



Procedure at Local Inquiries

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Boundary Commission for Northern Ireland
Forestview
Purdy's Lane
Newtownbreda
BELFAST
BT8 7AR

Telephone: 028 9069 4800
Facsimile 028 9069 48 01
Email bcni@belfast.org.uk
Web www.boundarycommission.org.uk

Introduction

1. This booklet has been prepared by the Parliamentary Boundary Commission to help explain procedures at Local Inquiries and the opportunities they present for members of the public or organisations to make known their views.
2. Local Inquiries provide a forum for public discussion of the manner and extent to which the Commission's recommendations affect a particular constituency or constituencies as well as an opportunity to raise any alternative proposals or comment on counterproposals. It is therefore important for any interested person, body or representative to attend and participate at the discretion of the assistant Commissioner conducting the Inquiry.

Statutory Rules

3. This leaflet is not intended to be a full statement of the law. The law is contained in the Parliamentary Constituencies Act 1986 as amended by the Boundary Commissions Act 1992. In framing their recommendations the Commission are required to give effect to the Rules for Redistribution of Seats which form Schedule 2 to the 1986 Act. The Rules are reproduced as an appendix to this leaflet.

Role of the Commission

4. 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 for Northern Ireland. The Commission's Final Recommendations are made in a Report submitted to the Secretary of State. The last Report was submitted in 1995. The present Fifth Periodical Review commenced on 16 May 2003 and the Commission must conclude the review and submit a Report by June 2007.

Provisional Recommendations

5. The Commission determine their Provisional Recommendations without detailed consultation with the political parties or local authorities. The Commission consider that they should take the initiative in preparing Provisional Recommendations which should be formulated from a position of independence and impartiality and not be influenced by any particular viewpoint or opinion.

6. The Commission are required to publish a notice of their Provisional Recommendations. The notice specifies where the recommendations may be inspected. The recommendations are made available for inspection where they are most likely to be accessible to the public. The Commission's Provisional Recommendations were available for inspection at all district council headquarter offices, the Electoral Office and Area Electoral Offices, public libraries and at the offices of the Electoral Commission in Northern Ireland and the Boundary Commission from 6 May 2004. **They remain available to view on the Commission's website www.boundarycommission.org.uk and are available on request in CD Rom format.**

7. The notice advertised that representations might be made to the Commission. Members of the public and organisations were invited to submit representations on the Provisional Recommendations to the Commission by 7 June 2004, a period prescribed by law. Local Inquiries provide another opportunity to submit views at the discretion of the assistant Commissioner conducting the Inquiry.

8. The Commission are bound to cause Local Inquiries to be held if representations objecting to the proposed recommendations are received from an interested local authority or a body of 100 or more electors. In addition, the Commission have discretion to order a Local Inquiry to be held even where such objections have not been received but it is judged by the Commission appropriate to do so.

Local Inquiries

9. Inquiries are conducted by an assistant Commissioner. The assistant Commissioner is an independent lawyer selected from a panel of assistant Commissioners appointed by the Secretary of State. The Inquiry is conducted at a convenient place within the constituency or constituencies affected. **Any interested person or organisation may attend in person or send a representative to make known their views, whether or not they have previously submitted written representations to the Commission.**

10. The Commission give advance notice of a Local Inquiry by publishing a notice giving the time, date and place of the Inquiry and the name and qualifications of the assistant Commissioner. The notice, the Provisional Recommendations and copies of any representations received are placed on deposit at council headquarter offices within the constituencies affected, so that the public may be aware of counterproposals or other comments. The notice and the Provisional Recommendations are also available for inspection at the Electoral Office and Area Electoral Offices and at the offices of the Electoral Commission in Northern Ireland and of the Boundary Commission, and may be viewed on the Commission's website www.boundarycommission.org.uk. A copy of the notice is sent to all those making written representations and to other interested parties. Advance notice of Inquiries is given so that interested parties have time, if they so wish, to be represented.

11. The Commission issue a statement of the reasons for their Provisional Recommendations. The statement is distributed to council headquarter offices, the Electoral Office and Area Electoral Offices, the office of the Electoral Commission in Northern Ireland and interested parties with the notice of a Local Inquiry. The statement may be read out on behalf of the Commission by the assistant Commissioner at the opening of the Inquiry or the assistant Commissioner may simply seek an assurance that all those attending the Inquiry have had an opportunity to read the statement.

12. The Commission are not represented at Inquiries, although members of their secretariat may be present to act as observers and to assist with the procedures of the Inquiry.

13. No statutory procedure is prescribed for the conduct of a Local Inquiry. This is left to the discretion of the assistant Commissioner but Inquiries are intended to be informal, where statements can be read or oral submissions made without any formality such as taking an oath or making an affirmation. It is, however, the practice to produce a transcript of proceedings. The purpose of an Inquiry is to:

- (a) ascertain **relevant** local information and opinion;
- (b) hear criticism of or support for the Commission's proposed recommendations;
- (c) receive any counterproposals;
- (d) enable everyone attending who wishes to comment on any of these matters the opportunity to do so; and
- (e) provide evidence from which the assistant Commissioner may compile a report with conclusions and recommendations to the Commission.

14. After reading out or referring to the Commission's statement at the opening of an Inquiry, the assistant Commissioner will normally ask for and make a note of the name (and sponsor if that person is representing another person or an organisation) of everyone who wishes to speak, and settle the order in which persons will be invited to do so. If there is sufficient demand, the assistant Commissioner may decide to hold an evening session during an Inquiry. It is also within the assistant Commissioner's discretion to visit or reconvene the Inquiry at any locality within the constituency or group of constituencies affected.

15. Those speaking will be invited to state their name and declare any position of authority or relevant interest. This not only helps others at the Inquiry, but materially assists those preparing a transcript of proceedings. Speakers will be invited to be brief and to the point.

16. The assistant Commissioner will accept written submissions in languages other than English. In the event of simultaneous translation facilities being required, advance notice should be given to the secretariat a month before the commencement of an Inquiry, and appropriate arrangements will be made where practicable. In the absence of such notice the assistant Commissioner will normally expect all oral contributions to the Inquiry to be in English.

17. Counterproposals submitted to the Commission will be displayed at the Local Inquiry. It is helpful for the smooth running of an Inquiry for anyone wishing to propose elaborate or substantial counterproposals which have not been submitted to the Commission to disclose this intention at **the beginning of the Inquiry**. It is also helpful for the assistant Commissioner to be provided with copies of such counterproposals including any written submissions, schemes or maps, and for copies to be made available to those preparing a transcript of proceedings. This helps in the production of a transcript, and it gives others attending an Inquiry opportunity to study and comment on the counterproposals. If the assistant Commissioner deems its necessary, in order to allow time for consideration to be given to complex proposals, the Inquiry may be adjourned for a short while.

18. Other persons wishing to make written submissions or read out written statements are also asked to provide copies of their submission or statements for the convenience of the assistant Commissioner. After the assistant Commissioner has heard each speaker or group of speakers, they may be invited to ask questions, and the assistant Commissioner may also have questions. However, discretion as to whether to allow cross-examination or re-examination rests with the assistant Commissioner.

19. **It is for the assistant Commissioner to decide what information or opinions are relevant to the Inquiry.** Representations or counterproposals involving schemes of 16, 17 or 18 constituencies may be discussed at the discretion of the assistant Commissioner. Considerations, however, involving the electoral system or schemes for any number of constituencies in Northern Ireland other than 16, 17 or 18, may not be discussed. These are matters beyond the competence of the Boundary Commission to recommend, and are outside the scope of the Inquiry.

20. The Commission must base their recommendations on the number of **Parliamentary** electors on the register of electors in force on 16 May 2003, the date on which the Commission announced their Review and which by law became the enumeration date for the purpose of the Review. The Inquiry may, however, take into account growth in the electorate which has either occurred since 16 May 2003 or which will occur in the near future, and may have regard to views expressed on the effects of the Electoral Fraud (Northern Ireland) Act 2002 and the Electoral Registration (Northern Ireland) Act 2005.

21. Finally, the assistant Commissioner will want to ensure that those speaking are not repeating identical points already put to the Inquiry. The assistant Commissioner is therefore unlikely to allow repetition, preferring that submissions are combined or that those speaking should merely record their support for earlier expressed views.

22. When an Inquiry has closed and a transcript of proceedings has been completed, the assistant Commissioner prepares and submits a report direct to the Commission. The assistant Commissioner may comment on any representation or submission, or on the Commission's proposals, or on any other proposals. The assistant Commissioner may recommend that the Commission's proposals be accepted intact or with alterations. Or it may be recommended that a counterproposal be adopted, with or without modifications, provided that it conforms to the statutory rules.

Revised Recommendations

23. The Commission consider the representations, the assistant Commissioner's report, matters discussed at Local Inquiries, and any other relevant information. If they decide to change their Provisional Recommendations, Revised Recommendations are published and comments are invited within one month. Where Provisional Recommendations are revised following a Local Inquiry, the assistant Commissioner's report is sent to all interested persons with a brief explanation of the Commission's decision, and both are made available for public inspection together with other relevant documents. It is therefore important that those attending the Inquiry should complete the Attendance List with their name, details of whom they are representing and the address to which documents should be sent. A copy of the transcript of the proceedings of the Inquiry may be obtained from the Commission on payment of a fee sufficient to cover administrative costs and postage.

24. The Commission take into consideration any representations made about Revised Recommendations. If objections are received, the Commission are not obliged to hold a further Local Inquiry into the constituencies concerned, although they may do so at their discretion. In the public interest the Commission would be anxious to avoid the expense of unnecessary second Inquiries. It is hoped that first Inquiries will be full and complete and that only exceptionally will it be necessary to hold a second Inquiry to obtain more information or to ascertain local opinion on aspects not previously considered. **Interested persons are therefore strongly advised to make their views known fully to the Local Inquiry.**

Final Recommendations and Report

25. When the Commission have decided 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 which the Commission have had regard to in finalising their recommendations, and it includes a map to illustrate them.

Order in Council

26. As soon as may be after the Commission have submitted a Report, 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 by both Houses of Parliament and, if approved, is made and takes effect at the next general election. Any by-elections held in the meantime have to be conducted on the basis of former constituency boundaries.

Boundary Commission for Northern Ireland

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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.] omitted.¹
 - (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.²
4. (1) So far as is practicable having regard to rules 1 to 3A —
 - (a) in England and Wales —

¹ Scotland Act 1998, s.86(2).

² Scotland Act 1998, s.86(2).

(i) no county or part of any 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 1973.³

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 Scotland⁴, “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

³ As amended by the Local Government (Scotland) Act 1994.

⁴ 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.

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 alternations 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 of 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.