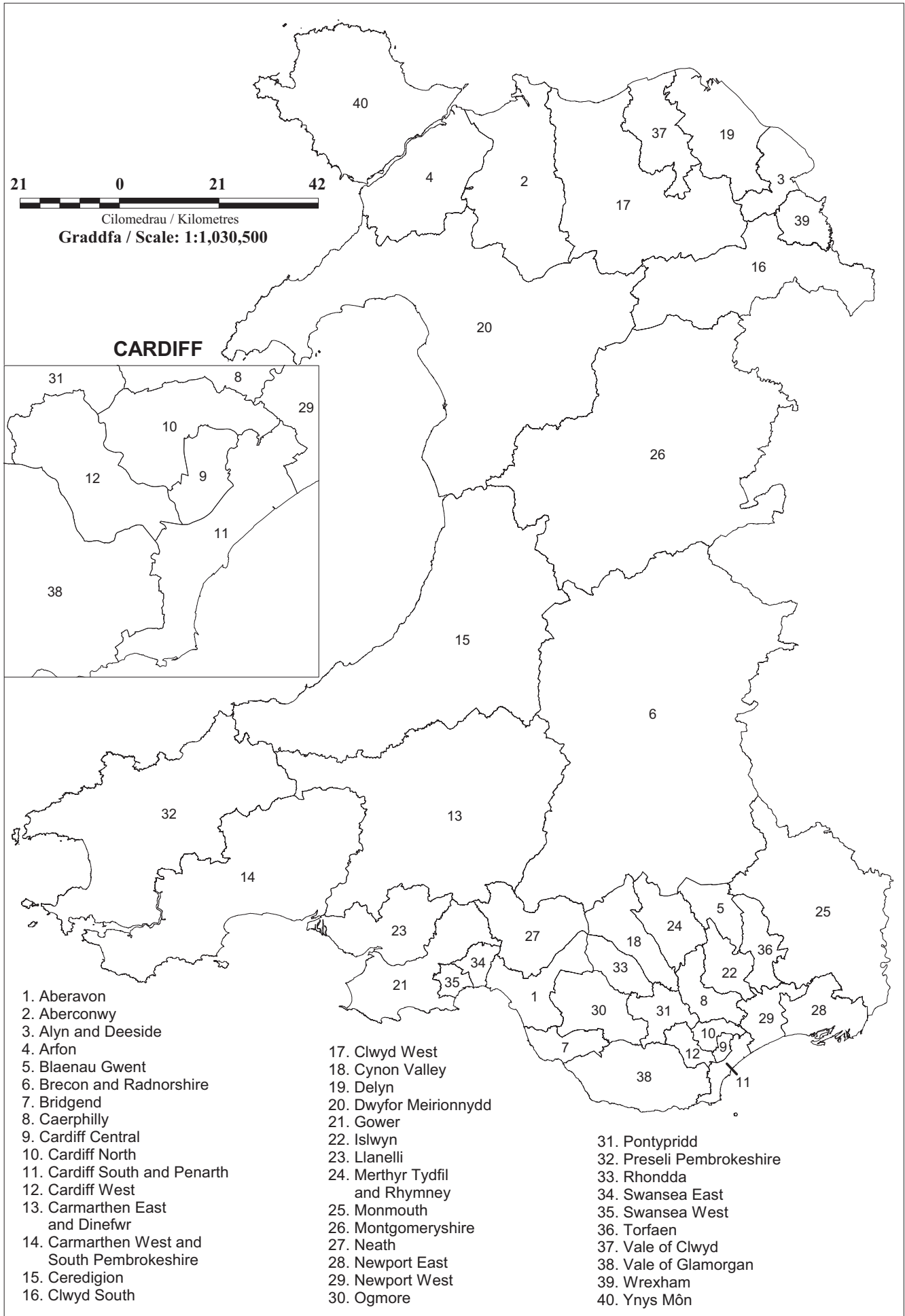
- 1.11 If the Assembly is to continue with 40 constituencies, a mechanism must be established for the boundaries of those constituencies to be regularly reviewed in future. The existing 40 constituencies will remain as they are now until a new mechanism is in place and a review completed. This would be implemented as soon as possible.
- 1.12 The size of electorates of all forty current Assembly constituencies is set out in Annex A⁵. They are currently highly unequal, with the electorate of the largest constituency, Cardiff South and Penarth, some 90% larger than that of the smallest (Arfon)⁶, and would stand in stark contrast to the new Parliamentary constituencies in Wales, which will have broadly equal numbers of electors.
- 1.13 The Government's reforms to Parliamentary constituencies are underpinned by the principle of fairness, that each elector's vote should have equal weight. For this to be true between as well as within constituencies each must contain an approximately equal number of electors.
- 1.14 The Government believes that this principle applies as much to Assembly constituencies as to Parliamentary constituencies, and we would seek to make Assembly constituencies more equal in size in the event of taking forward Option 1⁷.
- 1.15 There is currently no statutory mechanism to review and alter the boundaries of Assembly constituencies and, if 40 Assembly constituencies are retained, the Government would seek to legislate to put a mechanism in place. The PVSC Act 2011 established a new set of Rules according to which the Boundary Commissions make recommendations as to the boundaries of Parliamentary constituencies. These Rules are set out in Annex C. The Government intends that similar Rules would apply to the process of distributing the 40 seats in the Assembly. The Rules the Government would propose to apply to Assembly seats are set out in Figure 2 overleaf.

⁵ These figures are based on the electoral register at 1 December 2011.

⁶ Cardiff South and Penarth is the largest Assembly constituency in Wales in terms of the number of electors (76,715 as at 1 December 2011), and Arfon is the smallest (40,667 as at 1 December 2011).

⁷ There would be no need to do this if the number of Assembly constituencies reduces to 30 because they would then have the same boundaries as the new Parliamentary constituencies in Wales (which will have broadly equal numbers of electors).

FIGURE 1: CURRENT ASSEMBLY CONSTITUENCIES



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Figure 2: Rules for the Distribution of Assembly Seats⁸

Number of Constituencies

1. There will be 40 Assembly constituencies.

Electorate per constituency

2. The electorate of any constituency shall be:
 - (a) no less than 95% of the Assembly electoral quota, and
 - (b) no more than 105% of that quota.

The 'Assembly electoral quota' means the electorate for Assembly elections divided by 40 (the number of Assembly constituencies).

Factors

3. Subject to Rule 2, the following factors may be taken into account in distributing Assembly seats:
 - (a) special geographical considerations, including in particular the size, shape and accessibility of a constituency;
 - (b) local government boundaries;
 - (c) boundaries of existing constituencies;
 - (d) any local ties that would be broken by changes in constituencies; and
 - (e) the inconveniences of such changes.

1.16 Rule 1 would set the number of Assembly constituencies at 40, the same number as at present. Rule 2 would ensure that there is less variation in the size of the electorate in each constituency than at present: the electorate of each constituency would have to be within 95% to 105% of the Assembly electoral quota – the number of people on the electoral register divided by the number of Assembly constituencies (40). The total electorate for Assembly elections at 1 December 2011 was 2,322,124⁹, which means that the Assembly electoral quota would be **58,053**¹⁰.

1.17 Rule 3 would set out the factors which the relevant boundary commission¹¹ could take into account in determining Assembly constituency boundaries, subject to their complying with the electoral parity rule (Rule 2). They reflect the factors which Boundary

⁸ The three proposed Rules have been based on the Rules which apply when determining the new Parliamentary constituency boundaries (Annex C), adapted to make them applicable to Assembly constituencies.

