



Research and Library Service Briefing Paper

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Parliamentary Voting System and Constituencies Bill

1 Introduction

This briefing paper looks at key aspects of the Parliamentary Voting System and Constituencies Bill (PVSC Bill) currently before Parliament. In particular, it addresses:

- the timetable for the legislation
- the views of the Political and Constitutional Reform Committee in the House of Commons
- combined elections on 5 May 2011

2 Background

The PVSC Bill is a political compromise resulting from post-election negotiations between the Conservative Party and the Liberal Democrats which led to the formation of the current coalition government. It gave effect to the commitment contained in the coalition's programme for government, which set out the new Government's intention to "bring forward a Referendum Bill on electoral reform, which includes provision for the introduction of the Alternative Vote in the event of a positive result in the referendum, as well as for the creation of fewer and more equal sized constituencies"¹.

¹ 'The Coalition: our programme for Government' http://www.cabinetoffice.gov.uk/media/409088/pfg_coalition.pdf May 2010

In summary, the Bill provides for a referendum to be held on 5 May 2011 on the Parliamentary voting system and seeks to reduce the number of Parliamentary constituencies from 650 to 600. It is anticipated that such a move would mean a reduction in the number of Parliamentary constituencies in Northern Ireland from 18 to 15.

3 Legislative timetable

The Bill was introduced to Parliament on 22 July and received its Second Reading on 6 September. A Programme Motion² was published which allowed for five days in Committee of the Whole House and two days for Report and Third Reading. The Deputy Prime Minister rejected criticism of the use of a Programme Motion during the Bill's Second Reading:

The Programme Motion simply states that there will be five full days of debate on the Floor of the House of Commons...I do not think that that can be construed as a heavy-handed or intrusive approach³.

The Bill had its fifth and final day in Committee on Monday 25 October before moving to Report Stage on 1 November. It had its First Reading in the Lords on 3 November.

The Political and Constitutional Reform Committee

The Political and Constitutional Reform Committee was appointed on 12 July 2010 to "scrutinise the work of the Deputy Prime Minister"⁴, which includes the PVSC Bill. The Committee has been critical of the manner in which the Bill has been handled which, in its view, does not allow for proper scrutiny. Its third report, published on 11 October 2010, stated that:

We regret that (the Bill) is being pushed through Parliament in a manner that limits both legislative and external scrutiny of its impact, and may consequently undermine the Government's intention to restore the public's faith in Parliament⁵.

The report went on to say that:

The current timetable for the referendum is tight. If either House substantially amends the rules for holding the referendum the Government may have to reconsider the timing of the vote or run the risk of serious administrative difficulties which could undermine the outcome...it is always regrettable, and

² A Programme Motion sets the timetable for the passage of a Bill through the Commons. They have been criticised as limiting debate and scrutiny.

³ 6 September 2010 volume 515 c43

⁴ HC Deb 7 June 2010, c 137

⁵ Third report of the Political and Constitutional Reform Committee: 'Parliamentary Voting System and Constituencies Bill', October 2010

generally leads to poorer legislation, when such an approach to timetabling legislation becomes a characteristic of any Government's political reforms⁶.

The Bill will have its Second Reading in the House of Lords on 15 November, but the PCR Committee has made clear that "it will by no means have completed its passage through Parliament"⁷.

Other key issues highlighted in the Committee's report included:

- the Electoral Commission's view that the risks of holding a referendum together with other elections on 5 May 2011 can be managed if the rules for the referendum are sufficiently clear six months in advance. The report states that the Bill should be before the House of Lords by November, but will by no means have completed its passage through Parliament. If the Bill is significantly amended in either House, the Government should reconsider the timing of the referendum
- the Electoral Commission recommended modifications to the proposed referendum question to make it easier for voters to understand. The Committee would like to see these taken on board or if not, then an explanation given as to why they have been rejected (Annex 2).
- the Bill as currently drafted will require amendment to allow for the combination of polls, meaning amendments so that the referendum and the other elections can use the same facilities
- the Committee wants the Boundary Commissions in England, Scotland and Wales to have the same degree of flexibility as the Boundary Commission for Northern Ireland in determining the number of voters per constituency (this is discussed further in section 3)
- why the public is not being offered a referendum on the reduction in the number of Parliamentary constituencies

4 Reduction and equalisation of constituencies

The Bill proposes a reduction in the number of MPs from 650 to 600 and requires the Boundary Commissions to recommend constituency boundaries that ensure that the electorate of each constituency is no more than 5% more or less than the electoral quota for the UK (the quota is the registered electorate in the UK divided by the number of constituencies). This would mean constituencies of approximately 75,000 electors, although the two Scottish island constituencies of Na h-Eileanan an Iar (the Western Isles) and Orkney and Shetland are to be preserved. The boundary changes would take effect at the time of the next general election.

⁶ As above

⁷ Third report of the Political and Constitutional Reform Committee: 'Parliamentary Voting System Constituencies Bill', October 2010

Under the Parliamentary Constituencies Act 1986 the four Boundary Commissions are required to carry out reviews every eight to 12 years. The Bill would increase the frequency of reviews to every five years, with the first report under the new rules due by 1 October 2013.

Northern Ireland

The Bill contains special provisions for redrawing Parliamentary Constituencies in Northern Ireland. The provisions themselves are complex (see Annex 1) but broadly speaking they allow the Boundary Commission for Northern Ireland to deviate from the upper and lower limits for constituency size to compensate for the smaller electorate in Northern Ireland.

