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<b>Section 1 Stakeholder Details</b>			
<b>Stakeholder Name</b>		<b>Telephone Number</b>	
Women's Tec			
<b>Stakeholder Address</b>		<b>Stakeholder Type (Include one or more X)</b>	
		<b>Registered Political Party</b>	<b>Local Government</b>
		<b>Academic</b>	<b>Government</b>
		<b>Legislature</b>	<b>Non-Government</b> X
		<b>Other (Please Specify)/ Member of the Public</b>	
<b>Please provide some background information on your role as a stakeholder</b>			
<p>Women's Tec was established as a cross-community organisation to promote the equal participation of women in areas of political, economic and professional life in areas in which they are under-represented ('non-traditional' occupations). This is in recognition that segregation by sex in employment is inefficient in drawing on a smaller pool of potential employees, leads to parallel systems of pay and status that are often to the detriment of women, perpetuates unhelpful stereotypes of what constitutes 'male' and 'female' employment and results in workplace cultures that can exclude women. Politics is a key area where women are under-represented and therefore an area in which Women's Tec advocates greater involvement of women.</p>			
<b>Guidelines for Completion of Submissions</b>			
<p>The Committee would ask that stakeholders submit electronic responses using this pro forma. Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means. Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>			
<b>Section 4 Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider</b>			
(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link			
<p>What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?</p> <p>Please offer supporting evidence for your view on whether the link should be removed, or retained.</p> <p>If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?</p>			
<p>Northern Ireland constituencies should be decoupled from Westminster constituencies, as they are in Scotland and Wales. The current situation is that there will be an automatic reduction in the number of MLAs based on UK-wide adjustments, rather than careful consideration of the needs of Northern Ireland as a region in the transition from conflict (see (2) below). The Assembly is still young, having only had one full mandate for 'bedding in'. The process of transition requires a longer period of stability for co-operation in everyday political matters and the development of legislation. Significant change at this point may become divisive and counter-productive in the process of political transition from conflict.</p>			

<p>(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs</p>
<p>What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?</p> <p>A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?</p> <p>Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?</p>
<p>A reduction in the number of MLAs would be opposed on the following grounds:</p> <ul style="list-style-type: none"> <li>• A political system where males predominate creates a culture where access is made easier for men and there are greater barriers for women, for example, based on attitudes that women should not be involved in politics, the networks in which individuals develop as candidates for election being male-dominated and the concept of incumbency, where voters are more likely to re-elect an individual who is already in place or elect someone known in political circles for a length of time, the vast majority of whom are men. In addition, the context of Northern Ireland as a post-conflict society is still dealing with a legacy where politics is regarded as a male, conflict-related profession. The fewer seats, the fewer opportunities for change and therefore opportunities for women to be elected.</li> <li>• A crucial element of a successful transition from conflict is the development of robust and transparent political institutions. The basis of an efficient democracy is in the scrutiny and deliberative arrangements of the legislature, significantly the committee system. Fewer MLAs means less time for deliberation and less access for interest groups and members of the public. In the absence of a critical mass of female representatives, women are more present in the process of organising at community level and therefore less access to the organs of deliberative democracy decreases the opportunities for women's issues to be heard.</li> <li>• Regardless of how many government departments Northern Ireland has in the future, and consequently how many committees there will be in the legislature, the amount of work to administer and legislate for the region will remain the same, and therefore the same numbers of MLAs will be required to scrutinise how this is done. Again, busier and less accessible MLAs will be to the detriment of community participation and therefore to access by women.</li> </ul> <p>Women's Tec does not have a view on how many MLAs there should be, but opposes any reduction on the grounds indicated above.</p>
<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.</p>
<p>What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?</p> <p>Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?</p> <p>What factors should the Committee take into account when deciding on the size of the Assembly?</p>
<p>The number of MLAs should not be reduced (see (2) above). While the number of government departments may be reduced to secure efficiencies, and therefore the corresponding number of Assembly committees associated with those departments, there is still considerable scrutiny that will be required that may necessitate creating new committees on a thematic basis.</p> <p>Human rights and equality are key aspects of the Belfast Agreement, which should be mainstreamed through all government decisions. However, there are few occasions when the committee for the department with oversight on these matters, the Office of the First Minister and Deputy First Minister, look specifically at human rights and equality issues. Consideration should be given for committees for equality and human rights (or a combined equality and human rights committee) with a remit for cross-departmental oversight on these matters.</p>

Northern Ireland's development as an outward-looking region is an important part of economic development and the transition from conflict. Also, Northern Ireland's position as a devolved region of the UK, but also as the only part of the UK with a land border with another EU state, makes engagement on European issues complex and in need of closer scrutiny. Organisations in Northern Ireland have considerable potential to contribute to EU programmes and share knowledge with other like-minded organisations across Europe, but access funds for activities can be complicated. While EU matters should be mainstreamed through all departments, consideration should be given to the establishment of an EU committee, so that appropriate expertise can be developed to scrutinise the efficiency of accessing EU funds, contributing to EU programmes and policy development and better legislative processes associated with EU obligations.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

See responses at (2) and (3) above. Any reduction in the number of MLAs would be opposed.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

Women's Tec does not have a view on how many departments there should be or how they are organised. However, it should be clear from the outset where specific functions lie and their administration simplified for easier decision-making, for example, regarding social development and vocational training support.

## **Section 5 Additional Information**

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

The opportunity should be taken to legislate for changes in electoral law to increase the representation of women. Role models are a significant influence on the consideration of women entering politics and a 'critical mass' of women in place has the effect of changing the culture of a context to make it more accessible, as well as having more influence in terms of changing the system from within to make it more accessible. While there are many methods that can be used to promote more women in politics, such as training and development and voluntary provisions in parties, such as all-women shortlists and 'zipping' of candidates, the most effective mechanism for ensuring increased representation is statutory quotas.

It is recommended that the legislation is changed for Assembly elections to require political parties to have at least 40% of candidates of either sex, similar to provisions of the Electoral (Amendment) (Political Funding) Bill currently transiting the Oireachtas. This would provide that a failure to field the required quota of candidates would result in a 50% reduction in state funding to that party. As recipients of state funding, political parties are quasi-public associations and therefore conditions may be set on their use, provided it does not seek to influence party policy. Once selected, women candidates will still be required to be returned by the electorate, so it is not imposing the allocation of seats against the will of voters.





Northern Ireland  
Assembly

Appendix 5

# Correspondence Relating to the Review





## Appendix 5 – Correspondence Relating to the Review

- 13th September 2011 – Correspondence from the Secretary of State of Northern Ireland
- 27th September 2011 – Correspondence to the Secretary of State of Northern Ireland
- 24th October 2011 – Correspondence from the Secretary of State of Northern Ireland
- 19th January 2012 – Correspondence to the First Minister (FM) and deputy First Minister (dFM)
- 27th February 2012 – Correspondence from First Minister (FM) and deputy First Minister (dFM)
- 1st March 2012 – Correspondence from Education Committee
- 13th March 2012 – Correspondence to Education Committee
- 6th March 2012 – Correspondence from Northern Ireland Public Service Alliance (NIPSA)
- 13th March 2012 – Correspondence to NIPSA
- 8th March 2012 – Correspondence from OFMDFM Committee
- 9th March 2012 – Correspondence from Irish Congress of Trade Unions (ICTU)
- 13th March 2012 – Correspondence to ICTU
- 2nd April 2012 – Correspondence from Executive Party Leaders' Group
- 12th April 2012 – Briefing note from Clerk of the Committee on meeting with FM and dFM
- 9th May 2012 – Correspondence from Director General of the NI Assembly
- 15th May 2012 – Correspondence to the Chairpersons' Liaison Group (CLG)
- 22nd May 2012 – Correspondence from the CLG
- 17th May 2012 – Correspondence from Chairperson of AERC

# Correspondence from the Secretary of State of NI 13 September 2011

## The Speaker



**Northern Ireland  
Assembly**

Office of the Speaker  
Room 39  
Parliament Buildings  
Belfast BT4 3XX

Tel: +44 (0) 28 9052 1130  
Fax: +44 (0) 28 9052 1959  
email: [speaker@niassembly.gov.uk](mailto:speaker@niassembly.gov.uk)

**Mr Stephen Moutray MLA  
Chair of the Assembly and Executive Review Committee  
Room 347  
Parliament Buildings**

**13 September 2011**

Dear Stephen,

The Secretary of State for Northern Ireland wrote to me on 5 September 2011 concerning a Bill that he hopes to put forward in the Third Session of Parliament. In his letter he draws attention to the Assembly and Executive Review Committee's review of Assembly and Executive structures and has suggested that the Bill may provide a vehicle to implement any proposals. I attach a copy of his letter for the Committee's consideration.

Yours sincerely,

**William Hay MLA**



Northern  
Ireland  
Office

Northern Ireland Office  
Stormont House  
Stormont Estate  
Belfast BT4 3514  
Telephone 028 9052 0700  
Facsimile 028 9052 7040  
www.nio.gov.uk

Secretary of State for Northern Ireland

RECEIVED IN

07 SEP 2011

SPEAKER'S OFFICE

SP/10 CA

Willie Hay MLA  
Room 39  
Parliament Buildings  
Stormont Estate  
BELFAST  
BT4 3XX

SH September 2011

I thought it might be helpful to give you notice that we hope to put forward a Bill in the Third Session of Parliament.

The Bill is intended to effect changes relating to political donations in Northern Ireland and other electoral administration issues. However it will also provide an opportunity to make changes to the institutions that command a large measure of support among the parties and where primary legislation may be needed.

You will be aware that, in the absence of further legislation the size of the Assembly would be 96 seats following the reduction in the number of Parliamentary constituencies. However we have made clear that the size of the Assembly is a matter for local agreement and if there were support for a different size the Bill would provide an opportunity to implement that.

I am aware that the Assembly Executive Review Committee is currently undertaking a review of Assembly and Executive structures and the Bill may provide a vehicle to implement proposals arising from this.

Work is already underway on lessons to be learned following the combined elections this year. The Bill could be a vehicle for any consequential provision.



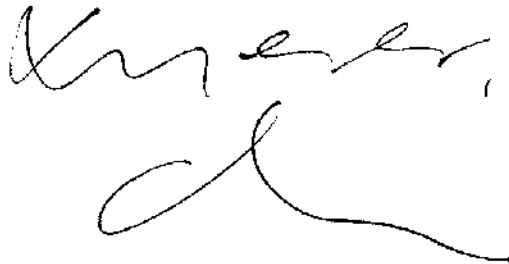
INVESTOR IN PEOPLE

The Bill will also provide an opportunity to legislate to remove the ability of Members of Parliament to also be Members of the Assembly. I have consistently made clear that I want to see this issue resolved by agreement if possible but that we regarded legislation as a proper last resort in the absence of that. I hope to begin discussions on this with the parties shortly.

There is one further possibility to mention in this context. There remains disagreement about possible further rights protections in Northern Ireland. I have agreed with the Lord Chancellor that any specific supplementary rights for Northern Ireland should be implemented in a separate section of any legislation that would give effect to a UK Bill of Rights. However, our forthcoming Bill may provide opportunities to handle this issue differently by, for example, giving the Assembly power to take forward work, or even legislate, in this area.

The timescale for our proposed Bill is quite challenging, so early work may be important, particularly as detailed consultation is planned on certain issues. I hope that early notice of this is therefore helpful.

I am writing in similar terms to the First and deputy First Ministers and to the leaders of the parties in the Executive.



**THE RT HON OWEN PATERSON MP**  
**Secretary of State for Northern Ireland**



# Correspondence to the Secretary of State of Northern Ireland – 27th September 2011



Mr Stephen Moutray  
Chairperson  
Assembly and Executive Review Committee  
Room 375  
Parliament Buildings  
Ballymiscaw  
Stormont Estate  
Belfast  
BT4 3XX

27 September 2011

The Rt Hon Owen Paterson MP  
Secretary of State for Northern Ireland  
Northern Ireland Office  
Stormont House  
Stormont Estate  
Belfast BT4 3SH

Dear

The Assembly and Executive Review Committee met today and discussed your correspondence to the Speaker of 05 September 2011.

The Committee may be in a position to make recommendations in relation to some of the matters which you note could be included in the Bill.

However, before considering these matters further, the Committee would be grateful if you would provide clarification around timescales along with any further information that would assist the Committee at this stage.

