



BOUNDARY COMMISSION FOR NORTHERN IRELAND

REVIEWS OF PARLIAMENTARY CONSTITUENCIES

EXPLANATORY NOTE

1. The role of the Boundary Commission is to keep under continuous review the number, names and boundaries of the parliamentary constituencies into which Northern Ireland is divided and to make recommendations to the Secretary of State. The Commission are no longer required to make periodic recommendations as to the number of members which should be returned to the Northern Ireland Assembly by each constituency. The Northern Ireland Act 1998 provides that each constituency shall return six members to the Assembly.
2. The Commission are established by the Parliamentary Constituencies Act 1986, as amended by the Boundary Commissions Act 1992. The Act also lays down the procedure to be followed by the Commission when formulating their recommendations.

Background

3. There are four permanent Boundary Commissions in the United Kingdom; one each for England, Wales, Scotland and Northern Ireland. The Commissions are required to conduct a general review of all constituencies every 8 to 12 years.
4. The Commission are an independent and impartial body. The outcome of previous elections or the system of election employed do not enter their consideration when deciding recommendations. Neither do the Commission consider the effects of their recommendations on future voting patterns or traditional loyalties and affiliations.
5. The Speaker of the House of Commons is the Chairman of each of the four Boundary Commissions. There are three other members of the Commission for Northern Ireland. The Deputy Chairman who presides over the

Commission's meetings is a judge of the High Court. He is appointed by the Lord Chief Justice for Northern Ireland. The two other members of the Commission are appointed by the Secretary of State for Northern Ireland.

6. In addition, the Commission have as assessors the Registrar General in Northern Ireland, the Commissioner of Valuation for Northern Ireland and the Chief Electoral Officer for Northern Ireland. Although not formally appointed an assessor, the Commission also rely on the advice and assistance of the Chief Executive of Ordnance Survey of Northern Ireland.
7. The Boundary Commission for Northern Ireland are sometimes confused with the Local Government Boundaries Commissioner (appointed periodically to review the number, names and boundaries of the district councils in Northern Ireland and the wards into which they are divided) and the District Electoral Areas Commissioner (appointed to review the grouping of wards into district electoral areas for the purpose of electing local district councils). The Boundary Commission are a separate and independent body. They do not, moreover, have any role in regard to the boundaries of Northern Ireland.

Timing of Reviews

8. The Fifth Periodical Reviews of the Boundary Commissions were concluded in 2007.

Rules

9. When reviewing constituencies and making recommendations the Commission are required to give effect to the Rules for Redistribution of Seats which form Schedule 2 to the Parliamentary Constituencies Act 1986. The Rules are reproduced as an appendix to this note.
10. Rule 14 of the Rules states:

“The number of constituencies in Northern Ireland shall not be greater than 18 or less than 16, and shall be 17 unless it appears to the Boundary Commission for Northern Ireland that Northern Ireland should for the time being be divided into 16 or (as the case may be) into 18 constituencies.”

11. The Boundary Commission for Northern Ireland completed their Fifth Periodical Review in 2007 and recommended the retention of 18 constituencies with changes to the boundaries of 12 constituencies.
12. The Commission are of the opinion that they would be justified in recommending a number of constituencies other than 17 only to reduce or alleviate difficulties experienced in applying the Rules for the Redistribution of Seats on the basis of 17 constituencies. Considerations relating solely to an alleged under-representation of Northern Ireland unconnected with any difficulty in applying those Rules do not appear to the Commission to fall within their jurisdiction.
13. In outline, the other Rules provide that:
 - (a) so far as is practicable having regard to other Rules, no wards shall be included in one constituency and partly in another. No wards are currently divided between constituencies;
 - (b) constituency electorates should be as near the electoral quota as is practicable having regard to other Rules. The Commission may depart from the strict application of (a) if it appears desirable to avoid an excessive disparity between any constituency electorate and the electoral quota or between the electorate of any constituency and that of neighbouring constituencies. The electoral quota is the average number of electors and is found by dividing the total number of **parliamentary** electors in Northern Ireland by the number of **existing** constituencies;
 - (c) departures from the strict application of (a) and (b) are permissible if special geographical considerations including, in particular, the size, shape and accessibility of a constituency appear to render a departure desirable; and
 - (d) although not under a duty to aim at giving full effect in all circumstances to the above Rules, the Commission shall take account, so far as they reasonably can, of the inconveniences attendant on alterations of constituencies (other than alterations made for the purpose of avoiding wards being divided between constituencies) and of any local ties which would be broken by such alterations.

Names of Constituencies and Designation

14. In making recommendations, the Commission are required to recommend a name and designation for each proposed constituency. When constituencies remain largely unchanged, the Commission usually retain existing names. For new or substantially different constituencies, the Commission consider that names should normally reflect the name of the area wholly or principally contained in the constituency. However, if names recommended by the Commission are strongly objected to and there is a suitable alternative which generally commands greater local support, the Commission may revise their recommendations in favour of that alternative.
15. The Commission consider that, as a general principle, where constituencies contain more than a small rural element they should normally be designated as county constituencies. Otherwise they should be designated as borough constituencies. The designation affects the level of a candidate's expenses allowable at elections. The level of expenses is slightly lower in borough constituencies, to reflect the lower costs of running a campaign in a compact, usually urban, area. There are currently four borough constituencies in Northern Ireland, covering Belfast.