⁹ Assembly elections and Parliamentary elections use different franchises. European Union citizens can vote in Assembly elections because the franchise is the same as that for local government elections, whereas only British, Irish and certain Commonwealth citizens can vote in Parliamentary elections.

¹⁰ These figures are based on the electoral register at 1 December 2011.

¹¹ The remainder of this paper assumes that the Boundary Commission for Wales would review the boundaries of Assembly constituencies under this option. Carrying out such reviews separately from reviews of Parliamentary constituencies would be a new function for the Commission, and would require primary legislation, approved by Parliament.

Commissions are able to take into account in determining the new Parliamentary constituency boundaries.

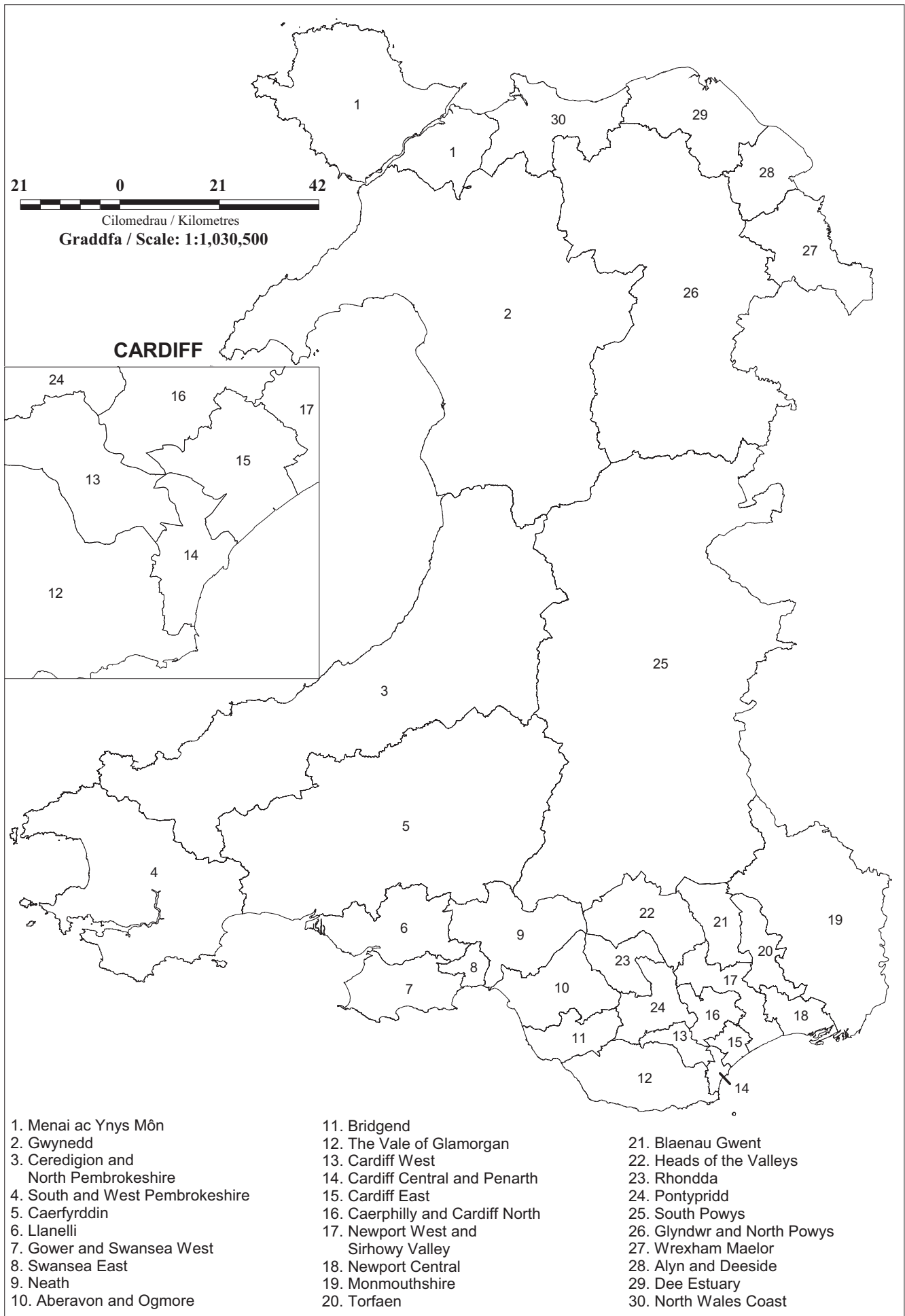
- 1.18 The Government would also intend that reviews of Assembly constituency boundaries would be subject to the same process of public consultation as applies to the present review of Parliamentary constituencies. This means that the Boundary Commission for Wales would consult the public in future on Assembly constituency boundaries in the same way as it is currently doing in respect of Parliamentary constituencies.
- 1.19 There would be a twelve-week period for written representations, during which public hearings would be held by the Boundary Commission to allow oral representations to be made. The representations received would then be published, followed by a four-week consultation during which written representations could be made in response to representations made by others. If, after the end of that period, the Boundary Commission wished to revise its original proposals and recommend different constituencies, a final eight-week written consultation would then follow.
- 1.20 Finally, the Government would set a deadline by when the Boundary Commission for Wales should report its recommendations on Assembly constituencies, and for reviews to take place every four or five years thereafter (depending on the length of Assembly term). This would ensure that Assembly constituency boundaries are modified regularly to reflect changes in the sizes of constituency electorates.
- 1.21 In the event of deciding in favour of retaining 40 Assembly constituencies, the Government would seek to legislate at the first available opportunity to put in place the mechanism described here. The deadline by when the Boundary Commission for Wales should report on modifications to the boundaries of existing Assembly constituencies would depend on when that legislation is enacted.

Option 2: 30 Assembly Constituencies

- 1.22 The Boundary Commission for Wales's initial proposals for 30 new Parliamentary constituencies are shown overleaf. Electorate data for these constituencies (based on the electoral register at 1 December 2010) is available at Annex B¹².
- 1.23 It is important to bear in mind that the boundaries of some or all of these proposed new constituencies might change by the time the Boundary Commission for Wales reports its final recommendations to Parliament by October 2013. The overall number of new constituencies that will result from that review will not alter, but the number may change at future reviews.

¹² The Boundary Commission's proposals are not part of this consultation. Further information is available on the Boundary Commission for Wales's website at <http://www.bcomm-wales.gov.uk>.

FIGURE 3: PROPOSED PARLIAMENTARY CONSTITUENCIES



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- 1.24 Taking forward **Option 2** would mean that Assembly constituencies continue to have the same boundaries as Parliamentary constituencies in Wales, and electors would vote in one constituency for the purposes of both Assembly and Parliamentary elections. Common boundaries for both sets of constituencies would make it easier, and more cost effective, to review those boundaries to ensure electorates remain broadly equal in size, and would facilitate local democracy by making the local organisation of political parties and networks less complicated.
- 1.25 This Option would also mean moving away from the 40:20 ratio between Assembly constituency and regional members which has applied in previous Assembly elections. It would be replaced by a 30:30 ratio, increasing the proportion of Assembly Members elected under the Additional Members System.