Yours Sincerely



Mr Stephen Moutray  
Chairman

# Correspondence from the Secretary of State of NI 24 October 2011




Northern  
Ireland  
Office

Northern Ireland Office  
11 Millbank  
London SW1P 4PN  
Telephone: 020 7210 6460  
Facsimile 020 7210 6449  
www.nio.gov.uk

Secretary of State for Northern Ireland

Mr Stephen Moutray MLA  
Chairman  
Assembly and Executive Review Committee  
Room 375  
Parliament Buildings  
Ballymiscaw  
Stormont Estate  
BELFAST  
BT4 3XX

 24th October 2011



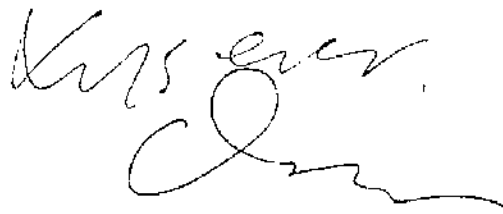
Thank you for your letter of 27 September regarding my correspondence with the Speaker and NI party leaders alerting them to the possibility of a third session Northern Ireland Bill.

I welcome the Committee's interest and that it may be able to make recommendations on some of the matters that may be included in the Bill. I believe the Committee's views would be particularly useful in respect of the future size of the Assembly, the length of Assembly terms and ending double jobbing.

As you will appreciate, these issues will be of interest to the wider public and I would hope to take soundings from various interested groups and individuals before reaching a final decision on how to address these issues. It is also likely that pre-legislative scrutiny (PLS) will need to be undertaken by the Northern Ireland Affairs Committee in advance of the Bill's planned introduction in 2013.

I would hope that detailed discussion and consultation can take place over next summer which will allow for PLS in late 2012/early 2013. I believe it would be very useful for such discussion and consultation to be informed by the views of the Committee and any recommendations would therefore need to be published by end June 2012 to allow for this.

I would be happy to meet to discuss this further if it would be helpful.

A handwritten signature in black ink, appearing to read 'Owen Paterson', written in a cursive style.

**RT HON OWEN PATERSON MP  
SECRETARY OF STATE FOR NORTHERN IRELAND**

# Correspondence to First Minister and deputy First Minister – 19 January 2012



First Minister and deputy First Minister  
Room G50  
Stormont Castle  
Stormont Estate  
Belfast  
BT4 3WT

Date 19 January 2012

Dear First and deputy First Minister

## ASSEMBLY AND EXECUTIVE REVIEW COMMITTEE

At Tuesday's meeting of the Committee, it was agreed to carry out some work on the Committee's immediate review of the operation of provisions of Parts III and IV of the Northern Ireland Act in the context of reviewing the size of the Assembly and the number of Northern Ireland departments.

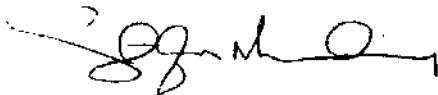
Before we draw up our terms of reference and work plan on this to June 2012, the Committee agreed that I write to you on the subject of the number of Northern Ireland departments to seek clarification what work is planned for 2012 by OFMDFM/ the Efficiency Review Panel regarding post-2015 structures of Government. The Committee noted the key commitment in the Draft Programme for Government to 'Agree any changes to post-2015 structures of Government in 2012 (OFMDFM)'. I also note point 5 of yesterday's OFMDFM News Release on your agreement to "Make an early start to the '2012 review' provided for in the draft Programme for Government".

It would be useful to have your response on this by 26<sup>th</sup> January 2012 please, so that it can be considered at the Committee's meeting of 31<sup>st</sup> January 2012.

If you consider that it would be helpful for us to meet on this, please let me know.

I have copied this letter to the Chairperson of the Committee for OFMDFM for information.

Yours sincerely



Stephen Moutray  
Chairperson



# Correspondence from First Minister and deputy First Minister – 27 February 2012



Stormont Castle  
BELFAST  
BT4 3TT

TEL: 028 9037 8158  
FAX: 028 9037 8040  
e-mail: [ps.ministers@ofmdfmi.gov.uk](mailto:ps.ministers@ofmdfmi.gov.uk)

Stephen Moutray MLA  
Chairperson  
Assembly and Executive Review Committee  
Room 375, Parliament Buildings  
Ballymiscaw  
Stormont  
BELFAST  
BT4 3XX

Our Ref: COR/30/12

27 February 2012



**ASSEMBLY AND EXECUTIVE REVIEW COMMITTEE**

Thank you for your letter of 19 January, which updated us on the initiation of work by your Committee on its review of the operation of Parts 3 and 4 of the Northern Ireland Act.

As you are aware, there is considerable potential for overlap between this review and our own commitment, in the draft Programme for Government and in our statement of 17 January, to progress decision-taking on post-2015 Government structures in 2012. We touched on aspects of this when we met on 27 September 2011. That meeting proved useful in moving forward the review of justice arrangements.

We think it would be worthwhile to take up your offer of a meeting, which could include ourselves, yourself and the Deputy Chairperson of AERC.

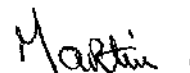
Our officials will be in contact to arrange a meeting.

We are copying this reply, for information, to the Chairperson of the Committee for OFMDFM.

Yours sincerely



**RT HON PETER D ROBINSON MLA**  
First Minister



**MARTIN McGUINNESS MP MLA**  
deputy First Minister



# Correspondence from Education Committee

## 1 March 2012

**Committee for Education**  
Room 241  
Parliament Buildings  
Tel: +44 (0)28 9052 21821  
Fax: +44 (0)28 9052 1371

**To:** John Simmons  
Clerk to the Committee for the Assembly and Executive Review

**From:** Roisin Fleetham  
Clerk to the Committee for Education

**Date:** 1 March 2012

**Ref:** 020/12/02

**Subject:** Department for Children and Young People

At its meeting of 29 February 2012, the Committee for Education received a briefing from the Early Years Strategic Alliance regarding their Manifesto.

Members discussed the issue with them of a Department of Children and Young People which would deliver all services to this demographic that are currently undertaken by several departments, and agreed to write and ask the Committee for The Assembly and Executive Review if they have given any consideration to such a Department in their Review of Public Administration.

Regards,

**Roisin Fleetham**  
Committee Clerk

# Correspondence to Education Committee

## 13 March 2012

**Assembly and Executive Review Committee**

Room 242

Parliament Buildings

Tel: 028 9052 1787

E-mail: john.simmons@niassembly.gov.uk

**From:** John Simmons  
Clerk to Assembly and Executive Review Committee

**Date:** 13th March 2012

**To:** Roisin Fleetham  
Clerk to the Committee for Education

**Subject:** Review of Parts III and IV of the Northern Ireland Act in the context of the Size of the NI Assembly and Number of NI Departments

1. Thank you for your correspondence dated 1st March 2012 regarding the Assembly and Executive Committee's Review of Parts III and IV of the Northern Ireland Act in the context of the Size of the NI Assembly and Number of NI Departments. The Committee considered it at its meeting of 13th March 2012.
2. Members agreed that I reply to advise you that the Committee is still considering written/oral evidence on the Review and has yet to reach a view on the matter of the size of the Assembly or the number of NI departments.
3. As you may be aware, the Committee will produce two reports on this Review – one in relation to its consideration of the size of the Assembly and another in relation to the number of NI departments. Regarding the Committee for Education's point regarding consideration of a Department of Children and Young People, the latter report may be the most relevant. It is expected that AERC will report on this issue in October 2012.

Yours sincerely

**John Simmons**

Clerk to Assembly and Executive Review Committee

## Correspondence from Northern Ireland Public Service Alliance – 6 March 2012

YOUR REF

OUR REF

**nipsa**

*The Leading Public Service Union*

Brian Campfield General Secretary

Mr John Simmons  
Committee Clerk  
Room 242  
Parliament Buildings  
Stormont  
**BELFAST**  
BT4 3XX

06 March 2012

Dear Mr Simmons

### **REVIEW OF THE SIZE OF THE ASSEMBLY AND NUMBER OF GOVERNMENT DEPARTMENTS**

NIPSA is the largest public sector trade union in Northern Ireland with over 46,000 members. In addition we have a vibrant and successful local Trade Union Side at the Assembly. It has come as a considerable surprise, therefore, that in the formal **Review of the size of the Assembly and number of Government Departments**, NIPSA has not been listed among the 87 listed stakeholders or stated explicitly as such in the "Call for Evidence" paper.

We wish to see this rectified. Similarly, as an organisation representing 250,000 employees in Northern Ireland alone, it might have been expected that the Irish Congress of Trade Unions (ICTU), given its key role in civic society, would have been listed as a key stakeholder in this exercise. We will therefore also be raising this matter through Northern Ireland Committee of ICTU.

Yours sincerely



**NOEL GRIFFIN**  
Assistant Secretary

Ng06031e

## Correspondence to NIPSA – 13 March 2012

*12/03/2012 (Sent to Assembly Office)*



**Northern Ireland  
Assembly**

Noel Griffin  
Assistant Secretary  
NIPSA  
Harkin House  
54 Wellington Park  
Belfast  
BT9 6DP

13<sup>th</sup> March 2012

*Dear Noel,*

Thank you for your correspondence dated 6<sup>th</sup> March 2012 regarding the Assembly and Executive Review Committee's Review of Parts III and IV of the Northern Ireland Act 1998 in terms of the Size of the Assembly and the Number of NI Departments. The Committee considered your letter at its meeting of 13<sup>th</sup> March 2012 and agreed that I respond on the Committee's behalf as follows.

The Committee noted your reference to its list of stakeholders to which the Committee wrote directly inviting a response to this Review through its 'Call for Evidence' paper. This key stakeholder list is primarily the political parties registered in Northern Ireland and the 26 Local Councils who may wish to respond from a RPA perspective. Unfortunately, the Committee was unable to include all relevant stakeholders in this list, as it opted for a wider signposting advertisement call for evidence approach as set out below. However, the Committee recognises that NIPSA is a key social partner in its Review.

The Committee would draw your attention to its decision to use a signposting advertisement in the three daily papers on 17<sup>th</sup> February 2012 in order to attract a wider public sector and public response to its 'Call for Evidence'. This directed interested parties to a dedicated webpage on the Committee's website with the Terms of Reference for the Review, as well as the 'Call for Evidence' paper. Any organisation/individual can therefore refer to these documents and respond to the Review. The Committee would welcome a response from NIPSA to its Review.

I trust that this information is helpful.

Yours sincerely,

**John Simmons**  
Committee Clerk  
Assembly and Executive Review Committee

Assembly and Executive Review Committee  
Room 375, Parliament Buildings, Ballymiscaw, Stormont, Belfast BT4 3XX

Telephone: 028 9052 1735 E-mail: [committee.assemblyandexecutivereview@niassembly.gov.uk](mailto:committee.assemblyandexecutivereview@niassembly.gov.uk)

# Correspondence from OFMDFM Committee 8 March 2012

**Committee for the Office of First Minister and  
Deputy First Minister**

Room 435  
Parliament Buildings

**From:** Alyn Hicks  
Clerk to the Committee for the  
Office of the First Minister and Deputy First Minister

**Date:** 8 March 2012

**To:** John Simmons  
Clerk to the Assembly and Executive Review Committee

**Subject:** Review of the Size of the Northern Ireland Assembly and Number of Government  
Departments

Dear John,

At its meeting of the 7 March 2012, the Committee for the Office of the First Minister and deputy First Minister considered the response from the First Minister and deputy First Minister to the Chairperson of the Assembly and Executive Review Committee (AERC) dated 27 February 2012.

The Committee agreed that it would write to the First and deputy First Minister to request an update following their meeting with the Chairperson and Deputy Chairperson of AERC.

Regards,



**Alyn Hicks**  
**Committee Clerk**

# ICTU Correspondence from Irish Congress of Trade Unions – 9 March 2012



9<sup>th</sup> March 2012

Mr John Simmons  
Committee Clerk  
Room 242  
Parliament Buildings  
Stormont  
BELFAST  
BT4 3XX

Dear John

## **Review of the Size of the Assembly and Number of Government Departments**

It has come to the attention of NIC-ICTU that a call for evidence from a list of eighty seven stakeholders on the above issue has omitted Congress.

NIC-ICTU is one of the foremost stakeholders in Northern Ireland civic society representing over 200,000 employees including trade unions representative of those who may be affected by this review.

I would request that this organisation be included as a major stakeholder in this review.

Yours sincerely

**Peter Bunting**  
Assistant General Secretary

**ICTU**  
Carlisle House  
4-6 Donegall Street Place  
Belfast, BT1 2FN  
+44 (0)28 9024 7940  
+44 (0)28 9024 6898  
info@ictu.org

www.ictu.org

## Correspondence to ICTU – 13 March 2012

*Rec'd 13-3-2012 - (Ard - copy of folder)*



Northern Ireland  
Assembly

Peter Bunting  
Assistant General Secretary  
ICTU  
Carlin House  
4-6 Donegall Street Place  
Belfast  
BT1 2FN

13<sup>th</sup> March 2012

*Dear Peter,*

Thank you for your correspondence dated 9<sup>th</sup> March 2012 regarding the Assembly and Executive Review Committee's Review of Parts III and IV of the Northern Ireland Act 1998 in terms of the Size of the Assembly and the Number of NI Departments. The Committee considered your letter at its meeting of 13<sup>th</sup> March 2012 and agreed that I respond on the Committee's behalf as follows.