Practice

16. Before formulating and publishing their proposals the Commission meet representatives of those political parties in Northern Ireland which have representation in the House of Commons or in the Northern Ireland Assembly for a discussion on the process and procedures associated with the review. The Commission take the initiative in preparing provisional recommendations from the information available to them. Proposals are therefore formulated by the Commission from a position of independence and impartiality and are uninfluenced by any other particular viewpoint or opinion. Once proposals are published, the statutory procedures allow for a full public debate and interested parties have the opportunity to make known their views.
17. The Commission do not base their recommendations on long term or speculative projected electorates or on actual or projected populations. The Commission are required to base their recommendations on the number of electors on the electoral register at the start of a review and they are unable to allow for or take account of any under-registration of electors claimed to have occurred. The Commission must base their recommendations on the parliamentary electoral register as it stands at the start of the review on the

enumeration date, which is explained in paragraph 19, rather than on any subsequent register, or local government electoral register. However, in choosing between schemes which are otherwise permissible under the Rules, the Commission will take into account changes in the electorate which have either occurred since an enumeration date or which they are satisfied will occur in the near future.

18. The Commission are not bound specifically by the Rules to have regard to local authority boundaries, save for ward boundaries. The Commission, however, have regard to local authority boundaries and to the desirability of avoiding the division of district electoral areas, that is the groups of wards for which councillors are elected to district councils in Northern Ireland. However, this may not be possible to avoid in practice. It is also inevitable that, since there must be 16, 17 or 18 constituencies in Northern Ireland and there are presently 26 district councils, some district councils will be divided between constituencies. The Commission may take into account Area Board or other administrative boundaries, geographical features, motorway, major road, rail and other lines of communication, the relationship of rural and urban areas and the relationship between towns and the areas which they serve.

Procedures

19. At the start of a review the Commission are required to give written notice to the Secretary of State of their intention to consider making a report. The Secretary of State must then publish a copy of the notice in the Belfast Gazette. The date of publication of the notice becomes the enumeration date for the review and the Commission's proposals must be based on the number of electors on the electoral register, and the electoral quota on that date.

Provisional Recommendations

20. The Commission obtain the electorate figures on the enumeration date directly from the Chief Electoral Officer for Northern Ireland who is the electoral registration officer for the whole of Northern Ireland. The electoral quota is calculated by dividing the total numbers of electors in Northern Ireland by the number of existing constituencies.

21. This establishes the average electorate of the constituencies within Northern Ireland. Within the constraints of the Rules the Commission aim to establish constituencies which contain electorates close to the average and to avoid large disparities. The number of parliamentary electors on the electoral register on the enumeration date and the quota established for the purpose of the last review were 1,097,450 and 60,969 respectively.

Publication

22. When the Commission have decided their provisional recommendations, they are required to publish, in at least one newspaper circulating in each constituency, a notice stating:
- (a) the effect of the proposed recommendations; that is to say the name, designation, composition (names of wards), and electorate of each proposed constituency;
 - (b) an address within the constituency where the provisional recommendations may be inspected; and
 - (c) that written representations may be made to the Commission about the provisional recommendations within one month from the date of publication of the notice.

Representations

23. The Commission are required to consider all written representations made to them within the statutory one month period. If the Commission receive representations objecting to the provisional recommendations for any constituency from an interested district council or a body of 100 or more electors, they are required to hold a local inquiry before proceeding with any recommendations for the constituency.
24. The Boundary Commission do not accept anonymous representations or representations without a correct address. Representations are made available for public inspection prior to and during any local inquiry caused to be held by the Commission.

Local Inquiry

25. An inquiry is conducted on behalf of the Commission by an assistant Commissioner (normally a practising lawyer) who is selected from a panel appointed by the Secretary of State. The inquiry is conducted at a convenient public place within the constituency under review. Any interested person or organisation may, if they wish, attend the local inquiry in person or send a representative to make known their views, whether or not they have previously submitted written representations to the Commission. The Commission encourage this. The assistant Commissioner submits findings and recommendations to the Commission.
26. Three local inquiries were convened in regard to the Commission's last Review and these were held in Belfast, Ballymena and Newcastle during September 2005.

Revised and Modified Recommendations

27. The Commission consider the representations, the assistant Commissioner's report, matters discussed at a local inquiry, and any other relevant information. If they decide to revise their provisional recommendations, revised recommendations are published and further comments are invited.
28. The Commission take into consideration any representations made on revised recommendations. However, even if objections are received, the Commission are not obliged to hold a further local inquiry but may do so at their discretion. The Commission are anxious to avoid second inquiries wherever possible. It is hoped that first inquiries are full and complete and that only exceptionally will it be necessary to hold a second inquiry to obtain more information or ascertain local opinion on aspects not considered previously.