Dealing with changes to the number of Parliamentary constituencies

- 1.26 Parliamentary constituencies will be reviewed every five years to ensure that they reflect the movement of people and that votes continue to have equal weight. At each review, each part of the United Kingdom will be allocated a proportion of 600 Parliamentary constituencies that broadly reflects its share of the UK electorate. Population changes across the United Kingdom might mean that in future the number of Parliamentary constituencies in Wales (and therefore, under this option, Assembly constituencies) may be subject to change as a result i.e. the number of constituencies in Wales may be more or less than 30.
- 1.27 The primary aim of Option 2 would be that Assembly constituencies and Parliamentary constituencies in Wales have the same boundaries. A change in the number of Parliamentary constituencies in Wales therefore would also apply to Assembly constituencies. For example, if the number of Welsh Parliamentary constituencies increased from 30 to 31 then there would also be 31 Assembly constituencies.
- 1.28 **In the event of taking forward Option 2**, a mechanism would therefore be needed to ensure that changes in the number of constituencies do not result in a smaller or larger number of Assembly Members overall. **The Government proposes that, in the event of a future change in the number of Assembly constituencies, the difference is made up by increasing or decreasing the number of Assembly regional members.** More detail on how this would operate follows in the next section.

Conclusion

- 1.29 The Government appreciates that there are arguments for and against re-establishing the link between Assembly constituencies and Parliamentary constituencies. Both Option 1 and Option 2 would each retain a feature of the current arrangements. On the one hand, maintaining 40 Assembly constituencies would ensure continuity in

the overall balance between Assembly constituency and regional members.

- 1.30 On the other hand, reducing the number of Assembly constituencies to 30 and linking them to Parliamentary constituencies, would retain the relative simplicity of the existing arrangements for electors and other stakeholders in the democratic process. It would also avoid having to establish a separate boundary review process for Assembly constituencies.
- 1.31 On balance, the Government favours continuing to have common boundaries for Assembly and Parliamentary constituencies. We are therefore minded to take forward **Option 2**, with an Assembly made up of 30 constituency members and 30 regional members. Our preference is not however set in stone, and we would welcome the views of organisations and individuals with an interest in these proposals to help inform our decision.

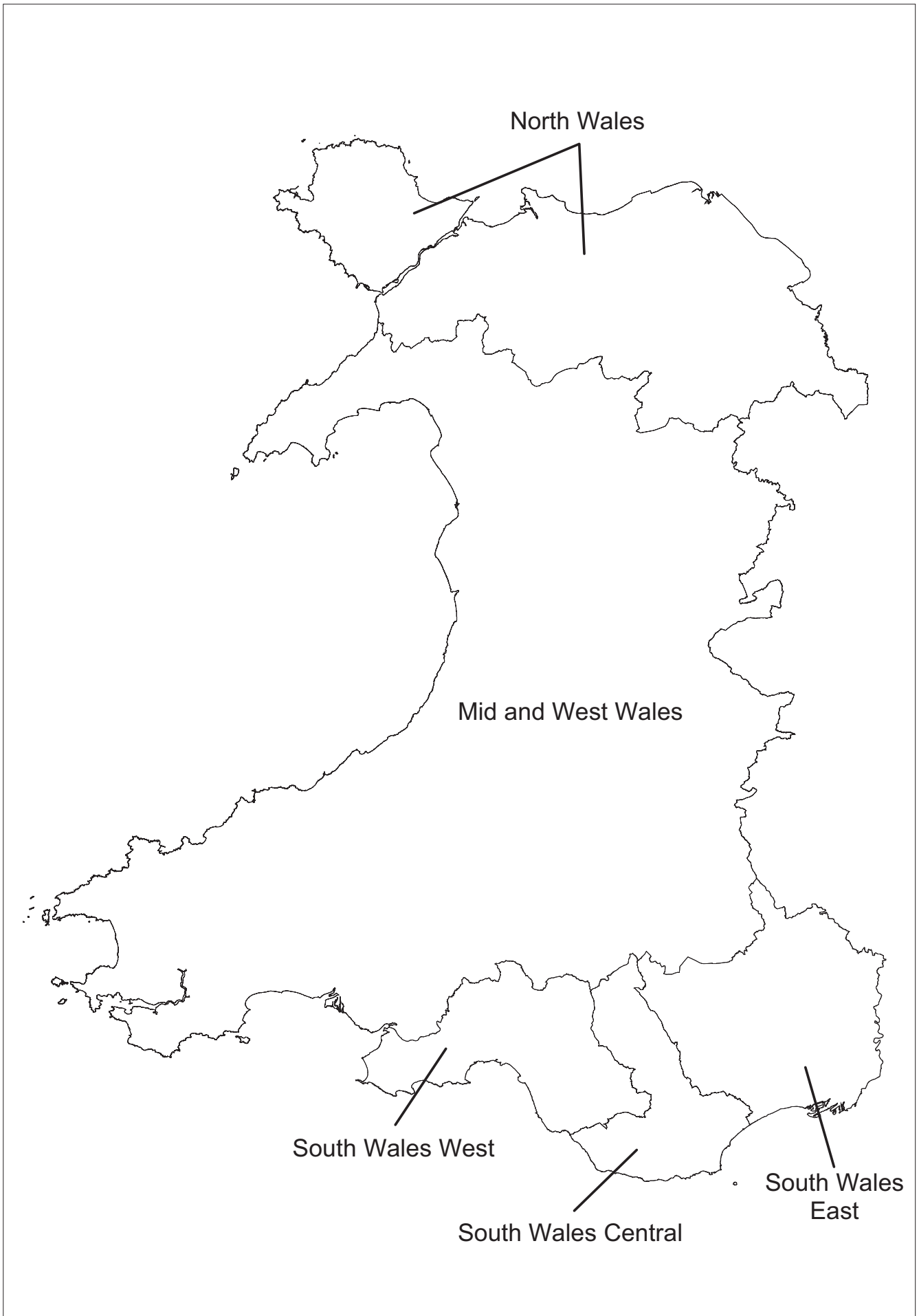
Q 1: Do you prefer Option 1: 40 Assembly constituencies, each containing a broadly equal number of electors and constituency boundaries periodically reviewed; or Option 2: reinstate the link between Assembly and Parliamentary constituencies by changing to an Assembly of 30 constituencies, with an equal number of constituency and regional members (30:30)?

Q 2: Under the 30 constituency option, do you agree the Government's proposal that the number of Assembly regional seats could be increased or decreased to take account of any change in the number of Assembly constituencies?

Assembly Electoral Regions

- 1.32 There are currently 5 Assembly electoral regions, each returning 4 Assembly Members. The regions are shown in Figure 4 opposite.
- 1.33 The electoral regions established in 1999 for the first Assembly elections were those used for European Parliamentary elections up to 1994. There have been only minor changes to their boundaries since to take account of changes in Parliamentary and Assembly constituency boundaries.
- 1.34 Under either of the options, the regional boundaries would be redrawn.

FIGURE 4: ASSEMBLY ELECTORAL REGIONS



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Option 1: 40 Assembly Constituencies

- 1.35 The Government does not propose to alter the number of Assembly electoral regions in the event of taking forward Option 1. We believe that the five-region structure has served Wales well in the Assembly elections which have taken place to date, and 40 Assembly constituencies provide a sound foundation on which to base five electoral regions in Wales, each continuing to return four regional Assembly Members.
- 1.36 Under Option 1, the regions should continue to comprise groups of between seven and nine Assembly constituencies, as they do at present. But the boundaries of the five regions would change periodically, reflecting the periodic changes to the boundaries of the 40 constituencies that make up the regions. As those constituency “building blocks” would be more equal under the proposals set out above, this means that electoral regions themselves will be more equal in size than at present.