The Committee noted your reference to its list of stakeholders to which the Committee wrote directly inviting a response to this Review through its 'Call for Evidence' paper. This key stakeholder list is primarily the political parties registered in Northern Ireland and the 26 Local Councils who may wish to respond from a RPA perspective. Unfortunately, the Committee was unable to include all relevant stakeholders in this list, as it opted for a wider signposting advertisement 'Call for Evidence' approach as set out below. However, the Committee recognises that ICTU is a key social partner in its Review.

The Committee would draw your attention to its decision to use a signposting advertisement in the three daily papers on 17<sup>th</sup> February 2012 in order to attract a wider public sector and public response to its 'Call for Evidence'. This directed interested parties to a dedicated webpage on the Committee's website with the Terms of Reference for the Review, as well as the 'Call for Evidence' paper. Any organisation/individual can therefore refer to these documents and respond to the Review. The Committee would welcome a response from ICTU to its Review.

I trust that this information is helpful.

Yours sincerely,

*John Simmons*

John Simmons  
Committee Clerk  
Assembly and Executive Review Committee

Assembly and Executive Review Committee  
Room 375, Parliament Buildings, Ballymiscaw, Stormont, Belfast BT4 3XX

Telephone: 028 9052 1735 E-mail: [committee.assemblyandexecutivecommittee@niassembly.gov.uk](mailto:committee.assemblyandexecutivecommittee@niassembly.gov.uk)



# Correspondence from Executive Party Leaders' Group – 2 April 2012

John Simmons  
Committee Clerk  
Assembly & Executive Review Committee  
Room 242,  
Parliament Buildings,  
Stormont  
BT4 3XX

2 April 2012

Dear John

## 2012 Review of the Institutions

At a meeting of Executive party leaders on 13 March there was a useful discussion on a range of issues relating to the ongoing review of the institutions.

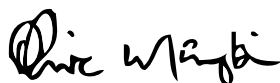
The group was supportive of the work of the Assembly and Executive Review Committee and welcomed the accelerated timescales within which it is aiming to report. As Executive party leaders they wish to contribute positively and so have identified a number of key themes that the Committee might usefully consider within the context of the Review. These are listed below and are confined to those issues relevant to Parts III and IV of the NI Act 1998. These are additional to the individual responses from the parties to the call for evidence.

### Key themes

- Number of MLAs
- Constituencies
- Assembly Election date
- Size of the Assembly
- Multiple mandates
- Review of Government Structures
- Role of the Assembly and its Committees as scrutiny mechanism of the Executive
- Provisions for the appointment of Ministers
- Formation of Executive/Creation of formal opposition
- Executive voting arrangements
- Number, organisation and functions of Departments
- Role of OFMDFM

I understand that the First Minister and deputy First Minister are also due to meet with the Chair and vice Chair on 4 April which will provide an opportunity to discuss the issues in more detail.

Yours sincerely



**OLIVE MAYBIN**  
**Secretariat**  
**Executive Party Leaders' meetings**

# Briefing note from Clerk of the Committee on Meeting with FM and dFM – 12 April 2012

Assembly and Executive Review Committee  
Room 242  
Parliament Buildings  
Tel: 028 9052 1787  
E-mail: john.simmons@niassembly.gov.uk

**From:** John Simmons  
Clerk to Assembly and Executive Review Committee

**Date:** 12 April 2012

**To:** Members of the Assembly and Executive Review Committee

**Subject:** Chairperson and Deputy Chairperson's meeting with the First Minister and deputy First Minister

## Background

1. As Members are aware, the Chairperson and Deputy Chairperson met with the First Minister and deputy First Minister (F/dFM) on Wednesday, 4th April 2012 at Stormont Castle. In attendance were the First Minister and deputy First Minister's special advisors, OFMDFM officials, myself (as Clerk of the Committee) and the Assistant Clerk.

## Purpose of the meeting

2. The purpose of the meeting was to ascertain what work is planned for 2012 by OFMDFM and/or the Efficiency Review Panel regarding post-2015 structures of Government and to report back to the Committee.

## Issues discussed during the meeting

3. The Chairperson initiated the discussion with the question on what work is planned for 2012 by OFMDFM and/or the Efficiency Review Panel regarding post-2015 structures of Government as set out in the Programme for Government.
  - a. The F/dFM recognise the legal requirement on the AERC to make a report to the Secretary of State by no later than 1st May 2015 on the operation of Parts III and IV of the Northern Ireland Act 1998. They stated that they are both very determined to expedite the matter of post-2015 structures of Government in 2012 in the context of the number of government departments and the size of the Assembly. The F/dFM have been taking this forward by actively meeting with Executive party leaders with the aim to reach agreement on the issue. However, full engagement by all Executive party leaders is desirable. Both the F/dFM stressed that the work of the AERC is very useful in this context by exploring options and presenting views, but consider that in the end, it is a political matter for the party leaders of the Executive to negotiate and agree the way forward.
  - b. In relation to this matter, the Committee office received a letter dated 2nd April 2012 regarding the '2012 Review of the Institutions' from the Executive Party Leaders' Group, which identified a number of key themes, which the AERC might usefully consider within the context of its Review [Appendix 5]. Many of the key themes listed

are included in the Committee's Call for Evidence and Terms of Reference of its current Review. The Committee may wish to consider the themes not included in the Review in future Reviews.

- c. The F/dFM briefly referred to the letter (and the key themes listed therein) during the meeting and acknowledged that some of the themes are inappropriate for inclusion or it is too late to consider them in the current AERC Review. They also stated that there is a possibility that they may undertake some work on some of the themes that the current AERC Review is not addressing.
4. The Chairperson then asked if the F/dFM had any general views to share with the Committee on the size of the Assembly (post-2015 election) and the number of NI departments.
  - a. The F/dFM both acknowledged that a smaller Assembly is inevitable when the Parliamentary Voting and Constituencies Act 2011 comes into effect. The First Minister also highlighted the on-going work to abolish the Department of Employment and Learning.
  - b. The deputy First Minister reiterated the view that F/dFM want to engage with party leaders on this matter and are eager to expedite their work on this in 2012.
  - c. The deputy First Minister raised the issue of the option of new Assembly constituency boundaries and enquired if there has been any views regarding potential confusion for voters if boundaries were re-drawn. He was informed that the Committee has yet to consider this issue and will be considering the written submissions received to date at the next AERC meeting.
5. Finally, the Chairperson asked the F/dFM if they would be inclined to accept an invitation from the Committee to provide oral evidence on its Review.
  - a. The F/dFM agreed that it would perhaps be more appropriate to invite Executive party leaders to provide oral evidence on the Review.

# Correspondence from Director General of the NI Assembly – 9 May 2012



Northern Ireland  
Assembly

Clerk to the Assembly/Director General  
Parliament Buildings, Ballymiscaw, Stormont

Belfast BT4 3XX

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email

Stephen Moutray MLA  
Chairperson  
Assembly & Executive Review Committee  
Room 375 Parliament Buildings  
Stormont  
Belfast  
BT4 3XX

9 May 2012

Dear Stephen

**Re: Committee stage of Bills: power to amend legislation**

I refer to your letter of 22<sup>nd</sup> March 2012 seeking information on the power to amend legislation during the committee stage of Bills

Further to your letter I enclose a research paper on the 'Committee Stages of Bills' provided by RalSe. The paper compares the committee stages of the legislative process in the devolved legislatures, House of Commons and Dáil Éireann and I hope you will find it useful.

The second part of your letter requested advice on reform of the Committee stage within the context of the Northern Ireland Assembly

**Potential benefits**

Allowing Committees to make amendments to a Bill has been raised as a means of potentially increasing the effectiveness of legislative scrutiny by, for example:

- a. reducing duplication of debate on uncontested matters between Committee Stage and Consideration Stage / Further Consideration Stage;
- b. allowing plenary amending stages to focus on the outstanding issues on which the Committee was not able to come to agreement or which were agreed by the Committee and opposed by the Minister;

- c. harnessing the expertise of the Committee in its subject area and allowing Committees to complete their deliberations more fully by means of deciding on proposed amendments; and
- d. enhancing the status of committees in the context of the growing experience of the institutions and the norms in other parliaments on these islands.

**Implications and issues for consideration**

While clearly then, there are several arguments in favour of exploring such reform, an initiative of this magnitude raises a range of issues which would, I suggest, benefit from further consideration. These issues would include:

- *Political/constitutional implications*  
e.g. voting and community safeguards (petition of concern)
- *Procedural implications*  
e.g. voting, quorum, order of proceedings and tabling of amendments
- *Resource implications*  
e.g. financial (cost of printing and publishing additional bill documentation), committee time, plenary time and staff support

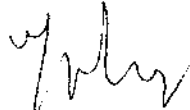
The Committee may also wish to consider the context for potential changes to the Committee Stage and how such changes would fit with potential institutional reform, including the potential for the committee system to be reviewed.

**Options for discussion**

Given the implications of this proposal and the context of institutional reform in which it is being raised, the Committee will wish to consider its options in taking forward this matter. It is suggested that the proposal could be addressed as part of a wider review of Committees, given the nature and extent of the implications referred to above.

I am happy to discuss this further or provide additional advice at the Committee's request.

Yours sincerely



**TREVOR REANEY**  
Clerk to the Assembly/Director General

## Correspondence to the Chairpersons' Liaison Group (CLG) – 15 May 2012

Assembly and Executive Review Committee  
Room 375,  
Parliament Buildings,  
Ballymiscaw,  
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Belfast  
BT4 3XX

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Mr Jimmy Spratt MLA  
Chairperson  
Chairpersons' Liaison Group  
Northern Ireland Assembly  
Parliament Buildings  
Room 254  
Ballimiscaw  
Stormont  
Belfast  
BT4 3XX

15th May 2012

Dear Jimmy

I note that, at the Chairpersons' Liaison Group (CLG) meeting on 17th April 2012, Members considered information relating to the Assembly and Executive Review Committee's Review of the Size of the Northern Ireland Assembly and Number of Government Departments.

As you are aware, the Review takes into consideration issues that relate to overall effectiveness of the NI Assembly in the context of a reduced number of MLAs, including the effectiveness of the NI Assembly committee system. AERC has discussed some issues in this regard, and there have been various opinions and views expressed, which include:

- That, with a reduction in the number of MLAs and possibly alongside this, a reduction in the number of Government departments, a fundamental review of the current committee system must be undertaken;
- There are linkages between the number of committees, the overall effectiveness of the committee system, the number of MLAs and the number of Government departments. Therefore, it may be prudent to consider these issues when undertaking such a review.
- The possibility of establishing a committee system that includes thematic committees (rather than the current statutory committee system that aligns with NI departments), including a central budget committee, may warrant consideration;
- The practice of scheduling plenary business alongside committee business (meetings) may merit review – possibly gaining effectiveness by scheduling of plenary and committee work;
- The merits of formalising CLG through statute and/or through Standing Orders; and
- The potential to increase the effectiveness of legislative scrutiny in the Assembly by allowing Statutory Committees to make amendment, to a Bill.

On the final bullet point above, I attach for your information a letter of 9th May 2012 from Trevor Reaney, the Clerk to the Assembly/Director General. This very usefully identifies some potential benefits of allowing Statutory Committees to make amendments to a Bill and suggests a range of issues which would merit further consideration in taking forward such a reform. The letter also refers to an Assembly Research Paper entitled 'Committee Stages of Bills', which is also attached for your information.

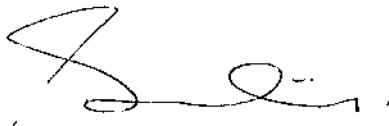
Before reaching any conclusion on the above issues, the Committee agreed that it may be useful to request and consider CLG's views on these matters.

The Committee is scheduled to report to the Assembly on its Review in terms of the number of MLAs in the early part of June 2012; therefore I would appreciate CLG's views, if possible, by **Monday, 29th May 2012**.

If you would like to discuss anything in relation this request, please do not hesitate to contact me or the Committee Clerk, John Simmons at the details listed below.

I look forward to your reply.

Yours sincerely,



**Stephen Moutray MLA**  
Chairperson  
Assembly and Executive Review Committee

# Correspondence from Chairpersons' Liaison Group 22 May 2012



**Jimmy Spratt MLA**  
**Chairperson, Chairpersons' Liaison Group**

Stephen Moutray  
Chairperson  
Assembly and Executive Review Committee  
Room 375  
Parliament Buildings

22<sup>nd</sup> May 2012

Dear Stephen,

At the meeting of the Chairpersons' Liaison Group (CLG) on 15<sup>th</sup> May, Members considered your correspondence of 15<sup>th</sup> May in relation to the AERC Review of the Size of the Northern Ireland Assembly and Number of Government Departments. CLG noted the various opinions and views that have been expressed in relation to the effectiveness of the Assembly committee system, in the context of a reduced number of MLAs.