Final Recommendations and Report

29. When the Commission have decided on their final recommendations, they submit a written report to the Secretary of State. The Report describes the review, the procedures followed, the representations received and the considerations to which the Commission have had regard in finalising their recommendations.
30. The Secretary of State is required to lay the report before Parliament. If the report recommends alterations to existing constituencies, the Secretary of State must also lay a draft Order in Council giving effect to the

recommendations, with or without modifications. If modifications are proposed, the Secretary of State is required to lay a statement of the reasons for them at the same time. The draft Order must be debated and approved by both Houses of Parliament. If the draft Order in Council is not approved, the Secretary of State may amend the draft and lay the amended draft before Parliament for approval.

31. Once the Order in Council has been made the new constituencies take effect at the next following General Election. Any by-elections held in the meantime have to be held on the basis of existing constituencies.

Boundary Commission for Northern Ireland

October 2007

**APPENDIX: EXTRACT FROM THE
PARLIAMENTARY CONSTITUENCIES ACT 1986
(AS AMENDED)**

SCHEDULE 2

RULES FOR REDISTRIBUTION OF SEATS

The Rules

1. (1) The number of constituencies in Great Britain shall not be substantially greater or less than 613.
 - (2) [The number of constituencies in Scotland shall not be less than 71.]ⁱ
 - (3) The number of constituencies in Wales shall not be less than 35.
 - (4) The number of constituencies in Northern Ireland shall not be greater than 18 or less than 16, and shall be 17 unless it appears to the Boundary Commission for Northern Ireland that Northern Ireland should for the time being be divided into 16 or (as the case may be) into 18 constituencies.
2. Every constituency will return a single member.
 3. There shall be a constituency which shall include the whole of the City of London and the name of which shall refer to the City of London.
 - 3A. A constituency which includes the Orkney Islands or the Shetland Islands shall not include the whole or any part of a local government area other than the Orkney Islands and the Shetland Islands.ⁱⁱ
4. (1) So far as is practicable having regard to rules 1 to 3A —
 - (a) in England and Wales —
 - (i) no county or any part of a county shall be included in a constituency which includes the whole or part of any other county or the whole or part of any other London borough,
 - (ii) no London borough or any part of a London borough shall be included in a constituency which includes the whole or part of any other London borough,

(b) in Scotland, regard shall be had to the boundaries of local authority areas,

(c) in Northern Ireland, no ward shall be included partly in one constituency and partly in another.

(2) In sub-paragraph (1)(b) above “area” and “local authority” have the same meanings as in the Local Government (Scotland) Act 1973.ⁱⁱⁱ

5. The electorate of any constituency shall be as near the electoral quota as is practicable having regard to rules 1 to 4; and a Boundary Commission may depart from the strict application of rule 4 if it appears to them that a departure is desirable to avoid an excessive disparity between the electorate of any constituency and the electoral quota, or between the electorate of any constituency and that of neighbouring constituencies in the part of the United Kingdom with which they are concerned. For the purposes of the first report of the Boundary Commission for Scotland^{iv}, “electoral quota” means the number which, on the enumeration date in relation to that report, is the electoral quota for England.

6. A Boundary Commission may depart from the strict application of rules 4 and 5 if special geographical considerations, including in particular the size, shape and accessibility of a constituency, appear to them to render a departure desirable.

General and Supplementary

7. It shall not be the duty of a Boundary Commission to aim at giving full effect in all circumstances to the above rules (except rule 3A) but they shall take account as far as they reasonably can —

(a) of the inconveniences attendant on alterations of constituencies other than alterations made for the purpose of rule 4, and

(b) any local ties which would be broken by such alterations.

8. In the application of rule 5 to each part of the United Kingdom for which there is a Boundary Commission —
- (a) the expression “electoral quota” means a number obtained by dividing the electorate of that part of the United Kingdom by the number of constituencies in it existing on the enumeration date,
 - (b) the expression “electorate” means –
 - (i) in relation to a constituency, the number of persons whose names appear on the register of parliamentary electors in force on the enumeration date under the Representation of the People Acts for the constituency,
 - (ii) in relation to the part of the United Kingdom, the aggregate electorate as defined in sub-paragraph (i) above of all the constituencies in that part,
 - (c) the expression “enumeration date” means, in relation to any report of a Boundary Commission under this Act, the date on which the notice with respect to that report is published in accordance with section 5(1) of this Act.
9. In this Schedule a reference to a rule followed by a number is a reference to the rule set out in the correspondingly numbered paragraph of this Schedule.

ⁱ Omitted by Scotland Act 1998, s.86(2).

ⁱⁱ Scotland Act 1998, s.86(3).

ⁱⁱⁱ As amended by the Local Government (Scotland) Act 1994.

^{iv} To be submitted under section 3(1) of the Parliamentary Constituencies Act 1986 after the commencement of section 86(4) of the Scotland Act 1998.