Option 2: 30 Assembly Constituencies

- 1.37 If the Assembly moves to 30 constituencies the Government would similarly be minded to retain five electoral regions, for the reasons set out in paragraph 1.35. With 30 constituencies it would be possible to have six regions, each returning five members: in the Government’s view, there would be little benefit in this approach.
- 1.38 The five regions would each be made up of six constituencies. Six Assembly regional members would then be elected from each region, rather than the current four, making 30 Assembly regional members in total.
- 1.39 However, in future it may be that the number of Parliamentary constituencies increases or decreases from 30. Under Option 2, in order to maintain both the overall size of the Assembly at 60 and maintain the link between Assembly and Parliamentary constituencies, the number of Assembly Members elected from the five regions would have to be increased or decreased. In addition, the regions themselves would then need to change significantly: if the number of constituencies were 29 or 31, it would no longer be possible to have five regions that each contain the same number of Assembly constituencies.
- 1.40 To deal with this issue in a way that is fair to electors across Wales, the Government proposes that:
- i. **If the number of constituencies in Wales is 30, the Boundary Commission would draw up five regions, each made up of six Assembly constituencies. Six Assembly regional members would then be elected from each region.** As the constituency building blocks would be broadly equal in size, and regions will each elect the same number of Assembly Members, this will be fair to all electors.

- ii. **If the number of constituencies is other than 30, the Boundary Commission would draw up five regions, which would not necessarily contain an equal number of constituencies, or elect an equal number of Assembly Members.** Fairness in the weight of the vote would be maintained by allocating seats to the five regions using the Sainte-Laguë method¹³. Each region would contain between four and seven seats, but it would be for the Boundary Commission to determine what combination of constituencies would best achieve a balance between equally weighted votes and building suitable regions that are within this size range. In this way, whilst there might be two regions that contain the same number of constituencies but elect a different number of Assembly Members, the allocations would still be fair to electors.¹⁴

1.41 There are a number of alternative ways of addressing a change in the number of constituencies, none of which the Government favours. For example, the boundaries of regions could be fixed regardless of future changes to constituency boundaries. But this could mean Assembly regional boundaries running through Assembly constituencies, and constituencies being within more than one region. It would also significantly complicate the administration of the elections in those areas.

1.42 Another option would be to relinquish the principle of using the same constituency boundaries for both Parliamentary and Assembly elections in the event of a future change in the number of Parliamentary constituencies. If the number of constituencies changes from 30 to, for example, 29 or 31, the number of Assembly constituencies could remain constant at 30. This would break the link that would have been re-established under option 2, but would maintain continuity in the 30 Assembly constituency boundaries in place at that time. However, if the Government decides that the link should be restored, it would seem sensible to seek to maintain it in the event of future changes.

1.43 Another alternative to this arrangement would be for the Assembly electoral regions to be replaced with a single, all-Wales national list. The number of Assembly Members elected from this list could be amended relatively simply if the number of constituencies changed. However, the Government does not favour this. In our view it is preferable for Assembly Members to represent constituencies and

¹³ The “Sainte-Laguë” formula broadly operates as follows. The formula $(\text{electorate} / ((2 \times \text{number of seats already allocated}) + 1))$ is applied to each region. After each seat is allocated, the formula is re-applied – the next seat is allocated to the region that then has the greatest electorate. The process continues until all the seats are allocated. The use of the Sainte-Laguë formula to distribute seats should not be confused with the use of the D’Hondt method for the election of Assembly regional members. The Government does not propose any change in this regard.

¹⁴ The Government does not believe that any region should elect fewer Assembly regional members than at present. However there must be a limit on the number of seats in any region, to prevent a region becoming too large. The Government believes that 4-7 seats in a region strikes the right balance. It is very unlikely in the short to medium term that the number of constituencies allocated to Wales would fall outside the range allowed for by five regions of a minimum 4 and a maximum 7 seats.

regions, rather than the whole of Wales. A national list would put more distance between regional members and their constituents.

- 1.44 The Government is open to considering all options for the structure of Assembly electoral regions under a 30-constituency Assembly, and would welcome views on the most appropriate structure.

Q 3: How should Assembly electoral regions be structured under Option 1: 40 Assembly constituencies; and Option 2: 30 Assembly constituencies?

PART 2: LENGTH OF TERM FOR THE NATIONAL ASSEMBLY FOR WALES

The Fixed-term Parliaments Act 2011

- 2.1 In our Programme for Government, we committed to establish five-year, fixed term Parliaments. The Fixed-term Parliaments Act 2011 introduced five year terms for the Westminster Parliament. The next Parliamentary General Election is scheduled to be held on 7 May 2015, with general elections held every five years thereafter.
- 2.2 The Government favours five-year terms for the Westminster Parliament because it brings stability to the electoral cycle, and helps encourage longer-term planning and decision-making. It also helps to make Parliament and the Government more accountable, enabling the electorate to hold them to account for their actions. Electors now know exactly how long a Government will serve for and when the next general election will take place.
- 2.3 The Assembly already runs on a fixed term basis, but with Assembly elections taking place every four years rather than five years. This would have meant the next scheduled Assembly election taking place on the same day in 2015 as the UK General Election. Elections to the Scottish Parliament and the Northern Ireland Assembly would also take place on the same day.
- 2.4 The Welsh Government was concerned that this co-incidence in elections could risk one poll overshadowing the other and electors being unclear about the difference between them as a result. The Fixed-term Parliaments Act 2011 therefore deferred the next scheduled elections to the Assembly by one year, to 5 May 2016, following a vote in favour of the change in the Assembly (the same applied to Scotland).
- 2.5 During the passage of the Fixed-term Parliaments Bill the Government committed to carrying out *“a detailed assessment of the implications of the two sets of elections coinciding at a later date. In the light of this we would consider whether to conduct a public consultation in Scotland and Wales on whether the devolved institutions should permanently be extended to five-year terms”*¹⁵.

Implications for the Devolved Legislatures

- 2.6 This change means that the terms of the current Assembly and the Scottish Parliament will last for five years rather than four. But both institutions will revert to four year terms after the 2016 election, and the next scheduled set of elections after 2016 will take place in May 2020, on the same day as the Westminster Parliamentary General Election. The co-incidence of elections in Wales between 2016 and 2021 is set out in Figure 5 overleaf.

¹⁵ Lord Wallace of Tankerness, House of Lords, 29 March 2011, Hansard column 1222.