Whilst there is insufficient time available at this stage for CLG to give detailed consideration to each of these issues, members nonetheless recognised their importance and potential significance, particularly in the light of any change to the size of the Assembly.

Members therefore agreed that if there is a change in the number of MLAs, and possibly also departments, a fundamental review of the committee system should be undertaken and that such a review should address all of the issues set out in your correspondence. CLG would wish to be involved in any such review.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Spratt'.

Jimmy Spratt

Chairperson, Chairpersons' Liaison Group.

Chairpersons' Liaison Group  
Room 264, Parliament Buildings, Ballymiscaw, Stormont, Belfast, BT4 3XX  
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# Correspondence from Chairperson to Members

## 17 May 2012

**To:** Members of the Assembly and Executive Review Committee

**From:** Stephen Moutray, Chairperson

17th May 2012

Dear Members

You will recall that, at the Assembly and Executive Review Committee meeting on 15th May 2012, Members again discussed, in closed session, the Committee's Review of the Size of the Assembly.

During this consideration, some Members raised the point that the fundamental issue of what was the appropriate number of MLAs in order to maintain an effective Assembly should be addressed firstly, and then the issue of decoupling could be effectively addressed. There was consensus that Committee Members should convey this issue to their respective Political Parties in order to determine:

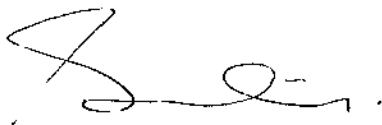
- a. Whether your Party agrees in principle that a reduced number of MLAs is required;
- b. Whether your Party is more comfortable to provide a range for the appropriate reduced number of MLAs (e.g. 72-96 MLAs); if so, what is the range; and
- c. Whether your Party is more comfortable to provide a specific number for the appropriate reduced number of MLAs; if so, what is the number.

I would be grateful if Members discuss the above points with their respective Political Parties and come prepared to present your Party's views at the next AERC meeting of **Tuesday, 29th May 2012**.

I will also remind Members that the Committee also agreed to consider an initial first draft of the Report on its Review of the size of the Assembly at the meeting of 29th May 2012.

If you would like to discuss anything in relation this request, please do not hesitate to contact the Committee Clerk, John Simmons at the details listed below.

Yours sincerely,



**Stephen Moutray MLA**

Chairperson

Assembly and Executive Review Committee





Northern Ireland  
Assembly

Appendix 6

# Research Papers relating to the Review



## Appendix 6 – Assembly Research Papers

1. The Size of the Assembly and Number of Government Departments  
(including Efficiency Review Panel)  
28th September 2010
2. Parliamentary Voting System and Constituencies Bill  
2nd November 2010
3. Parliamentary Voting System and Constituencies Act 2011  
8th March 2011
4. Update Paper on the Size of Assembly  
19th October 2011
5. Size of the Northern Ireland Assembly  
10th November 2011
6. Electoral Systems for the Scottish Parliament and National Assembly for Wales  
7th December 2011
7. Further Information relating to the Structure of the Northern Ireland Assembly  
7th December 2011
8. Scheduling Parliamentary Time  
12th April 2012
9. Committee Stages of Bills  
23rd April 2012
10. Further information on plenary and committee business in the  
NI Assembly and other legislatures  
3rd May 2012
11. Electoral Constituencies  
3rd May 2012
12. Electoral Constituencies - Further information on Decoupling in Scotland  
14th May 2012



Northern Ireland  
Assembly

Research and Information Service  
Briefing Note

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28 September 2010

**Author: Ray McCaffrey**

The size of the  
Assembly and number of  
government departments  
(includes Efficiency Review Panel)

# 1 Background

This briefing note highlights key issues and developments relating to the number of MLAs in the Assembly, number of government departments and the relevant legislation. It also provides a brief description of the current arrangements in Scotland and Wales and gives an overview of proposals to reduce the number of Parliamentary constituencies, which will impact on the number of Assembly seats.

A potential reduction in the numbers of MLAs and government departments was considered by the Committee on the Preparation for Government which met between June and October 2006. As part of its remit, the Committee considered each element of the institutions arising from the Belfast/Good Friday Agreement. Its report, 'Report on Institutional Issues', was published in September 2006. Furthermore, the Assembly has come under increased scrutiny following the Westminster expenses scandal, particularly from sections of the Northern Ireland press.

## 2 The size of the Assembly

Section 33 of the Northern Ireland Act 1998 states that six members shall be returned from each of the parliamentary constituencies in Northern Ireland. A 108 member Assembly is more than twice the size of the old Northern Ireland house of commons and 30 more than the 1974 Assembly<sup>1</sup>. The 1995 Framework Documents envisaged about 90 members being returned to a local Assembly, equating to five-seat constituencies. Senator George Mitchell and his co-chairmen who chaired the talks that led to the Belfast Agreement recommended increasing the number of seats per constituency from five to six or having a top-up of 10 to 20 seats. The intention behind this was to provide greater opportunities for smaller parties to be represented<sup>2</sup>.

In 2006 Committee on the Preparation for Government "agreed that the number of MLAs should be reduced and that this matter should be subject to mechanism/Institutional review"<sup>3</sup>. During the discussions, some for the reasons put forward for this included:

- 108 members was too many in light of the RPA recommendations to enhance the role of councils
- The number of MLAs was unwieldy compared to the size of Northern Ireland's population
- Concerns about the high number of elected representatives in Northern Ireland<sup>4</sup>

Speaking in September 2009, the First Minister said that reducing the number of departments and number of MLAs could save millions of pounds. He went on to say that the public would question why cuts to front line services were being made while the political bureaucracy remained intact<sup>5</sup>.

### Comparison with Scotland and Wales

In terms of population, the number of MLAs is disproportionately higher when compared to the number of elected representatives in the National Assembly for Wales and the Scottish Parliament. In response to an Assembly question asked in June 2010 regarding the number of Assembly members, the Office of the First and deputy First Minister gave the following response:

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1 Austen Morgan The Belfast Agreement: a practical legal analysis, Belfast Press 2000

2 As above

3 Committee on the Preparation for Government, 'Report on Institutional Issues', September 2006

4 As above

5 'Robinson plans cull in department numbers', The Irish News 18 September 2009

*In terms of numerical comparison, the people of Northern Ireland have, per capita, more MLAs than their counterparts in Scotland and Wales in respect of their equivalent institutions. Scotland, for example, with a population of just over 5 million, elects 129 members to the Scottish Parliament which, if translated to Northern Ireland, would suggest that the Assembly should have around 43 rather than 108 members. Using the Welsh example, the equivalent figure would be 35. Clearly, however, any future consideration of the optimum size of the Northern Ireland Assembly would require consideration of a wide range of issues other than numerical comparisons of this nature. However, the United Kingdom Government has announced its intention to bring forward legislation to provide for a reduction in the number of seats in the House of Commons and more equally sized parliamentary constituencies; and that the Boundary Commission will be empowered to draw up the new constituencies during the current Parliament...any reduction in the number of these constituencies would have a direct impact on the future size of the Assembly<sup>6</sup>.*

**The cost of the Northern Ireland Assembly compared to the Scottish Parliament and the National Assembly for Wales**

The following table compares salaries and other costs of elected representatives in Northern Ireland, Scotland and Wales. The figures for Northern Ireland and Wales are based on accounts for 2009-10 and the figures for Scotland are based on 2008-09.

**Table 1: Costs relating to elected representatives in the Northern Ireland Assembly, Scottish Parliament and National Assembly for Wales**

	<b>Northern Ireland Assembly<sup>1</sup></b>	<b>Scottish Parliament<sup>2</sup></b>	<b>National Assembly for Wales<sup>3</sup></b>
Salaries (£m)	6.9	10.4	6.1
Other costs (£m)	9	10.5	7.1
Total (£m)	15.9	20.9	13.2

- 1 Northern Ireland Assembly Resource Accounts year ending 31 March 2010
- 2 Scottish Parliamentary Corporate Body Annual Accounts 2008-09
- 3 National Assembly for Wales Annual Report and Statement of Accounts 2009-10

It should be noted that the statements of accounts do not provide the exact same information under ‘Other costs’. For example, the Northern Ireland Assembly lists £784,000 for ‘Party Allowances’ under other costs, which is not included in either the Scottish or Welsh accounts.

**The Parliamentary Voting and Constituencies Bill**

On 22 July 2010 the coalition government at Westminster introduced a Bill providing for a referendum on the voting system to be used at future Parliamentary elections and a reduction in the number of Parliamentary constituencies to 600. If passed, the legislation will require the four Boundary Commissions in the UK to review the existing arrangements and submit their reports before 1 October 2013. The Bill does not allow for a separate determination of Assembly and Westminster constituencies, so any changes to the number of constituencies in Northern Ireland will automatically impact on the number of MLAs returned to the Assembly. The Bill contains technical arrangements to allow for more variation around the number of electors per constituency, given the relatively small the size of Northern Ireland.

During a debate on a Westminster Private Member’s Bill introduced in 2006-07 (Parliamentary Constituencies Bill (Amendment) Bill), it was speculated by Lord Baker of Dorking<sup>7</sup> that Northern

6 Assembly question asked on 10/6/10  
 7 HL Deb 18 May 2007 vol.692 c399



Ireland would emerge with 15 Parliamentary constituencies following any future review. This would translate to 90 MLAs.

### Scotland and Wales

In 2001 the Scotland Office launched a consultation on the size of the Scottish Parliament. The consultation was a result of a provision contained in the Scotland Act 1998 that any reduction in the number of Scottish constituencies at Westminster would automatically reduce the number of MSPs. In 2002 the Boundary Commission for Scotland published provisional recommendations that would have reduced the number of Scottish Westminster constituencies from 72 to 59. As a consequence, the number of MSPs would have been cut from 129 to 104. During the passage of the Scotland Act 1998, the Government gave a commitment that it would listen to any concerns individuals or organisations may have had about a reduction in the number of MSPs. In a statement on the consultation to the House of Commons, the then Secretary of State for Scotland commented:

*Two strands emerge from the consultation. First, there is the need for stability. Among the civic and representative bodies that responded, the overwhelming view was that the Scottish Parliament should continue to operate with the present number of MSPs. The argument was put that a reduction would cause difficulties, especially to the Committee system, and that it would be unwise to destabilise the Parliament so early in its life by reducing its numbers. The respondents stated that a reduction would adversely affect the Parliament's scrutiny of legislation and the Executive's capacity to conduct inquiries or initiate legislation. They claimed that any reduction in the numbers of list MSPs would reduce proportionality and that the current structure should be maintained to give a proper balance of representation. Secondly, it was acknowledged, not least by electoral administrators, that difficulties could arise if the boundaries for Westminster and Holyrood were not coterminous. Confusion could be caused to voters and there would be problems for political parties in relation to their organisation<sup>8</sup>.*

With regards to the potential impact on the Committee system, respondents to the consultation had raised the issue that “even given the present number of MSPs, they were under strain to scrutinise, research and legislate”<sup>9</sup>. The Scottish Parliament (Constituencies) Act 2004 removed the link between constituencies for the Scottish Parliament and those for Westminster, meaning that the reduction in Scottish Westminster constituencies to 59 did not affect Scottish Parliament constituencies. A similar decoupling between Westminster and Assembly seats in Northern Ireland would require a change to Section 33 of the Northern Ireland Act 1998.

Furthermore, the findings of the Calman Commission, which was set up to review the workings of Scottish Devolution, reported in 2009 that “although (the Commission) received some representations...suggesting that there are too many MSPs, we have not seen anything to convince us of a case for change”<sup>10</sup>.

The Commission on the Powers and Electoral Arrangements of the National Assembly for Wales (the Richard Commission) was appointed in July 2002. Its job was to examine the powers and electoral arrangements of the Assembly and to produce an independent report. One of its recommendations was that the Assembly should receive enhanced law-making powers and that the number of Assembly Members should therefore be increased from 60 to 80 to deal with the anticipated increase in workload. In the event, the Assembly did receive enhanced powers but there was no concurrent increase in the number of AMs.

8 Hansard 18 December 2002 c859-60

9 Responses to the ‘size of the Scottish Parliament – a consultation’, Scotland Office 1 December 2002

10 Serving Scotland Better: Scotland and the United Kingdom in the 21st Century, Commission on Scottish Devolution, final report, June 2009

### The Additional Member System (AMS)

Both Scotland and Wales use the Additional Member System to elect their respective institutions. AMS gives voters two votes – one is to elect regional members, the other is for a constituency MSP/AM. The system is designed to ensure that, as far as possible, the share of MSPs/AMs in reflects the share of votes cast for each party.

**Table 2: Regional and constituency members in the Scottish Parliament and National Assembly for Wales**

	Scottish Parliament	National Assembly for Wales
Number of regional members	56 (8 regions)	20 (5 regions)
Number of constituency members	73	40
Total	129	60

The reviews of devolution and the devolved institutions in Scotland (the Calman Commission) and Wales (the Richard Commission) examined the AMS system. Some of the perceived advantages and disadvantages were similar. AMS was credited as being more proportional than First Past The Post. However, in both Scotland and Wales there was criticism that AMS created two types of member the single constituency member and the regional member who is one of four representatives covering the region which includes the constituency. The Calman report pointed out that regional MSPs were seen as having less legitimacy and could cherry-pick popular issues without having to carry the burden of constituency work<sup>11</sup>.

### Reducing the number of MLAs – issues to consider

The argument that reducing the number of MLAs would be a good idea is a popular and easy argument to make, especially in terms of the number of MLAs in relation to population size. However, less consideration has been given to the implications a reduction would have on the work of the Assembly. Some of the issues that might potentially arise can be found in responses to the 2001 Scotland Office consultation on the size of the Scottish Parliament, which reflect a number of concerns about a potential reduction in the number of MSPs:

- A smaller Parliament would mean less MSP time available to carry out the busy schedule currently undertaken by MSPs
- MSPs discharge a variety of functions, including constituency business, plenary business in the Chamber, membership of the Parliament's Committees and other commitments such as cross-party groups. The Scottish Parliament being unicameral - with only a single Chamber - meant that the role of MSPs, and in particular the Committees, was crucial in scrutinising and improving the quality of legislation. A reduction in numbers would undermine the ability of MSPs to discharge these various roles effectively<sup>12</sup>.

Consideration would also need to be given to the impact a reduction in the number of MLAs would have on the ability of smaller parties to secure representation. However, it could be argued that smaller parties have fared less successfully since the election of the first Assembly in 1998.

## 3 Number of government departments

Section 17(4) of the Northern Ireland Act 1998 allows for up to 10 Ministers with Departmental responsibilities, although this can be amended. For example, the Northern Ireland Act 1998

11 'Serving Scotland Better: Scotland and the United Kingdom in the 21st Century', June 2009

12 Scotland Office, 'Responses to the 'Size of the Scottish Parliament – a consultation', December 2002

(Amendment of Schedule 3) Order 2010 allowed for the transfer of policing and justice functions. Under section 21(3) of the 1998 Act a department under the First and deputy First Minister is not included in the 'up to 10 Ministers' figure. The current number of government departments was arrived at following inter-party negotiations, primarily between the UUP and SDLP, which were concluded on 18 December 1998<sup>13</sup>. The Departments (Northern Ireland) Order 1999 established new Northern Ireland Departments and renamed some existing departments. The six departments at the time of the Belfast Agreement were agriculture, economic development, environment (Northern Ireland), education, health and social services, finance and personnel.

The Report on Institutional Issues emanating from the Committee on the Preparation for Government agreed that there was a need to re-examine the number of departments to ensure effectiveness and value for money, although it also recognised the benefit of the current arrangement which enabled some issues to receive greater focus that might not otherwise have been possible with a smaller number of larger departments.

### Scotland

The Scotland Act 1998 allows for a First Minister who may appoint Ministers following the approval of the Monarch. Following devolution, there were initially 22 Scottish Ministers (of whom eleven were in the Cabinet). However, when the SNP was returned to power in 2007 it sought to reduce the weight of departmentalism and cut the number of Cabinet Ministers to six to provide greater cohesion and strategic direction, with 10 other Ministers below them. The SNP also abolished the old departments and replaced them with directors general in charge of directorates. The directors general have policy responsibilities for specific fields but also a cross-cutting remit in relation to key Government objectives. They are answerable directly to Ministers<sup>14</sup>.

### Wales

The provisions of the Government of Wales Act 2006 allow up to 12 Welsh Ministers and Deputy Ministers. The Welsh Assembly Government's Departments are arranged under seven Director Generals. Director Generals are members of the Senior Civil Service and are responsible for ensuring joined-up working across Welsh Assembly Government Departments.

## 4 The Efficiency Review Panel

The St. Andrew's Agreement allowed for the establishment of an Efficiency Review Panel to examine the workings of the Assembly. The Agreement stated that:

*The First Minister and Deputy First Minister would appoint an Efficiency Review Panel, to examine efficiency and value for money of aspects of the Strand One institutions. The FM/DFM would put to the Assembly for approval proposals for the panel's remit, which might include the size of the Assembly and the departmental structure. The Panel would take into account as appropriate the work of the Review of Public Administration. The Panel's report would be considered by the Executive and Assembly, and, where agreed changes required legislative steps outside the scope of the devolved institutions, by the British Government in consultation as appropriate with the Irish Government<sup>15</sup>.*

13 Statement from the Office of First Minister (Designate) and deputy First Minister (Designate) 18 December 1998

14 Michael Keating, *The Government of Scotland: public policy making after devolution* (2nd edition), Edinburgh University Press 2010

15 St. Andrew's Agreement, October 2006, [www.nio.gov.uk/st\\_andrews\\_agreement.pdf](http://www.nio.gov.uk/st_andrews_agreement.pdf)

On 9 April 2009 OFMDFM released a statement saying that after Easter of that year it was their intention to bring forward proposals for the creation of an Efficiency Review Panel for approval. It went on to say that the Panel would report later in 2009.

The announcement by OFMDFM on the creation of the Efficiency Review Panel was reported in the press as being likely to lead to a reduction in the number of government departments<sup>16</sup>. Furthermore, the Programme for Government 2008-11 promised to review the overall number of Government Departments by 2011.

A number of Assembly questions have been put to OFMDFM on progress in appointing the Efficiency Review Panel and/or its work. In answer to the last question asked on 2 June 2009, OFMDFM repeated that it intended to put forward proposals soon on the creation of the Panel and still expected it to report later in 2009. However, to date the Efficiency Review Panel has not been established. The latest communication from OFMDFM states that “membership, terms of reference and work programme are under consideration”<sup>17</sup>.

### **Efficiency savings in the Republic of Ireland – An Bord Snip Nua**

In 2008, the Government in the Republic of Ireland appointed the Special Group on Public Service Numbers and Expenditure Programmes in the Republic of Ireland (commonly known as An Bord Snip Nua) to identify and recommend cuts in public spending. Its report was published in July 2009 and identified savings of approximately €5b across government departments. It further recommended the closure of the Department of Community, Rural and Gaeltacht Affairs, stated that the need for a Department of Arts, Sports & Tourism should be ‘critically examined’. The report was met with substantial criticism from trade union and other representative groups. However, the Taoiseach said that no area could be immune from cuts<sup>18</sup>.

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16 ‘Stormont Downsize Proposal Mooted’, News Letter 9 April 2009

17 E-mail from OFMDFM 17 August 2010

18 The Irish Times, Cowen: ‘No ‘Bord Snip’ cuts ruled out’, 17 July 2009

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Northern Ireland  
Assembly

Research and Information Service  
Briefing Paper

2nd November 2010

**Ray McCaffrey**

Parliamentary Voting System  
and Constituencies Bill

**NIAR 539-10**

# 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"<sup>1</sup>.

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 Motion<sup>2</sup> 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 approach<sup>3</sup>.*

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"<sup>4</sup>, 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:

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1 'The Coalition: our programme for Government' [http://www.cabinetoffice.gov.uk/media/409088/pfg\\_coalition.pdf](http://www.cabinetoffice.gov.uk/media/409088/pfg_coalition.pdf) May 2010

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

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*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 Parliament<sup>5</sup>.*

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 generally leads to poorer legislation, when such an approach to timetabling legislation becomes a characteristic of any Government's political reforms<sup>6</sup>.*

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"<sup>7</sup>.

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.

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

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 constituencies<sup>8</sup>.

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 Electoral Commission to ensure "the identification and early resolution of any potential problems"<sup>9</sup>.

Some concern<sup>10</sup> 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*

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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

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



*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 system<sup>11</sup>.*

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.

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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?



Northern Ireland  
Assembly

Research and Information Service  
Briefing Paper

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8th March 2011

**Ray McCaffrey**

**The Parliamentary Voting  
System and Constituencies  
Act 2011**

**NIAR 147-11**

# 1 Introduction

This briefing paper looks at the key provisions relating to Northern Ireland in the Parliamentary Voting System and Constituencies Act (the Act) which received Royal Assent on 16 February 2011. The Act has two key components - it provides for a referendum to be held on 5 May 2011 on the voting system for UK Parliamentary elections and reduces the number of Parliamentary constituencies in the UK from 650 to 600.

## 2 Background

The Act was 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'<sup>1</sup>.

The legislation was the subject of considerable debate in Parliament. Concerns were raised that a Bill proposing major constitutional change was being rushed through Parliament at the expense of proper scrutiny and that the Government had failed to take into account the elections scheduled to the devolved institutions on 5 May. In the event, the Bill only just received Royal Assent in time for a referendum to be held on 5 May. The Conservatives had accused Labour peers in the House of Lords of filibustering the Bill in an attempt to delay its passage and had threatened to use the guillotine motion to move the debate forward. One of the last hurdles was cleared when the House of Lords voted against an amendment insisting on a voter turnout threshold of 40% for the result of the referendum on the voting system to be binding.

## 3 Referendum on the alternative vote

The Act sets the date for the referendum as 5 May but it may be held on any date before 3 October if an Order is made to that effect. Voters will be asked to vote 'Yes' or 'No' on the following question:

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?

If a majority of people vote for the introduction of AV, it cannot be introduced until the boundary changes have taken place. However, the reduction in the number of constituencies will be implemented at the next general election regardless of the referendum result.

If the Alternative Vote is introduced, it will mean that voters in Northern Ireland will be using two multi-choice systems for elections. The Single Transferable Vote is already used for elections to the Northern Ireland Assembly and local councils. An overview of how AV operates is included at Annex 1.

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1 'The Coalition: our programme for Government' [http://www.cabinetoffice.gov.uk/media/409088/pfg\\_coalition.pdf](http://www.cabinetoffice.gov.uk/media/409088/pfg_coalition.pdf) May 2010

## 4 Reduction in the number of constituencies

The Act reduces the number of UK Parliamentary constituencies from 650 to 600. The following table illustrates the changes:

Country	Electorate	Current allocation	New allocation	Reduction
England	38,332,557 <sup>1</sup>	533	500(+2)	31
Northern Ireland	1,190,635	18	16	2
Scotland	3,873,387 <sup>2</sup>	59	50(+2)	7
Wales	2,281,596	40	30	10
<b>Total</b>	<b>45,678,175</b>	<b>650</b>	<b>600</b>	<b>50</b>

- 1 The total electorate for England does not contain the electorate of the Isle of Wight which will, according to the Act, comprise two constituencies
- 2 The total electoral for Scotland does not contain the electorate of (a) Na h-Eileanan an Iar and (b) Orkney and Shetland which are protected constituencies

**Source:** Boundary Commission for England website

The Act requires constituencies to be within 5% of an electoral quota that is estimated to be approximately 76,000 (the different rules for Northern Ireland are discussed below). During debate in the House of Commons it was suggested that the number of 600 was arbitrary and that the large number of MPs serving in the Executive or shadow Executive should be taken into account when considering this issue.

### Northern Ireland

The Act contains special provisions for redrawing Parliamentary Constituencies in Northern Ireland. The provisions themselves are complex (see Annex 2) 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. On 4 March the Boundary Commission issued a press release explaining its approach to the review of boundaries:

*The new rules mean that in most of the UK the electorate of each constituency will have to be within 5% of the electoral quota (76,641.2). The smallest permitted electorate in any constituency will be 72,810 and the largest 80,473. In Northern Ireland, however, the new rules allow for a wider range, from 70,583 to 80,473. The Boundary Commission...will put its final recommendations to the Secretary of State for Northern Ireland by 1 October 2013<sup>2</sup>.*

The Commission will publish provisional recommendations in the second half of 2011 which will be followed by a period of public consultation, including public hearings.

### Impact on the Northern Ireland Assembly

Section 33 of the Northern Ireland Act 1998 states:

*The members of the Assembly shall be returned for the parliamentary constituencies in Northern Ireland*

*Each constituency shall return six members.*

2 Boundary Commission press release <http://www.boundarycommission.org.uk/pubs/PressRelease-040211.pdf> +

This means that 96 MLAs will be returned for the mandate commencing in 2015 from 16 Parliamentary constituencies.

### **Scotland and Wales**

The Scottish Parliament (Constituencies) Act 2004 removed the statutory link between the Scottish Parliamentary constituencies and those for the House of Commons. This ensured the number of MSPs remained at 129, even as the number of MPs was reduced.

Provisions in the Act require the constituencies for the National Assembly for Wales to be decoupled from those for the House of Commons. This is because the new quota will significantly reduce the number of Westminster seats in Wales and could leave the Assembly with around 45 seats. Concerns were expressed that any substantial reduction in the number of Assembly members might have an impact on the effectiveness of the Assembly.

Section 2 of the Government of Wales Act 2006 will need to be amended to decouple Assembly and Westminster constituencies. The Parliamentary Voting System and Constituencies Act will amend that section to specify that the Assembly constituencies are the constituencies specified in the Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006, as amended. The effect is that any future changes to Parliamentary constituencies made under the new rules introduced by this Act would not change Assembly constituencies.

## Annex 1

The following is an extract from the website of the Electoral Reform Society:

‘What is the Alternative Vote?

The Alternative Vote (AV) is very much like First-Past-the-Post (FPTP). Like FPTP, it is used to elect representatives for single-member constituencies, except that rather than simply marking one solitary ‘X’ on the ballot paper, the voter has the chance to rank the candidates on offer.

The voter thus puts a ‘1’ by their first-preference candidate, and can continue, if they wish, to put a ‘2’ by their second-preference, and so on, until they don’t care anymore or they run out of names. In some AV elections, such as most Australian elections, electors are required to rank all candidates.

If a candidate receives a majority of first-preference votes (more people put them as number one than all the rest combined), then they are elected.

If no candidate gains a majority on first preferences, then the second-preference votes of the candidate who finished last on the first count are redistributed. This process is repeated until someone gets over 50 per cent.’



## Annex 2

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

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.



Northern Ireland  
Assembly

Research and Information Service  
Briefing Note

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19 October 2011

**Ray McCaffrey and Leigh Egerton**

# Update paper on size of the Assembly

**NIAR 729-11**

# 1 The size of the Assembly and number of government departments (Efficiency Review Panel)

## The Parliamentary Voting System and Constituencies Act 2011

The Parliamentary Voting System and Constituencies Act 2011 reduced the number of Parliamentary constituencies from 650 to 600. As a result, the number of Parliamentary constituencies in Northern Ireland will be reduced from 18 to 16 for the purposes of the next UK Parliamentary election.

The Boundary Commission for Northern Ireland is currently engaged in the sixth review of Westminster Parliamentary constituency boundaries and the review has to be completed before 1st October 2013.

In September the Boundary Commission published its Provisional Proposals Report.<sup>1</sup> Contained in this report are the proposals for the removal of two of Northern Ireland's constituencies. Five new constituencies have been proposed from boundary readjustments. These are Glenshane (largely East Londonderry/Mid Ulster); Mid-Tyrone (West Tyrone/Mid-Ulster); Mid-Antrim (North/East Antrim); Belfast South East and Belfast South West.

The boundary changes will reduce the number of MLAs from 108 to 96 and currently the boundary commission is holding open meetings to hear the views of the public on the proposed changes.

In terms of developments that have occurred in the past year surrounding the size of the Assembly, the following motion was tabled by the Leader of the Ulster Unionist Party on the 6th June 2011:

*That this Assembly recognises the need to reform its structures, including having a requirement for an official opposition to be in place by 2015 to create greater delivery, flexibility and scrutiny; and supports a review of the number of Departments and MLAs, and a restructuring of arm's-length bodies.*<sup>2</sup>

The motion passed without a ministerial response.

Furthermore, an Assembly question was tabled by David McNarry to OFMDFM on 10th March 2011:

*To ask the First Minister and deputy First Minister for an update on the Efficiency Review Panel, the establishment of which was announced on 9 April 2009.*<sup>3</sup>

OFMDFM responded:

*The Panel has not yet been appointed but is among the matters to be covered by the draft report which is being prepared for consideration and agreement of the St Andrews Agreement Working Group established under the Hillsborough Castle Agreement.*<sup>4</sup>

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- 1 Boundary Commission for Northern Ireland, Provisional Proposals Report: Sixth periodical Review of Parliamentary Constituencies, September 2011. Available at: <http://www.boundarycommission.org.uk/Homepage/bcni-ppr1.pdf> Accessed: 17/10/2011
  - 2 Assembly Motion, tabled 06/06/2011. Available at: <http://www.niassembly.gov.uk/record/reports2011/110606.htm#f> Accessed: 18/10/2011
  - 3 Assembly Question AQO 1317/11. Tabled 10/03/2011.
  - 4 As above.
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Northern Ireland  
Assembly

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Research and Information Service  
Research Paper

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10th November 2011

**Ray McCaffrey, Tim Moore & Leigh Egerton**

Size of the  
Northern Ireland  
Assembly

**NIAR 768-11**

This research paper looks at issues surrounding a reduction in the number of MLAs and/or Executive Departments in Northern Ireland. It looks at options for reforming the committee system including the constraints within which the current system operates. It also considers the resource implications on MLAs' time if changes are made to the size, number and structure of committees.

## Executive summary

This paper examines how a change in the size of membership of the Assembly and/or Executive Departments might impact on the size, structure and number of statutory committees within the Assembly.

The Northern Ireland Assembly currently consists of 108 Members, 12 statutory committees and 6 standing committees. There are 12 Executive Departments.

The Assembly and Executive Review Committee is examining the issue of the size of the Assembly ahead of proposed legislation to be brought forward by the Secretary of State which would, among other things, address institutional issues. Furthermore, following the passage of the Parliamentary Voting Systems and Constituencies Act 2011, the number of members will reduce from 108 to 96 following the next Assembly election.

### The current committee system - constraints

The origin of the current committee system in the Northern Ireland Assembly can be found in the Belfast (Good Friday) Agreement, which states that there is to be a “Committee for each of the main executive functions of the Northern Ireland Administration... Membership of the Committees will be in broad proportion to party strengths in the Assembly to ensure that the opportunity of Committee places is available to all Members”. The Agreement goes on to outline the broad functions of the statutory committees.

The Northern Ireland Act 1998 gives effect to some aspects of the Agreement and further details are set out in Standing Orders. The current committee structure within the Assembly is straightforward – there is one statutory committee for each Executive Department. However, the 1998 Act appears to allow for cross-cutting committees. The key aspect relating to committees is that all Members who are not Ministers and junior Ministers must be offered a place on a statutory committee. Although there is no statutory bar on Ministers serving as ordinary committee members, the convention is that they do not.

Standing Orders state that there shall be 11 members on each statutory committee and that the quorum shall be 5.

### Scenarios

This paper considers how the reduction in the number of members and/or Executive Departments might affect the resourcing of the statutory committee under the following scenarios:

- 96 Members and 12 Departments
- 96 Members and 8 Departments
- 80 Members and 12 Departments
- 80 Members and 8 Departments

There are 92 MLAs currently available who are required to fill 132 statutory committee places (Ministers and junior Ministers are excluded). This allows the requirement under the Belfast (Good Friday) Agreement and Standing Orders that every Member be offered a place on a statutory committee to be fulfilled. The current ratio of member to committee is 1.43. However, problems appear to arise where the ratio of committee places to available Members drops below 1.00. This means that not all Members could be offered a place on a statutory committee. The ratios in Scotland and Wales are 0.54 and 1.04 respectively. The issue for the Northern Ireland Assembly would seem to be about achieving a ratio closer to that in the National Assembly for Wales.

The Scottish Parliament and National Assembly for Wales have more flexible structures and both of these institutions have in the past restructured their committee systems. For example, the National Assembly for Wales undertook significant restructuring before the start of the current mandate.

## Resources

The ratio of members to committees is greater in the Assembly (1.43) compared to Scotland (0.54) and Wales (1.04). The need to sit on multiple committees raises concerns about the effective use of Members' time. A comparison with committee activity in the Scottish Parliament shows significantly more activity in terms of the number of meetings held by statutory committees in the Assembly, but with similar outputs in terms of Bills considered and Inquiries held. Furthermore, agenda items were more likely to appear once and not appear again in Assembly committees.

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Executive summary

- 1 Introduction
- 2 Background
- 3 The current committee structure in the Northern Ireland Assembly
- 4 Scenarios – reduction in Members and Departments
- 5 Committee activity
- 6 Scottish Parliament and National Assembly for Wales
- 7 Conclusions and issues to consider

## 1 Introduction

This research paper has been prepared to inform the Assembly and Executive Review Committee’s review of Parts 3 and 4 of the Northern Ireland Act 1998. In particular, it was asked to address a reduction in the number of Assembly Members and/or Executive Departments based on the following scenarios provided by the Committee:

- 96 Members and 12 Departments
- 96 Members and 8 Departments
- 80 Members and 12 Departments
- 80 Members and 8 Departments

It explores the scope for reducing the number of members on statutory committees in the context of the Belfast (Good Friday) Agreement, Northern Ireland Act 1998 and Standing Orders of the Assembly. Where appropriate, it draws comparisons with the Scottish Parliament and National Assembly for Wales.

It also considers the resource implications on Members’ time in the event of a reduction in the number of MLAs and draws comparisons with committee activity in the Scottish Parliament.

Section 2 provides background to why the Committee is undertaking this review. Section 3 outlines the background to the committee structure in the Assembly, referencing the Belfast (Good Friday) Agreement, Northern Ireland Act 1998 and Standing Orders. Section 4 details the scenarios listed above while section 5 provides comparisons with committee activity in the Scottish Parliament. Section 6 provides an overview of the committee structure in the Scottish Parliament and National Assembly for Wales and section 7 offers conclusions and issues for further consideration.

## 2 Background

The Secretary of State intends to bring forward a Bill in the Third Session of Parliament to effect changes relating to political donations in Northern Ireland. However, it will also provide an opportunity to address institutional issues relating to the Assembly where there is broad support for change and where primary legislation would be required.

One of the areas that could potentially be addressed is the issue of the size of the Assembly. The previous Assembly and Executive Review Committee had recommended that its successor Committee undertake a review of this issue in the context of the Parliamentary Voting System and Constituencies Act 2011 (PVSC Act 2011). The PVSC Act 2011 will reduce the number of MPs from 650 to 600 with the result that Northern Ireland will lose two constituencies. This means that the number of MLAs will be reduced from 108 to 96 because Parliamentary and Assembly constituencies are the same.

### 3 The current committee structure in the Northern Ireland Assembly

The current statutory committee system in the Northern Ireland Assembly is set out in the Belfast (Good Friday) Agreement, Northern Ireland Act 1998 and Standing Orders. It reflects the need to ensure balanced representation for political parties given the unique political situation in Northern Ireland.

There are two main types of committees within the Assembly: statutory and standing. Paragraph 8 of Strand One of the Belfast (Good Friday) Agreement states:

There will be a Committee for each of the main executive functions of the Northern Ireland Administration. The Chairs and Deputy Chairs of the Assembly Committees will be allocated proportionally, using the d'Hondt method. Membership of the Committees will be in broad proportion to party strengths in the Assembly to ensure that the opportunity of Committee places is available to all Members<sup>1</sup>.

Paragraph Nine of Strand One of the Belfast (Good Friday) Agreement states that committees:

Will have a scrutiny, policy development and consultation role with respect to the Department with which each is associated, and will have a role in initiation of legislation. They will have the power to:

- consider and advise on Departmental budgets and Annual Plans in the context of the overall budget allocation;
- approve relevant secondary legislation and take the Committee stage of relevant primary legislation;
- call for persons and papers;
- initiate enquiries and make reports;
- consider and advise on matters brought to the Committee by its Minister<sup>2</sup>

#### The Northern Ireland Act 1998

Section 29 of the Northern Ireland Act 1998 (as amended by the St. Andrew's Agreement Act 2006), gives effect to Paragraph Nine of Strand One of the Belfast (Good Friday) Agreement. It states that the committees will "advise and assist each Northern Ireland Minister in the formulation of policy with respect to matters within his responsibilities as a Minister".

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1 Paragraph 8, Strand One of the Belfast Agreement

2 Paragraph 9, Strand One of the Belfast Agreement

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## 29 Statutory committees

(1) Standing orders shall make provision—

(a) for establishing committees of members of the Assembly (—statutory committees)

(i) to advise and assist the First Minister and the Deputy First Minister in the formulation of policy with respect to matters within their responsibilities as Ministers jointly in charge of the Office of the First Minister and Deputy First Minister, and

(ii) to advise and assist each Northern Ireland Minister in the formulation of policy with respect to matters within his responsibilities as a Minister

(b) for enabling a committee to be so established either in relation to a single Northern Ireland Minister or in relation to more than one; and

(c) conferring on the committees the powers described in paragraph 9 of Strand One of the Belfast Agreement

The current structural relationship between the Northern Ireland Assembly's statutory (departmental) committees and Northern Ireland departments is therefore relatively straightforward - there is one committee for each Executive department. However section 29b of the 1998 Act would appear to allow for alternative arrangements in that it enables a "committee to be so established either in relation to a single Northern Ireland Minister or in relation to more than one". Therefore it appears to allow for the possibility of committees with cross-cutting remits.

## Standing Orders

Standing Orders 47, 48 and 49 of the Assembly detail the composition and remit of statutory committees. Standing Order 48 sets out the process for allocating Chairs and Deputy Chairs to the Committees. Standing Order 48(2) confers on statutory committees the powers and responsibilities set out in Paragraph 9, Strand One of the Belfast (Good Friday) Agreement. Again, it allows for "each (statutory committee (to) carry out such role in relation to one or more Ministerial Portfolios". Standing Order 48(3) ensures that: "The other members (all those except Chair and Deputy Chair) of a statutory committee shall be determined by the Assembly subject to the requirement upon the Speaker to ensure that all members who do not hold Ministerial or junior Ministerial office are offered at least one statutory committee place".

Standing Order 49(2)(a) states "that each statutory committee will consist of 11 members including the chairperson and deputy chairperson". Standing Order 49(5) states: "The quorum of every statutory committee shall be five, except when no decision is taken or question put to the committee, when the quorum shall be four. A quorum shall be deemed to be present where members are linked by a video-conferencing facility".

Although Ministers and junior Ministers cannot be a Chair or Deputy Chair of a committee, there is no statutory bar to prevent them serving as ordinary members of a committee. However, the convention to date has been that they do not sit on committees.

### Committee allocation

Allocation of Members to statutory and standing committees is calculated using the following formula:

(Number of Committee places) divided by (Number of MLAs) multiplied by (Party strength)<sup>3</sup>

The following table provides the current allocation of seats on the Assembly's statutory committees based on the above formula:

**Table 1: Allocation of Members to statutory committees**

Party/Independent	Party strength	Committee allocation <sup>1</sup>
DUP	38	46
SF	29	35
UUP	16	20
SDLP	14	17
All	8	10
Green	1	1
TUV	1	1
Ind	1	1

1 As part of the calculation, the total for the figures in this column are rounded up to 132

## Membership of multiple committees

Standing Order 48(3) states:

A statutory committee shall have one chairperson, one deputy chairperson appointed in accordance with this Standing Order. The other members of a statutory committee shall be determined by the Assembly subject to the requirement upon the Speaker to ensure that all members who do not hold Ministerial or junior Ministerial office are offered at least one statutory committee place<sup>4</sup>.

Given that each statutory committee must have 11 Members, the majority of MLAs sit on at least two committees. The following table shows the number of MLAs sitting on multiple committees. Ministers and Junior Ministers have been excluded. For the purposes of this table, figures for both statutory and standing committees have been included. The Speaker is included as Chair of the Business Committee.

**Table 2: Membership of multiple committees (statutory and standing) in the Northern Ireland Assembly**

Number of committees	4	3	2	1	0
Number of MLAs	2	15	61	15	0

**Table 3: Membership of statutory committees in the Northern Ireland Assembly**

Number of committees	2	1	0
Number of MLAs	42	48	2

From the above table, it is clear that membership of at least two committees is normal practice for many MLAs. The issue that needs to be considered is the extent to which this commitment impacts on other aspects of a Member's duties. One possible option would be to reform the standing committee structure and leave the statutory committee system unchanged.

4 Northern Ireland Assembly Standing Orders

Although it is difficult to quantify the amount of time an MLA spends on constituency work compared to Assembly duties, the results of a survey undertaken by the Hansard Society in 2005 are useful in the absence of data for Northern Ireland.

The research found that almost 50% of an MP's time was taken up with constituency work, compared to around 15% devoted to committee work<sup>5</sup>. Other sources suggest that somewhere around 40% of MPs' and 25% of Ministers' working time is spent on constituency business<sup>6</sup>.

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5 Gemma Rosenblatt, 'A Year in the Life: from member of public to Member of Parliament', Hansard Society, 2006.

6 Better Government initiative, 'Good Government: Reforming Parliament and the Executive', January 2010 - <http://www.bettergovernmentinitiative.co.uk/da/57700>

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## 4 Scenarios – reduction in Members and Departments

This section looks at scenarios whereby the number of MLAs and/or Departments are reduced. The following scenarios have been employed:

- 96 Members and 12 Departments
- 96 Members and 8 Departments
- 80 Members and 12 Departments
- 80 Members and 8 Departments

Within each of these scenarios the impact on statutory committees with a membership of 11, 9 and 7 members is considered. The first line of the table presents the current position. Furthermore, the table reflects the convention that Ministers and junior Ministers do not serve on committees.

**Table 5: Scenarios involving a reduction in Members and/or Executive Departments**

Members	Departments/ Committees	Committee size	Ministers and Speaker	Remaining MLAs	Committee places	Ratio
108	12	11	16	92	132	1.43
96	12	11	16	80	132	1.65
96	12	9	16	80	108	1.35
96	12	7	16	80	84	1.05
96	8	11	12	84	88	1.05
96	8	9	12	84	72	0.86*
96	8	7	12	84	56	0.67*
80	12	11	16	64	132	2.06
80	12	9	16	64	108	1.69
80	12	7	16	64	84	1.31
80	8	11	12	68	88	1.29
80	8	9	12	68	72	1.06
80	8	7	12	68	56	0.82*

From the above table three distinct groups of ratios can be identified. Firstly, there are those that are an increase on the present ratio of 1.43. Moving to these scenarios would place more pressure on MLAs than is currently the case.

The second group is that where the ratios fall below 1.00. If one interprets Paragraph 8 of Strand One of the Belfast (Good Friday) Agreement as meaning that all members who are

available to take up committee places (i.e. excluding the Speaker and Executive Ministers/ Junior Ministers) must be offered such a place, then scenarios where the ratio of committee places to available Members drops below 1.00 (figures marked with an asterisk in the above table) would seem to be problematic.

Finally, the third group is that where the ratio is above but close to 1.00. This would resemble the present situation in the National Assembly for Wales and could be said to be an 'ideal' scenario in the member to committee ratio.

The following table shows comparative figures for the Scottish Parliament and National Assembly for Wales.

**Table 6: Ratio of members to committee membership in the Scottish Parliament and National Assembly for Wales**

	Members	Committees	Committee Size	Quorum	Ministers and Speakers	Remaining MSPs/AMs	Committee Places	Ratio
Scottish Parliament	129	7	Range of 7-10 Average of 8 Members <sup>1</sup>	3	20	109	59	0.54
National Assembly for Wales	60	5	10	1/3 of members or 3, whichever is greater	12	48	50	1.04

1 Standing Orders allows for between 5-15 Members

There are some interesting comparisons to be made with the position in Scotland and Wales. There are fewer committees, they have fewer members and the current ratio in the Scottish Parliament is clearly significantly below that of the Northern Ireland Assembly. Of course, the Scottish Parliament is not constrained by having to offer each Member a place on a statutory committee. Furthermore, the quorums in both the Scottish Parliament and National Assembly for Wales are less than the five required in the Northern Ireland Assembly.

It must also be noted that the Scottish Parliament and National Assembly for Wales are not subject to the provisions of the PVSC Act 2011. The Scottish Parliament (Constituencies) Act 2004 removed the statutory link between the Scottish Parliamentary constituencies and those for the House of Commons. This ensured the number of MSPs remained at 129, even as the number of MPs was reduced. The PVSC Act 2011 contained provision to ensure that the number of members in the National Assembly for Wales will not be affected by changes to Westminster boundaries.

## 5 Committee activity

The following tables compare the number of meetings held by statutory committees in the Northern Ireland Assembly and the subject committees in the Scottish Parliament in the 2007-11 mandate. The Scottish Parliament was chosen as the National Assembly for Wales did not receive significant legislative power until late in the previous mandate. In total, there were 1,636 statutory committee meetings in the Assembly, compared to 1,077 in the Scottish Parliament. The figures raise interesting questions about the resource intensiveness of committee meetings in the Assembly. If the number of members is reduced but members are still expected to sit on more than one committee then consideration may need to be given to meeting less frequently, for example fortnightly. Furthermore, previous research has identified that committees in Northern Ireland have a relatively low recurrence rate for agenda items. This was specifically in relation to agenda item looking at matters relating to public bodies. The research stated: "This reflects the fact that in the round Northern Ireland.... covered more public body type items but in less depth (i.e. they were more likely to have them on the agenda once and only once)"<sup>7</sup>.

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7 Conan McKenna: Parliamentary scrutiny by committee: Ireland in context. A comparative study on issues and effectiveness in parliamentary committees, March 2011

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**Table 7: Northern Ireland Assembly - Statutory Committee Activity (May 2007 to March 2011)**

	Agriculture and Rural Development	Culture Arts and Leisure	Education	Employment and Learning	Enterprise Trade and Investment	Environment	Finance and Personnel	Health Social Services and Public Services	Justice	OFMDM	Regional Development	Social Development
May07-Aug07	9	10	7	9	8	8	8	8	-	7	9	8
Sep07-Aug08	41	46	40	34	35	40	38	32	-	37	46	35
Sep08-Aug09	38	43	37	37	34	36	38	33	-	35	34	32
Sep09-Aug10	46	36	33	31	32	40	33	37	10	31	39	38
Aug10-Mar11	34	24	29	22	23	22	24	28	32	25	29	26
Mandate	168	159	146	133	132	146	141	138	42	135	157	139
Bills	4	0	1	3	4	10	17	6	1	3	3	7
Inquiries	2	4	1	4	2	1	4	2	0	2	1	1

**Table 8: Scottish Parliament Subject Committee Activity (May 2007 to March 2011)**

	Economy, Energy, And Tourism	Education, Lifelong Learning and Culture	Health and Sport	Justice	Local Government and Communities	Rural Affairs and Environment	Transport Infrastructure and Climate Change	European and External Relations*	Finance*
May07-May08	21	25	27	25	26	19	23	18	25
May08-May09	29	33	31	33	33	27	28	18	29
May09-May10	34	33	33	37	33	31	28	13	31
May10-Mar11	29	30	29	32	27	27	21	12	27
Session	113	121	120	127	119	104	100	61	112

	<b>Economy, Energy, And Tourism</b>	<b>Education, Lifelong Learning and Culture</b>	<b>Health and Sport</b>	<b>Justice</b>	<b>Local Government and Communities</b>	<b>Rural Affairs and Environment</b>	<b>Transport Infrastructure and Climate Change</b>	<b>European and External Relations*</b>	<b>Finance*</b>
Bills**	3	8	7	12	9	5	2	0	8
Inquiries	6	N/A***	4	3	5	7	4	9	5

\* These committees are not 'Subject Committees' (the Scottish Parliament's closest equivalent to the Assembly's Statutory Committees) but are included in the table to aid comparison of activity.

\*\* This reflects the number of bills for which the Committee is the lead committee during legislative passage. Other Committees, however, may also contribute during this process.

\*\*\* The Committee made a decision at the beginning of the session that it would, at least in the early part of the session, focus on taking oral evidence on specific policy issues rather than on undertaking inquiries. The Committee took the view that inquiries, although providing detailed scrutiny of an issue, would be time consuming and would divert energy and resources away from direct scrutiny of ministers on specific policy issues. Members therefore agreed that holding one-off or regular update evidence sessions would allow the Committee to hold the Scottish Government to account on a broader range of issues and be more responsive to these issues as they arose<sup>8</sup>.



## 6 Scottish Parliament and National Assembly for Wales

The examples of the Scottish Parliament and National Assembly for Wales are instructive as both institutions have restructured their committee systems since they were established. In the Scottish Parliament, there is no legislative requirement to ensure that all members must be offered a place on a committee. The situation in Wales more closely reflects Northern Ireland as the Government of Wales Act 2006 states that committees should reflect the political balance of the Assembly and that independents should, if possible be offered a committee place. However, it does not go so far as to state that all Members must be offered a place. Although operating under greater constraints, Section 29b of the Northern Ireland Act 1998 does allow for the possibility of cross-cutting committees. Therefore, it seems that changes to the committee system could be made within the existing legislative framework.

### Scottish Parliament

The Scotland Act 1998 does not provide the level of detail relating to committees as that found in the Northern Ireland Act 1998. Schedule 3 of the Scotland Act 1998, entitled 'Standing Orders – Further Provision', provides for Standing Orders to appoint committees and sub-committees of the Scottish Parliament<sup>9</sup>. The Scottish Parliament has two main types of committee – mandatory and subject committees. Standing Order 6.4.1 of the Scottish Parliament allows for the establishment of subject committees<sup>10</sup>. A committee established by the Scottish Parliament to deal with a particular subject, other than a mandatory committee or a committee (including a Committee of the Whole Parliament, a Consolidation Committee, a Statute Law Repeals Committee, a Statute Law Revision Committee or a Private Bill Committee) established only to take certain Stages of a particular Bill, is referred to as a subject committee.

The structural relationship between each subject committees and ministerial portfolios is set out in the table below.

**Table 9: Committee/Department structure in the Scottish Parliament**

Committee	Department/Portfolio
Economy, Energy and Tourism	Finance, Employment and Sustainable Growth apart from certain matters covered by the remit of the Local Government and Regeneration Committee and matters relating to the Cities Strategy falling within the responsibility of the Cabinet Secretary for Health, Wellbeing and Cities Strategy
Education and Culture	Education and Lifelong Learning and matters relating to culture and the arts falling within the responsibility of the Cabinet Secretary for Culture and External Affairs
Health and Sport	Health, Wellbeing and Cities Strategy apart from those covered by the remit of the Economy, Energy and Tourism Committee
Infrastructure and Capital Investment	Infrastructure and Capital Investment, apart from those covered by the remit of the Local Government and Regeneration Committee
Justice	Justice and the functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland

9 Schedule 3 Scotland Act 1998 <http://www.legislation.gov.uk/ukpga/1998/46/schedule/3>

10 Standing Orders of the Scottish Parliament, April 2011 [http://www.scottish.parliament.uk/business/so/so\\_final.pdf](http://www.scottish.parliament.uk/business/so/so_final.pdf)

Local Government and Regeneration	a) the financing and delivery of local government and local services, and b) planning, and c) matters relating to regeneration falling within the responsibility of the Cabinet Secretary for Infrastructure and Capital Investment
Rural Affairs, Climate Change and Environment	Rural Affairs & the Environment

## National Assembly for Wales

Section 29 of the Government of Wales Act 2006 legislates for the composition of committees in the National Assembly for Wales. Section 29(2) requires the provision in standing orders to secure that appointments to the places on each committee are, if possible, to be determined by a resolution of the Assembly which secures that the membership of that committee reflects, so far as is reasonably practical, the overall representation of political groups in the Assembly. The allocation of places on committees between different political groups<sup>11</sup> is determined by a resolution of the Assembly which secures that the membership of that committee reflects, so far as is reasonably practical, the overall representation of political groups in the Assembly. If this cannot be done by resolution, then places must be allocated using the d'Hondt method<sup>12</sup>. Provision must be made in the standing orders for securing, so far as is reasonably practicable having regard to the total number of committee places available, that a place on at least one committee is available for every Assembly member who does not belong to a political group, and that the total number of committee places allocated to each political group is at least equal to the number of Assembly members belonging to that group<sup>13</sup>.

Standing Order 16 of the National Assembly for Wales (NAfW) provides for the establishment and remit of committees. Standing Order 16.1 requires the NAfW to establish committees with power within their remit to:

- (i) examine the expenditure, administration and policy of the government and associated public bodies;
- (ii) examine legislation;
- (iii) undertake other functions specified in Standing Orders; and
- (iv) consider any matter affecting Wales<sup>10</sup>

In June 2011, the NAfW established the following five 'thematic' committees to carry out these functions:

- Children and Young People Committee
- Communities, Equality and Local Government Committee
- Enterprise and Business Committee
- Environment and Sustainability Committee
- Health and Social Care Committee

This committee structure differed significantly from that in place during the 2007-2011 mandate. According to a document prepared in advance of the new structure, in establishing these committees:

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11 For the purposes of the Act, a political group is: (i) a group of Members belonging to the same registered political party having at least three Members in the Assembly; or (ii) three or more Members who, not being members of a registered political party included in Standing Order 1.3(i), have notified the Presiding Officer of their wish to be regarded as a political group.

12 Explanatory Note to the Government of Wales Act 2006

13 As above

... the Business Committee had to ensure that every area of responsibility of the government and associated public bodies, and all matters relating to the legislative competence of the Assembly and functions of the Welsh Ministers and of the Counsel General, are subject to the scrutiny of a committee or committees. The Assembly has decided on a committee structure which gives committees the power to both scrutinise the government and associated public bodies and to scrutinise legislation, within a subject remit. It requires them to fulfil both of these principal functions. This is different from the third Assembly when separate committees existed for these purposes<sup>14</sup>.

The Welsh Government is based upon the following nine ministerial portfolios which must be scrutinised by the five subject committees.

- First Minister of Wales
- Minister for Education and Skills
- Minister for Environment and Sustainable Development
- Minister for Health and Social Services
- Minister for Business, Enterprise, Technology and Science
- Minister for Finance and Leader of the House
- Minister for Housing, Regeneration and Heritage
- Minister for Local Government and Communities
- Counsel General<sup>15</sup>

Addressing the relationship between committees and ministerial portfolios, the working document states that:

The committee remits are broad and, in the main, cut across Ministerial portfolios. However, committees have the flexibility to examine any issue of relevance to the broad remit defined by their titles and are not constrained in examining any issue of relevance...The five subject-based committees have been established with sufficiently large memberships to enable them to undertake multiple streams of work in formal sub-committees and informal or rapporteur groups as well as continued operation in full committee. This would allow policy and legislative work to take place simultaneously. As an example, smaller groups could be used to undertake more detailed, specialised inquiries making use of committee membership with a particular interest in the subject area. This flexibility allows committees to be more responsive to varying priorities or sudden changes in the political landscape. It also allows for more efficient use of time given the unpredictability of the legislative workload<sup>16</sup>.

In addition to the subject-based committees, five additional committees have been established by the NafW to undertake functions specified in its standing orders. These are: the Constitutional and Legislative Affairs Committee; Finance Committee; Petitions Committee; Public Accounts Committee; and Standards of Conduct Committee. Whilst in the previous mandate a European and External Affairs Committee was established, under the new arrangements European issues are to be mainstreamed into the work of the Constitutional Affairs Committee and the five 'thematic' committees.

14 Fourth Assembly Committees – Establishment and remit of Committees (paragraphs 3-4)  
<http://www.senedd.assemblywales.org/documents/s1821/ES4-01-11%20p1.pdf>

15 In addition to these Ministerial positions there is a Deputy Minister for Agriculture, Fisheries, Food and European Programmes; a Deputy Minister for Skills and a Deputy Minister for Children and Social Services

16 Fourth Assembly Committees – Establishment and remit of Committees (paragraphs 6-13)

## 7 Conclusions and issues to consider

This paper has considered a potential reduction in the number of Members and/or Executive Departments with a focus on how this might impact the size, number and structure of statutory committees. It presented a number of different scenarios that envisaged a reduction in the number of members to 96 or 80, a reduction in the number of departments to 8 and a reduction in the membership of statutory committees to 9 or 7.

### Constraints

These scenarios must be considered in the context of the Belfast (Good Friday) Agreement, the Northern Ireland Act 1998 and Standing Orders. The Agreement requires that statutory committee places are offered to all members, while Standing Orders require that a place is offered to Members who are not Ministers or junior Ministers. By convention, Ministers do not sit on committees, although there is no statutory bar to them doing so. The scenarios presented in the paper assume that this convention will remain in place. If Strand One of the Belfast (Good Friday) Agreement is interpreted all members who are available to take up committee places (i.e. excluding the Speaker and Executive Ministers/Junior Ministers) must be offered such a place, then scenarios where the ratio of committee places to available Members drops below 1.00 would seem to be problematic.

The current committee structure in the Assembly is straightforward – there is one statutory committee for each Executive Department. However, the Northern Ireland Act 1998 does allow for the possibility of committees with cross-cutting remits. Both the Scottish Parliament and National Assembly for Wales have restructured their committee system to better reflect the requirements of those institutions.

### Resources

The ratio of members to committees is greater in the Assembly (1.43) compared to Scotland (0.54) and Wales (1.04). The need to sit on multiple committees raises concerns about the effective use of Members' time. This is further evidenced by the comparison between committee meetings in the Assembly and Scottish Parliament and the lack of recurrence of agenda items at committee.

### Issues to consider

- The issue of committee size and structure has previously been considered by the Committee on Procedures. As part of its work, the Committee considered the possibility of reducing membership of committees from 11 to 9. However, the overall consensus of those consulted (including the political parties) was that current membership levels were adequate. It also considered the issue of reduced quorums and recommended a smaller quorum of four under limited circumstances such as hearing evidence from witnesses but not voting or agreeing minutes. This was subsequently incorporated into Standing Orders
- Is there a need to consider a move away from the current structure of one statutory committee for each Executive Department?
- Is there a need to reconsider the requirement to offer all non-Ministers and junior Ministers a place on a statutory committee?
- The consociational nature of the Northern Ireland Assembly. To what extent must this be a factor in considering change – for example, would a lower quorum of 3 be acceptable to political parties?



Northern Ireland  
Assembly

Research and Information Service  
Briefing Paper

7 December 2011

**Ray McCaffrey & Leigh Egerton**

**Electoral systems for the Scottish  
Parliament and National  
Assembly for Wales**

**NIAR 899-11**

# 1 Introduction

This briefing paper provides information on issues relating to the electoral systems used to elect the Scottish Parliament and National Assembly for Wales. The Assembly and Executive Review Committee requested this information following a presentation on NIAR paper 768-11.

## 2 The systems used to elect Members to the Scottish Parliament and National Assembly for Wales

Both the Scottish Parliament and National Assembly for Wales use the Additional Member System (AMS) to elect their representatives. This is a legislative requirement under the Scotland Act 1998<sup>1</sup> and Government of Wales Act 2006<sup>2</sup>.

### **What is the Additional Member System?**

The AMS is a combination of first past the post and closed list proportional representation. The report of the Commission on the Powers and Electoral Arrangements of the National Assembly for Wales (the Richard Commission) explained the rationale for choosing this system: “It attempts to combine, in a single voting system, features of the First Past the Post (FPTP) and the Party List systems. The objective is to retain the clear link between a representative and his or her electoral area and, at the same time, provide a mechanism to compensate for the lack of proportionality which usually arises from elections conducted entirely under FPTP”<sup>3</sup>.

In Wales, forty Assembly Members are elected in constituencies, using the first-past-the-post system. Twenty Assembly Members are elected using the political party list system and independent regional candidates may also stand for election<sup>4</sup>.

In Scotland, there are 73 constituency Members of the Scottish Parliament (MSPs) who are elected using the first-past-the-post system. There are 56 regional MSPs across eight Scottish Parliament regions who are elected using a closed party list system<sup>5</sup>.

### **How does it work?**

The website [aboutmyvote.co.uk](http://aboutmyvote.co.uk) provides the following explanation of AMS (this paper has modified the text to use Wales as an example but the process is identical for Scotland):

The voter has two votes – one for the constituency member and the other for the regional members. The ballot paper for the constituency vote is marked with an X.

The second ballot paper is for the party or independent candidate attempting to win the regional seats. The ballot paper lists political parties and independent candidates. Under each party name is a list of candidates who wish to represent that party.

For elections to the National Assembly for Wales there are five regions, each electing four regional AMs. There are therefore 20 regional seats; these seats are awarded using a quota system. The quota is the total number of regional votes received by a party or independent candidate divided by the number of constituency seats already gained in that region +1.

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1 Scotland Act 1998 as amended

2 Government of Wales Act 2006 as amended

3 Commission on the Powers and Electoral Arrangements of the National Assembly for Wales: <http://www.richardcommission.gov.uk/content/finalreport/report-e.pdf>

4 The Electoral Commission, Report on the National Assembly for Wales general election 5 May 2011, October 2011

5 The Electoral Commission, Report on the Scottish Parliament election on 5 May 2011, October 2011

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So, for a party with no constituency seats the number of votes received is divided by one. If the party has secured one constituency seat in that region then its number of votes is divided by two, if it has two seats in that region it is divided by three, and so on.

This means that the more constituency seats a political party has won, the harder it is to gain any additional seats through the regional list system, so the overall allocation of seats is more proportional to the number of votes received.

The regional seats each political party wins are filled by the candidates in the order they appear on the regional ballot paper, this order is decided by the political party. An independent candidate is treated as though he or she were a party with only one name on its list.

The Richard Commission noted both advantages and disadvantages of using AMS:

#### **Advantages**

- the single Member constituency representation, elected by FPTP, is familiar and straightforward
- a broadly proportional result is achieved by the combined effect of the constituency and regional ballots

#### **Disadvantages**

- it creates two types of AM with overlapping responsibilities: the single constituency Member and the regional Member who is one of four representatives covering the region which includes the constituency
- the closed party list system reduces voter choice in favour of party control. Parties choose the candidates and determine their priority order on the list
- there is some evidence that people do not understand the dual-voting system, particularly the relationship between the first and second vote

In 2007 the Electoral Reform Society recommended that in Scotland and Wales STV should replace AMS to counter the weaknesses of AMS, such as the creation of two types of representatives<sup>6</sup>. The Richard Commission had also recommended the introduction of STV if the Welsh Assembly were ever to be larger than 60 as the problem with two types of members would be exacerbated. