

Boundary Commission for Northern Ireland



Guide to the 2018 Review of Parliamentary Constituencies



August 2016

Guide to the 2018 Review of Parliamentary Constituencies

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Chapter 1 Introduction

1. The Boundary Commission for Northern Ireland is an independent and impartial public body which is responsible for reviewing Parliamentary constituency boundaries in Northern Ireland. There are separate Commissions for England, Scotland and Wales. You can find out more about the Commission and its work at www.boundarycommission.org.uk.
2. The present constituency boundaries were delineated by the Commission in its Fifth Periodical Report, laid before Parliament in March 2008.
3. In February 2016 each of the four Commissions started a review of the boundaries within its jurisdiction. These reviews will be conducted simultaneously and in accordance with legislation updated and significantly amended by Parliament in 2011. The main requirements of the updated legislation are summarised in Chapter 2.
4. Chapter 3 sets out the Commission's approach to the review.
5. The Commission welcomes public engagement in the review process. Chapter 4 outlines how and when you can contribute.
6. The broad timetable for the review is determined by the legislation. The Commission is required to report to the Secretary of State for Northern Ireland during September 2018. The present review is therefore referred to as 'the 2018 Review'.
7. Once it has received reports from all four Commissions, the Government will prepare draft legislation giving effect to their recommendations. If Parliament approves the legislation, the recommended changes will be implemented for the next General Election after the date on which the legislation is passed.
8. This Guide is a basic introduction to the review process. It covers both what the law says the Commission must do and issues where the Commission has decided as a matter of policy to take a particular approach. It is not intended to be a full statement of the law. For that please see the Parliamentary Constituencies Act 1986 (as amended), which you can find at www.legislation.gov.uk.

9. If you would like further information you can contact the Commission at:

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10. All material published by the Commission and other information about the 2018 Review may be found on its website.

Chapter 2 The Rules

1. The legislation governing this review is the Parliamentary Constituencies Act 1986¹, as amended by the Parliamentary Voting System and Constituencies Act 2011² and the Electoral Registration and Administration Act 2013³.
2. The 2011 Act introduced a new Schedule 2 to the 1986 Act. Schedule 2 sets out the Rules for Redistribution of Seats and is appended to this Guide.

Allocation of constituencies

3. The Rules specify that there shall be 600 constituencies in the United Kingdom. With the exception of four protected island constituencies in Scotland and England, this total is to be distributed across the four parts of the United Kingdom in accordance with a formula which relates the number of seats in each part to its share of the national electorate. For the 2018 Review, this means that England will have 501 seats (down from 533), Scotland 53 (down from 59), Wales 29 (down from 40) and Northern Ireland 17 (down from 18).

Electorate per constituency

4. The Rules stipulate that the electorate of any constituency shall be within 5% of the 'United Kingdom electoral quota'. This is the total electorate of the United Kingdom (excluding the four protected island constituencies) divided by 596 (600 less the protected constituencies).
5. The electorate is the number of people on the register of parliamentary electors on the 'review date'. In this case, the review date is 1 December 2015. The resulting electoral quota is 74,769. Applying the 5% rule, each constituency must have an electorate of no fewer than 71,031 and no more than 78,507 electors.
6. Rule 7 makes special provision for Northern Ireland. It allows the Commission in some circumstances to delineate constituencies which fall slightly above or below the UK range, in accordance with a prescribed formula. For the 2018 Review this means that the Commission could if necessary propose one or more constituencies of under 71,031 but no fewer than 69,401 electors.

¹ <http://www.legislation.gov.uk/ukpga/1986/56/contents>

² <http://www.legislation.gov.uk/ukpga/2011/1/contents>

³ <http://www.legislation.gov.uk/ukpga/2013/6/contents>

Discretionary factors

7. Rule 5 specifies other factors which the Commission may take into account:
 - special geographical considerations, including the size, shape and accessibility of a proposed constituency
 - local government ward boundaries as they exist on the most recent ordinary council election day before the review date
 - the boundaries of existing constituencies
 - any local ties which would be broken by changes in constituencies⁴.