Figure 5: Coincidence of Elections in Wales

Elections in Wales under the current system (4 year fixed term)		Elections in Wales if the Assembly moved to five year fixed terms	
2016	<ul style="list-style-type: none"> National Assembly for Wales election Police and Crime Commissioner elections 	<ul style="list-style-type: none"> National Assembly for Wales election Police and Crime Commissioner elections 	
2017	<ul style="list-style-type: none"> Local Government elections in Wales 	<ul style="list-style-type: none"> Local Government elections in Wales 	
2019	<ul style="list-style-type: none"> European Parliament election 	<ul style="list-style-type: none"> European Parliament election 	
2020	<ul style="list-style-type: none"> National Assembly for Wales election UK Parliamentary General Election Police and Crime Commissioner elections 	<ul style="list-style-type: none"> UK Parliamentary General Election Police and Crime Commissioner elections 	
2021	<ul style="list-style-type: none"> Local Government elections in Wales 	<ul style="list-style-type: none"> National Assembly for Wales election Local Government elections in Wales 	

2.7 The Government is considering the implications of the two sets of elections coinciding in the future. We intend to consult separately in relation to the length of terms for the Scottish Parliament and the Northern Ireland Assembly, in addition to this consultation on the National Assembly for Wales.

2.8 The Government does not have a fixed view on whether the devolved legislatures should have four or five year terms. We will consider carefully the responses to the consultations, and recognise that the consultations may produce different outcomes. In the event that the Government decides in favour of five year terms for any, or all, of the devolved legislatures, we will seek to make legislative provision as soon as Parliamentary time permits.

Issues to consider

2.9 In the Government’s view, decisions on whether to combine polls should be taken on a case by case basis. We believe the most important consideration when determining whether or not to hold different elections on the same day is the impact on the voter. We want as many people as possible to exercise their right to vote, and to be clear about the election in which they are casting their ballot.

2.10 A significant benefit of combining polls is that costs can be reduced by sharing resources, such as polling stations on election day. For instance, holding the 2011 Assembly election and the referendum on the Alternative Vote electoral system on the same day (5 May) saved around £1m in Wales, compared to the polls being held on different days. Holding polls on the same day may also lead to a higher turnout, and result in voters having to go to the polls less often than if elections were held separately.

2.11 But on the other hand, combining polls may risk confusing electors. In terms of combining Assembly elections and Parliamentary general elections, a voter would be using three ballot papers to cast their vote: one to elect their MP; one to elect their Assembly constituency member and one to elect their Assembly regional members. The two elections are also held under different electoral systems: Parliamentary elections take place under the first past the post electoral system, and Assembly elections are held under first past the post (to elect Assembly constituency members) and the Additional Member System of proportional representation (to elect Assembly regional members).

Q 4: Do you think that elections to the National Assembly for Wales should be held every four years or every five years? Why do you favour four or five year terms?

PART 3: STANDING AS A CONSTITUENCY CANDIDATE AND A REGIONAL CANDIDATE

Background

- 3.1 As set out in paragraph 1.1, Assembly constituency members are elected via the first past the post electoral system and Assembly regional members are returned under the Additional Member System. Each registered voter has two votes: one to elect a constituency Assembly Member and one to elect regional Assembly Members.
- 3.2 On election day, each voter casts two votes: one for his or her preferred constituency candidate and one for the political party he or she wants their regional members to come from. In advance of the election, each political party chooses a list of regional candidates, ranked in order of popularity. The number of regional members elected from each party list is proportional to the number of votes cast for that party in that region, taking into account how many constituency seats a party wins in a region.
- 3.3 Prior to 2006, candidates at Assembly elections were permitted to stand simultaneously for election in a constituency and on a regional party list. Under this system, a candidate who did not win in a constituency seat could be elected on the regional list as an “additional” member for that region.

Current prohibition

- 3.4 However, the Government of Wales Act 2006 prohibited this “dual candidacy”¹⁶. The previous Government considered at the time there was considerable public dissatisfaction that a candidate who had not been elected by the voters in one constituency could be elected as a Member for the wider region instead. It was argued that this could partly explain low turnouts at elections in Wales¹⁷.
- 3.5 This argument has been disputed by a number of independent sources. The Arbuthnott Commission, established by the same Government to consider electoral issues in Scotland (where dual candidacy is permitted in elections to the Scottish Parliament), reported in 2006 that it had found “no survey evidence to suggest that dual candidacy was an issue for voters” and that “dual candidacy is a common feature of mixed member proportional systems across the world”. A ban on dual candidacy was therefore “an unnecessary restriction on the democratic rights of potential candidates, parties and local electors”¹⁸. A 2006 report on public attitudes towards Assembly elections in Wales by the Electoral Commission stated that in

¹⁶ Candidates may also not stand for election in more than one constituency, or more than one region.

¹⁷ The Secretary of State for Wales, Welsh Affairs Committee scrutiny of Better Governance for Wales, 10 November 2005.

¹⁸ Commission on Boundary Differences and Voting Systems, “Putting Citizens First: Boundaries, Voting and Representation in Scotland”, 2006, p44.

its research, “dual candidacy had little effect in deterring people from voting”¹⁹.

The Need for Change

- 3.6 The Government believes that, in principle, candidates should not be barred from standing for election simultaneously in an Assembly constituency and an Assembly region. It impacts disproportionately on smaller parties, who would understandably not wish to risk their smaller pool of candidates in a constituency election when there may be a chance they could be elected from the regional list. Likewise, if a party does better than expected in constituency elections, candidates on that party’s regional list are unlikely to be elected. The prohibition on dual candidacy may, in time, have a negative effect on representation in the Assembly as high quality candidates who stand as constituency candidates, but who fail to secure that seat, are lost to the Assembly because of the “all or nothing” choice they are required to make.
- 3.7 The Government intends to change the law to remove this prohibition, allowing candidates to stand in both a constituency and a region at Assembly elections. However, the Government has no plans to remove the prohibition on standing in more than one constituency or more than one region.

Q 5: Do you agree that candidates should be able to stand in a constituency and a region in the same Assembly election?

¹⁹ Electoral Commission, “Wales – poll position: Public attitudes towards Assembly elections”, 2006, p. 44

PART 4: MULTIPLE MANDATES

Background

- 4.1 Multiple mandates is the term used when elected representatives serve in more than one elected position at the same time. It is also known as “dual mandates” (when referring solely to serving in two elected positions at the same time) or “double jobbing”. In this section, we are concerned specifically with cases where a Member of the National Assembly for Wales can also sit as a Member of the House of Commons or the House of Lords.
- 4.2 There are currently no Assembly Members who are also MPs, although AMs have sat simultaneously as MPs on several occasions in the recent past. An AM who is also an MP may collect salaries for both posts, although under the Government of Wales Act 2006 and Assembly Standing Orders it has been determined that their Assembly salary may only be one-third that of an AM who does not have a dual mandate²⁰. There is currently one AM who is also eligible to sit in the House of Lords.
- 4.3 Multiple mandates have been prohibited in relation to other legislatures. For example MEPs are prohibited from being a member of the legislature of a member state²¹ (but not from being members of the sub-national legislatures). In Canada, members of provincial or territorial legislatures cannot simultaneously sit in the Canadian House of Commons. In Australia, a member of a state parliament may not stand for election to either the Australian Senate or House of Representatives.
- 4.4 The Committee on Standards in Public Life reported on MPs’ expenses and allowances²² in November 2009. It questioned “*whether it is possible to sit in two national legislatures simultaneously and do justice to both roles*”²³, and recommended that the practice of permitting a Westminster MP simultaneously to sit in a devolved legislature should be brought to an end.

Looking forward

- 4.5 In light of the concerns that have been raised about an elected representative sitting in two different legislatures simultaneously, we are seeking views on bringing an end to the practice of “double jobbing”. This could be achieved simply by agreement between the political parties but the Government will also consider legislating to ensure that a prohibition is enduring.

²⁰ The basic salary of an Assembly Member is currently £53,852 per annum. Source: National Assembly for Wales Remuneration Board, Determination on Members Pay and Allowances, Number 2, July 2011, para 3.1.2 http://www.assemblywales.org/rb_determination_no_2_july_2011_v3.pdf

²¹ The Council of Ministers amended the legislation setting out the rules for electing MEPs in 2002. In the United Kingdom the prohibition came into effect at the 2009 elections to the European Parliament.

²² “MPs’ Expenses and Allowances: supporting Parliament, safeguarding the taxpayer”, Committee on Standards in Public Life, Twelfth Report, November 2009. Cm 7724

²³ Ibid, p. 95

- 4.6 The Government believes that any prohibition on “double jobbing” would need to be sufficiently flexible to enable, for example, an Assembly Member who became an MP to retain his or her Assembly seat if an Assembly election is scheduled to take place in the following twelve months. The Member would then not stand at the Assembly election. This flexibility would avoid the need for an Assembly Member to resign their position immediately upon becoming an MP triggering the need for a by-election shortly before an Assembly election is due to take place.
- 4.7 In May 2011 the Government announced its proposals for reform of the House of Lords, to make it more open and representative of the people who are affected by the laws it helps pass. We also seek views on whether any prohibition on multiple mandates should apply to members of the House of Lords in the future.

Q 6: Do you think that a Member of the National Assembly for Wales should not also be able to sit in the Westminster Parliament?

Chapter 4

QUESTIONS

We would welcome responses to the following questions set out in this consultation paper.

Assembly constituencies

Question 1: Do you prefer Option 1: 40 Assembly constituencies, each containing a broadly equal number of electors and constituency boundaries periodically reviewed; or Option 2: reinstate the link between Assembly and Parliamentary constituencies by changing to an Assembly of 30 constituencies, with an equal number of constituency and regional members (30:30)?

Question 2: Under the 30 constituency option, do you agree the Government's proposal that the number of Assembly regional seats could be increased or decreased to take account of any change in the number of Assembly constituencies?

Question 3: How should Assembly electoral regions be structured under Option 1: 40 Assembly constituencies; and Option 2: 30 Assembly constituencies?

Length of term for the National Assembly for Wales

Question 4: Do you think that elections to the National Assembly for Wales should be held every four years or every five years? Why do you favour four or five year terms?

Standing as a constituency candidate and a regional candidate

Question 5: Do you agree that candidates should be able to stand in a constituency and a region in the same Assembly election?

Multiple mandates

Question 6: Do you think that a Member of the National Assembly for Wales should not also be able to sit in the Westminster Parliament?

Thank you for participating in this consultation exercise.

Chapter 5 - RESPONDING TO THE CONSULTATION

About You

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please send your response by **13 August 2012** to:

Consultation on future electoral arrangements for the National Assembly for Wales
Wales Office
Discovery House, Scott Harbour
Cardiff Bay, CF10 4PJ

Tel: 029 2092 4205

Fax: 029 2092 4235

**Email: consultation@walesoffice.gsi.gov.uk
ymgyngoriad@walesoffice.gsi.gov.uk**

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at

<http://www.walesoffice.gov.uk/>

Alternative format versions of this publication can be requested from either email address listed above.

Publication of response

A paper summarising the responses to this consultation will be published within three months of the closing date of the consultation. The response paper will be available on-line at <http://www.walesoffice.gov.uk>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Wales Office.

The Wales Office will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

THE CONSULTATION CRITERIA

The seven consultation criteria are as follows:

1. **When to consult** – Formal consultations should take place at a stage where there is scope to influence the policy outcome.
2. **Duration of consultation exercises** – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. **Clarity of scope and impact** – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. **Accessibility of consultation exercises** – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. **The burden of consultation** – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. **Responsiveness of consultation exercises** – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. **Capacity to consult** – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

These criteria must be reproduced within all consultation documents.

Responses to the consultation must go to the named contact under the How to Respond section.

However, if you have any complaints or comments about the consultation **process** you should contact Simon Haikney on 029 2092 4213, or email him at simon.haikney@walesoffice.gsi.gov.uk.

Alternatively, you may wish to write to the address below:

**Consultation Co-ordinator
Wales Office
Discovery House
Scott Harbour
Discovery House
Cardiff Bay
CF10 4PJ**

Annex A: Electorate data for the 40 current Assembly constituencies

Assembly Constituency	Electorate
Aberavon	51,477
Aberconwy	45,783
Alyn and Deeside	63,156
Arfon	40,667
Blaenau Gwent	54,079
Brecon and Radnorshire	54,099
Bridgend	59,932
Caerphilly	62,639
Cardiff Central	65,563
Cardiff North	68,200
Cardiff South and Penarth	76,715
Cardiff West	66,127
Carmarthen East and Dinefwr	55,508
Carmarthen West and South Pembrokeshire	59,577
Ceredigion	59,356
Clwyd South	55,419
Clwyd West	59,073
Cynon Valley	52,671
Delyn	54,799
Dwyfor Meirionnydd	44,260
Gower	62,696
Islwyn	55,372
Llanelli	60,783
Merthyr Tydfil and Rhymney	55,214
Monmouth	65,766
Montgomeryshire	49,106
Neath	58,081
Newport East	55,305
Newport West	63,244
Ogmore	55,988
Pontypridd	61,269
Preseli Pembrokeshire	58,519
Rhondda	53,169
Swansea East	61,189
Swansea West	61,681
Torfaen	61,453
Vale of Clwyd	56,749
Vale of Glamorgan	72,605
Wrexham	54,206
Ynys Mon	50,629
TOTAL	<u>2,322,124</u>
Potential electoral quota	58,053

Annex B: Electorate data for the 30 proposed Parliamentary constituencies

Proposed Parliamentary Constituency	Electorate
Aberavon and Ogmore	73,895
Alyn and Deeside	80,268
Blaenau Gwent	77,304
Bridgend	73,596
Caerfyrddin	76,549
Caerphilly and Cardiff North	73,873
Cardiff Central and Penarth	76,346
Cardiff East	79,287
Cardiff West	74,844
Ceredigion and North Pembrokeshire	74,173
Dee Estuary	80,278
Glyndwr and North Powys	74,554
Gower and Swansea West	77,453
Gwynedd	73,297
Heads of the Valleys	74,029
Llanelli	76,970
Menai ac Ynys Mon	74,453
Monmouthshire	73,862
Neath	76,747
Newport Central	76,461
Newport West and Sirhowy Valley	73,217
North Wales Coast	78,628
Pontypridd	77,786
Rhondda	73,194
South and West Pembrokeshire	76,039
South Powys	78,136
Swansea East	76,637
Torfaen	76,639
Vale of Glamorgan	74,728
Wrexham Maelor	78,353
TOTAL	<u>2,281,596</u>
Electoral quota	76,641

Annex C: The Rules for the Distribution of Seats in the House of Commons

Number of constituencies

- 1 The number of constituencies in the United Kingdom shall be 600.

Electorate per constituency

- 2 (1) The electorate of any constituency shall be –
- (a) no less than 95% of the United Kingdom electoral quota, and
 - (b) no more than 105% of that quota.
- (2) This rule is subject to rules 4(2), 6(3) and 7.
- (3) In this Schedule the “United Kingdom electoral quota” means -

$$\frac{U}{596}$$

where U is the electorate of the United Kingdom minus the electorate of the constituencies mentioned in rule 6.

Allocation of constituencies to parts of the United Kingdom

- 3 (1) Each constituency shall be wholly in one of the four parts of the United Kingdom (England, Wales, Scotland and Northern Ireland).
- (2) The number of constituencies in each part of the United Kingdom shall be determined in accordance with the allocation method set out in rule 8.

Area of constituencies

- 4 (1) A constituency shall not have an area of more than 13,000 square kilometres.
- (2) A constituency does not have to comply with rule 2(1)(a) if -
- (a) it has an area of more than 12,000 square kilometres, and
 - (b) the Boundary Commission concerned are satisfied that it is not reasonably possible for the constituency to comply with that rule.

Factors

- 5 (1) A Boundary Commission may take into account, if and to such extent as they think fit -
- (a) special geographical considerations, including in particular the size, shape and accessibility of a constituency;
 - (b) local government boundaries as they exist on the most recent ordinary council-election day before the review date;
 - (c) boundaries of existing constituencies;
 - (d) any local ties that would be broken by changes in constituencies;
 - (e) the inconveniences attendant on such changes.
- (2) The Boundary Commission for England may take into account, if and to such extent as they think fit, boundaries of the electoral regions specified in Schedule 1 to the European Parliamentary Elections Act 2002 (ignoring paragraph 2(2) of that Schedule and the references to Gibraltar) as it has effect on the most recent ordinary council-election day before the review date.

- (3) This rule has effect subject to rules 2 and 4.

Protected constituencies

- 6 (1) There shall be two constituencies in the Isle of Wight.
- (2) There shall continue to be -
- (a) a constituency named Orkney and Shetland, comprising the areas of the Orkney Islands Council and the Shetland Islands Council;
 - (b) a constituency named Na h-Eileanan an Iar, comprising the area of Comhairle nan Eilean Siar.
- (3) Rule 2 does not apply to these constituencies.

Northern Ireland

- 7 (1) In relation to Northern Ireland, sub-paragraph (2) below applies in place of rule 2 where -
- (a) the difference between -
 - (i) the electorate of Northern Ireland, and
 - (ii) the United Kingdom electoral quota multiplied by the number of seats in Northern Ireland (determined under rule 8),exceeds one third of the United Kingdom electoral quota, and
 - (b) the Boundary Commission for Northern Ireland consider that having to apply rule 2 would unreasonably impair -
 - (i) their ability to take into account the factors set out in rule 5(1), or
 - (ii) their ability to comply with section 3(2) of this Act.
- (2) The electorate of any constituency shall be -
- (a) no less than whichever is the lesser of -
$$N - A$$
and 95% of the United Kingdom electoral quota, and
 - (b) no more than whichever is the greater of -
$$N + A$$
and 105% of the United Kingdom electoral quota,
- where -
- N is the electorate of Northern Ireland divided by the number of seats in Northern Ireland (determined under rule 8), and
- A is 5% of the United Kingdom electoral quota.

The allocation method

- 8 (1) The allocation method referred to in rule 3(2) is as follows.
- (2) The first constituency shall be allocated to the part of the United Kingdom with the greatest electorate.

- (3) The second and subsequent constituencies shall be allocated in the same way, except that the electorate of a part of the United Kingdom to which one or more constituencies have already been allocated is to be divided by -

$$2C + 1$$

where C is the number of constituencies already allocated to that part.

- (4) Where the figure given by sub-paragraph (3) above is the same for two or more parts of the United Kingdom, the part to which a constituency is to be allocated shall be the one with the smaller or smallest actual electorate.
- (5) This rule does not apply to the constituencies mentioned in rule 6, and accordingly-
- (a) the electorate of England shall be treated for the purposes of this rule as reduced by the electorate of the constituencies mentioned in rule 6(1);
 - (b) the electorate of Scotland shall be treated for the purposes of this rule as reduced by the electorate of the constituencies mentioned in rule 6(2).

Interpretation

- 9 (1) This rule has effect for the purposes of this Schedule.
- (2) The “electorate” of the United Kingdom, or of a part of the United Kingdom or a constituency, is the total number of persons whose names appear on the relevant version of a register of parliamentary electors in respect of addresses in the United Kingdom, or in that part or that constituency.
- For this purpose the relevant version of a register is the version that is required by virtue of subsection (1) of section 13 of the Representation of the People Act 1983 to be published no later than the review date, or would be so required but for -
- (a) any power under that section to prescribe a later date, or
 - (b) subsection (1A) of that section.
- (3) “Local government boundaries” are -
- (a) in England, the boundaries of counties and their electoral divisions, districts and their wards, London boroughs and their wards and the City of London,
 - (b) in Wales, the boundaries of counties, county boroughs, electoral divisions, communities and community wards,
 - (c) in Scotland, the boundaries of local government areas and the electoral wards into which they are divided under section 1 of the Local Governance (Scotland) Act 2004, and
 - (d) in Northern Ireland, the boundaries of wards.
- (4) “Ordinary council-election day” is -
- (a) in relation to England and Wales, the ordinary day of election of councillors for local government areas;
 - (b) in relation to Scotland, the day on which the poll is held at ordinary elections of councillors for local government areas;
 - (c) in relation to Northern Ireland, the day of an election for any district council (other than an election to fill a casual vacancy).
- (5) The “review date”, in relation to a report under section 3(1) of this Act that a Boundary Commission is required (by section 3(2)) to submit before a particular date, is two years and ten months before that date.
- (6) “The United Kingdom electoral quota” has the meaning given by rule 2(3).

- (7) A reference in rule 6 to an area is to the area as it existed on the coming into force of Part 2 of the Parliamentary Voting System and Constituencies Act 2011.

Annex D: The Process for creating new Parliamentary constituencies

The Parliamentary Voting System and Constituencies (PVSC) Act 2011 amends the Parliamentary Constituencies Act 1986 to modify the procedure for reviewing Parliamentary constituencies. Its key features are:

- The four UK Boundary Commissions, including the Boundary Commission for Wales (BCW), are required to report to the Secretary of State their recommendations for new Parliamentary constituencies before 1 October 2013, and before 1 October every five years after that.
- The BCW publishes proposals for new constituencies and publicises them locally.
- Following publication the public can provide written representations to the Commission setting out their views of the proposals, and has **twelve weeks** in which to do so (the “initial consultation period”).
- Public hearings must be held on the proposals between the fifth and tenth week of the initial consultation period.
- After the end of the initial consultation period the BCW must publish the representations it has received, and records of hearings it has held. The BCW must then invite further written representations with respect to the material it has published. The public has **four weeks** in which to respond (the “secondary consultation period”).
- If at the end of this period the BCW is minded to recommend different constituencies it publishes its revised proposals and invites public representations within a specified period of **eight weeks**.
- As with the former process, when the BCW submits a written report to the Secretary of State setting out its final recommendations, the Secretary of State must lay the draft of an Order in Council before Parliament for approval giving effect to the recommendations.

SUMMARY OF THE IMPACT ASSESSMENT

This is a summary of the impact assessment undertaken on the options set out in the Green Paper. The assessment itself can be read on the Wales Office website at <http://www.walesoffice.gov.uk>.

The impact assessment identifies the monetised and non-monetised costs and benefits of the proposals set out in the consultation paper. Whilst it identifies any relevant costs where it is feasible to do so, there are also benefits and disadvantages in the options presented which are not readily quantifiable. The Government will consider all impacts before deciding what, if any, changes are necessary, including responses to the consultation exercise and the costs of each respective option.

The proposals primarily affect political parties in Wales, and those standing as candidates at Assembly elections. They do not incur specific costs or benefits to business, and there are no specific wider economic, social or environmental impacts. The assumptions that underpin the costs in this summary are set out in the impact assessment. For ease the impact assessment has been split into four key areas which are summarised below.

Assembly Constituencies

The size of the House of Commons is reducing to 600, with constituencies becoming more equal in size. As a consequence, the number of Parliamentary constituencies in Wales will reduce from 40 to 30 while the number of Assembly constituencies has remained fixed at 40. These constituencies remain unequal in size however and there is no mechanism to review and modify their boundaries. Without such a mechanism constituencies could not contain approximately equal numbers of electors, and each elector's vote will not carry equal weight. This is detrimental to the democratic process, and the Government needs to bring forward legislation to put in a place a statutory review mechanism.

The Government's objective, underpinned by the principle of fairness, is to ensure each elector's vote carries an equal weight by making all constituencies broadly equal in size, and is consulting to assess whether it is better for these to be aligned to the new 30 Parliamentary constituencies or whether 40 Assembly constituencies better serve the needs of Wales.

The consultation paper sets out two options for change: Option 1 - retain 40 Assembly constituencies, but put in place a statutory mechanism to review and modify their boundaries to make them more equal in size, and Option 2 - change to 30 Assembly constituencies, having the same boundaries as Parliamentary constituencies in Wales. The number of Assembly regional members would increase to 30 in consequence. On balance, the Government prefers Option 2, but is open to persuasive arguments in favour of either option.

Current legislation contains no provision for reviewing Assembly constituency boundaries to reflect population movements. Under Option 1, boundary reviews of Assembly constituencies would take place separately from reviews of Parliamentary constituency boundaries in Wales. Assembly constituencies would

be reviewed in 2015 and then every four years subsequently with each review incurring administrative costs of around £735,000 (in 2011/12 price terms). Reviewing the boundaries of the 40 Assembly constituencies periodically helps ensure the principle of fairness underpins Assembly elections: that each constituency contains an approximately equal number of electors so that each elector's vote would have equal weight. The first boundary review is expected to cost more, up to a maximum of £1.7m, reflecting a greater number of changes of equalising constituency size. Overall this option is expected to cost £1.6m in net present value terms over a 10 year period. Although the uncosted benefit of equal democratic representation in Wales is expected to outweigh this cost.

There would be no significant monetisable costs under Option 2. This option would ensure that Assembly and Parliamentary constituencies have the same boundaries and reviews of Parliamentary constituency boundaries would therefore also serve to review Assembly constituencies. There would be no need for both sets of constituencies to be reviewed separately and thus no additional boundary review costs.

There may be an initial cost to Welsh political parties of reorganising for Assembly elections based on 30 Assembly constituencies. The Government is anticipating that this cost will be negligible but the consultation will help inform the extent to which boundary changes to Assembly constituencies would be disruptive to parties. It is likely that in the long run it will be less costly for parties to organise on the basis of the same Assembly and Parliamentary constituencies rather than separately for 40 Assembly constituencies. These savings are however expected to be relatively small. Common boundaries for both sets of constituencies would also make the constituency map of Wales simpler and might facilitate local democracy by making the local organisation of political parties and networks less complicated.

Length of Term for the National Assembly for Wales

From 2016 the Assembly will revert to terms of four years. As a result of legislation fixing the term of the Westminster Parliament, scheduled Assembly and Parliamentary elections will coincide in 2020, and every twenty years thereafter. This coincidence could mean one poll overshadowing the other, and electors being unclear about the difference between them as a result. The Government therefore is consulting on whether to make legislative provision for elections to the Assembly to be held every five years rather than every four.

The Government wants electors to be clear about the election in which they are casting their ballot, thus giving both MPs representing Welsh constituencies and Assembly constituency members the clearest possible mandate. The Government is consulting to establish whether moving to a five year election cycle is the best way of achieving this objective.

As a result of moving to a five year Assembly term, elections would be held less frequently. Because election administration costs £5.0m at each election, redundancy payouts cost around £0.2m per election and the political parties

a further £1.1m²⁴ at each election (all at 2012/13 price terms), less frequent elections will yield a small saving of £3.2m in Net Present Value terms over a 35 year period.

As there could be less frequent elections under five-year terms, the Assembly would potentially have to pay less in severance to those Assembly Members who either choose not to contest their seat at an election or who lose their seat at an election. This may yield further small savings.

On the other hand, four-year Assembly terms would mean that Assembly elections take place concurrently with Westminster elections in 2020 and every 20 years thereafter. This would save £1m each time elections are held concurrently, as concurrent elections are cheaper as compared to the cost of holding elections at different times.

Standing as a Constituency Candidate and a Regional Candidate

Currently, 40 Assembly constituencies each return 1 Assembly Member under the first past the post electoral system, and 5 Assembly electoral regions each return 4 Assembly Members under a “list” system. Each region comprises between 7 and 9 constituencies. Candidates for election to the Assembly are prohibited from standing in both a constituency and a region. The Government believes that this is an unnecessary restriction which could disproportionately restrict smaller parties in particular from fielding good candidates, running counter to the democratic process. It is asking interested parties whether in future candidates at Assembly elections should be able to stand in both a constituency and a region.

The objective is to legislate to remove the prohibition on an Assembly election candidate being able to stand in both a constituency and a region, enabling candidates and political parties to choose whether to stand in one or both. The prohibition on standing in more than one region or more than one constituency will remain.

There would be no additional administrative costs as a result of this change. Ending the prohibition on dual candidacy would not change the number of deposits a party has to pay to field candidates in an Assembly election, and would benefit the democratic process by making the choice of where to stand less restrictive for candidates and political parties (this should help smaller parties in particular). It may also have a positive effect on representation in the Assembly; currently high quality candidates who stand as a constituency candidate, but who fail to secure that seat, are lost to the Assembly because of the 'all or nothing' choice they are forced to make.

Multiple Mandates

Currently, an Assembly Member can also sit as a Member of the Westminster Parliament. It is undesirable for an elected representative to sit in two different legislatures simultaneously. The Government therefore is consulting

²⁴ This includes expenditure on unsolicited material to electors; manifestos and party political documents; media; transport; administration; market research; advertising; and party political broadcasts. Further details on National Assembly for Wales campaign expenditure is available at www.electoralcommission.org.uk.

on bringing to an end the practice of “double jobbing” by seeking agreement between political parties to prohibit Assembly Members from being able to sit as a Member of the Westminster Parliament. Government intervention will be necessary in order to broker an agreement and, to give added weight, the Government will consider legislation to ensure that a prohibition is enduring.

Assembly Members who are also MPs have their salaries reduced by 2/3, or £36,000 in 2011/12. Currently no Assembly Members are also sitting MPs, but since 2003 there have been three years in which an Assembly Member has held the dual mandate. Assuming that the number of dual mandates remains constant (at 0.4 Assembly Members pa), and that the 0.4 Assembly Members claim a salary, there would be an average annual saving of £13,600 (£36,000 x 0.4) lost as a result of this option. The consequent cost of this option is £0.06m in net present value terms over a ten year appraisal period.



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