However, during its inquiry on the Bill, the Committee heard from stakeholders who voiced concerns that the restrictions placed on the English, Scottish and Welsh Boundary Commissions would not allow them to take full account of local issues, such as constituencies crossing regional or county boundaries, or encompassing diverse geographical areas. The Committee's report subsequently recommended that all of the Boundary Commissions should have the same degree of flexibility as Northern Ireland.

Furthermore, the Bill contains provisions to decouple the constituencies for elections to the National Assembly for Wales from Westminster, as the new electoral quota is expected to significantly reduce the number of Parliamentary constituencies in Wales, and this would have potentially reduced the number of Assembly seats to 45. No similar provisions exist for Northern Ireland and the number of Northern Ireland Assembly seats will automatically drop to 90 for the purposes of the 2015 Assembly election if the Bill passes and Northern Ireland is reduced to 15 constituencies⁸.

The Secretaries to the Boundary Commissions gave evidence to the Political and Constitutional Reform Committee on 9 September. No significant issues were raised from the Northern Ireland perspective.

4 Combined elections on 5 May 2011

If the PVSC Bill receives Royal Assent, the referendum will take place on the same day as other elections to the Scottish parliament, National Assembly for Wales, Northern Ireland Assembly and local elections in England and Northern Ireland. This means that voters in Northern Ireland will be asked to vote in three separate polls on 5 May 2011. Minister of State Hugo Swire said that this will be more convenient for voters and his officials would work closely with the Electoral Office for Northern Ireland and the

⁸ Section 33(1) of the Northern Ireland Act 1998 states that the Members of the Assembly shall be returned for the parliamentary constituencies in Northern Ireland

Electoral Commission to ensure “the identification and early resolution of any potential problems”⁹.

Some concern¹⁰ had been expressed that the decision to hold a referendum on the same day as devolved elections could lead to voter confusion and showed a lack of regard for elections to the devolved administrations in Scotland, Wales and Northern Ireland. The SNP and Plaid Cymru tabled the following amendment to the Bill:

That this House declines to give a Second Reading to the Parliamentary Voting System and Constituencies Bill because it plans to reduce the number of Members of Parliament in a way that could disproportionately disadvantage Wales and Scotland, does not seek the consent of devolved administrations regarding the date of the referendum, fails to take into account the recommendations of the Gould Report into the 2007 Scottish elections by placing the referendum vote on 5 May 2011, the same day as devolved government elections, requiring multiple ballot papers which will further obfuscate the elections in those regions, resulting in possible chaos at polling stations, provides for a referendum on UK-wide voting systems which would dilute interest in the elections of the devolved governments, and fails to include an option to choose a proportionate electoral system¹¹.

Combined elections in Northern Ireland are not new with the UK Parliamentary elections in 2001 and 2005 both combined with local government elections. There is some evidence to suggest that combined elections can lead to increased voter confusion. For example, at the 2005 combined UK Parliamentary/local government elections approximately 20,000 votes were spoiled, compared to just over 6,000 at the 2007 Assembly election. It should be noted that at the previous combined elections in 2001 and 2005, voters had to use two voting systems (first-past-the-post for Westminster and single transferable vote (STV) for the Assembly). The proposed combined election in May 2011 would use STV for both Assembly and local government elections, with voters asked to place an ‘X’ against their preferred option in the referendum.

⁹ BBC News Online: ‘Swire goes ahead with plan for three polls on 5 May’, <http://www.bbc.co.uk/news/uk-northern-ireland-11547203> retrieved 20 October 2010

¹⁰ BBC News online: ‘Scottish government anger at vote reform disrespect’ <http://www.bbc.co.uk/news/10484082> retrieved 21 October 2010

¹¹ House of Commons Order of Business 6 September 2010

<http://www.publications.parliament.uk/pa/cm201011/cmagenda/ob100906.htm> retrieved 21 October 2010

Annex 1

The following is taken from the Explanatory Note of the Parliamentary Voting System and Constituencies Bill.

Rule 7 makes provision to compensate for the potential impact of rules 3 and 8 on the average size of constituencies in Northern Ireland. Since the result of rule 3 is that a whole number of constituencies is allocated to each part of the UK (which is done as set out in rule 8), it will almost always be the case that the number of constituencies allocated to a part of the UK is very slightly higher or lower, by a fraction of a constituency, than its purely theoretical entitlement. This may have a consequential effect on the average size of a constituency in Northern Ireland which, because of the smaller electorate in Northern Ireland compared to other parts of the UK, might constrain the ability of the Boundary Commission for Northern Ireland (BCNI) to recommend constituencies within the parity principle in rule 2.

Rule 7 therefore provides that if the difference between the Northern Ireland electorate and the UK electoral quota multiplied by the number of seats in Northern Ireland exceeds one third of the UK electoral quota, and in the opinion of the BCNI it would unreasonably impair their ability to take into account the factors set out in rule 5, or would make the preparation of their report so complex that they would be unable to comply with the deadline for the submission of their report in section 3(2) of the 1986 Act, then the BCNI may propose constituencies that vary from the upper or lower limits imposed by rule 2 by a fixed amount, being the difference between the UK electoral quota and the electorate of Northern Ireland as it exists on the review date divided by the number of seats allocated to Northern Ireland under rules 3 and 8.

Annex 2

Referendum question proposed by the Government and redrafted question proposed by the Electoral Commission.

Question contained in the Bill:

Do you want the United Kingdom to adopt the 'alternative vote' system instead of the current 'first past the post' system for electing Members of Parliament to the House of Commons?

Redrafted question proposed by the Electoral Commission:

At present, the UK uses the 'first past the post' system to elect MPs to the House of Commons. Should the 'alternative vote' system be used instead?