Naming and designation of constituencies

8. The Commission is required to propose a name for each of the 17 constituencies which it delineates. The law offers no guidance on this point. The Commission has decided to retain the existing name where a new constituency is recognisably similar to an existing one and the name still fits. Otherwise, it would, where appropriate, apply the established convention of naming constituencies after counties qualified by compass points (for example 'East Antrim').
9. The Commission is also required to designate each of the constituencies as either 'county' or 'borough'. This designation determines the level of candidates' expenses allowable at elections. The Commission has decided that, as at present, all constituencies outside Belfast will be designated as county constituencies.

⁴ A further factor – 'the inconvenience attendant on such changes' – is expressly excluded from the 2018 Review, but may be considered for subsequent reviews.

Chapter 3 Our Approach

Principles

1. As outlined in Chapter 2, the Rules set out specific requirements with which the Commission must comply and also identify factors which it may take into account at its discretion.
2. In relation to these discretionary factors, the Commission has adopted the following principles:
 - as in previous reviews, local government wards will be the building blocks for the proposed new constituencies
 - as far as practicable wards will not be split between constituencies
 - constituencies will be created from wards which are adjacent to each other
 - the Commission will take account of special geographical considerations including: the size, shape and accessibility of proposed constituencies; mountains, passes, loughs and main rivers; and the integrity of built-up areas
 - the Commission will take account of the 18 existing constituency boundaries
 - the Commission will take account of any clearly identifiable local ties which would be broken by its proposed changes.
3. The Commission recognises that it is unlikely to be able, within the legislation, to delineate 17 constituencies which match the 11 district council boundaries.
4. The legislation stipulates that the Commission should use the local government ward boundaries (not the district boundaries) which are in place at the date of the most recent council election before the review date, which was 22 May 2014.
5. The Commission will seek to avoid splitting wards because they are clearly defined and well understood units which are already used for electoral purposes. Splitting could risk impairing local ties, disrupting political party organisations and creating difficulties for the administration of elections.
6. While the Commission will take existing boundaries into account, the new legislation requires radical changes in the current configuration of constituencies. This is because:

- the number of constituencies has to be reduced from 18 to 17
- each of the new constituencies has to fit within the permitted electoral range (which only four of the existing constituencies do)
- even those constituencies which currently fit within the range may need to be altered to allow for the creation of viable constituencies in the surrounding area
- the new constituencies will have to be constructed from the 2014 local government wards, which are larger than those which were used to build the existing constituencies

Factors the Commission will not consider

7. As an independent and impartial body, the Commission may not take any account of factors outside its statutory remit. Such factors include:
 - voting patterns and the possible impact on future election results
 - any changes in ward boundaries after 22 May 2014
 - any changes in the registered electorate after 1 December 2015
 - any predictions concerning future demographic shifts or development proposals

Chapter 4 The Review Process

Provisional Proposals

1. The Commission intends to publish its Provisional Proposals for consultation on 6 September 2016. They will be placed on its website with information about how and when to comment.
2. Hard copies will be distributed to elected representatives and organisations with a particular interest in the review. Copies will also be available at public display points in every constituency, including Council offices and public libraries. A full list of the display points will be published on the Commission's website at the same time as the Proposals.
3. As stipulated in the legislation, the initial consultation period will last for 12 weeks. During this time, representations can be made to the Commission either in writing or orally at a public hearing. Both carry equal weight.
4. Representations that take issue with the Commission's proposals will be particularly helpful if they include alternative suggestions which take into account the requirements of the legislation and the need to take a consistent approach across Northern Ireland.
5. A counter-proposal that sets out the composition of each constituency is likely to be more persuasive than a proposal for a single constituency which does not address any knock-on effects on neighbouring constituencies.
6. The Commission will not agree to requests by individuals or organisations to meet.
7. Comments on the Provisional Proposals which are received after the 12 week consultation period will not be considered.

Public hearings

8. The Commission intends to hold four public hearings around Northern Ireland during the initial consultation period. Their dates, times and locations will be announced when the Provisional Proposals are published.
9. The Commission would be grateful if anyone wishing to speak at one of the hearings would inform it in advance to assist with time management.
10. The Chair appointed for each hearing will determine the procedure to be followed. Each hearing will begin with an explanation of the Commission's proposals and how to respond.

11. The Chair will allow representations to be made by any person or organisation that they consider has an interest. The Chair will decide when to call on speakers and the amount of time to be allocated to each of them.
12. If a written submission or map has been prepared as part of a representation, copies should be provided to the Chair in advance. Those making a representation may also want to provide copies to others to give them an opportunity to digest them before commenting. The Chair may adjourn the hearing for a short period in order to allow due consideration to be given to a complex representation.
13. After each speaker, the Chair may invite questions to be put to that speaker and may ask questions of their own. Questions should generally be asked through the Chair and should normally seek clarification rather than cross-examining the speaker.
14. Those speaking at a public hearing will be asked to give their name and identify any political party or group which they may be representing.
15. There will be no further public hearings after the initial consultation period.

Scrutiny period

16. After the initial consultation period, the Commission will publish on its website the written representations received and transcripts of the public hearings. It will invite written comment on these during a secondary consultation period of four weeks.
17. The Commission will then consider all the representations which it has received, including the transcripts of the public hearings and any comments made during the scrutiny period. It will then decide whether to amend its Provisional Proposals.

Revised Proposals

18. If the Commission decides to alter its Provisional Proposals, Revised Proposals will be published and representations invited about the proposed changes. The Revised Proposals will be available to view at the same public display points as the Provisional Proposals.
19. The consultation period for the Revised Proposals will be eight weeks. There will be no further Public Hearings. Representations on the Revised Proposals will be published on the Commission's website.

Data Protection

20. The Commission wishes to publish as much of the material which it receives as possible. However, it also has a duty to protect individuals' right to privacy. So it has formulated a data protection policy which will apply to all representations placed in the public domain. The key points are as follows:

- The Commission will publish the name, address and contact details of any person writing in an official capacity
- The Commission will normally publish the name of any person who submits a representation in a personal capacity, but will redact their street addresses
- If a member of the public writing in a personal capacity wishes his or her name also to be redacted this will be done on request
- All email addresses and telephone numbers will be redacted
- All signatures will be redacted
- The Commission will redact anything which it considers may be illegal and/or libellous.

Final Recommendations

21. The Commission will take into account any written representations received on the Revised Proposals and decide whether any further changes are required.

22. If the Commission decides to modify its Revised Proposals before submitting them to the Secretary of State, the Final Recommendations will be published for information. There will be no further public consultation.

Final Report

23. Once the review has been completed, the Commission will submit its recommendations in a report to the Secretary of State for Northern Ireland, who is responsible for laying it before Parliament. This completes the review process.

24. Once each of the four Boundary Commissions has submitted its report, the Government is responsible for preparing a draft Order in Council giving effect to their recommendations.

25. The Government may not modify the recommendations made by the Commission unless it has been expressly requested to do so in writing with reasons by the Commission.

26. If Parliament approves the draft Order in Council, the new constituencies will take effect at the next General Election.

Future Reviews

27. The legislation provides that review reports will be submitted every five years after October 2018.

Appendix: Schedule 2

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 –

$$U/596$$

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 changes⁵.
- (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 –

⁵ Rule 5(1)(e) does not apply to a report due to be submitted before 1 October 2018, as specified by section 11(2) of the Parliamentary Voting System and Constituencies Act 2011, as amended by the Electoral Registration and Administration Act 2013.

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.

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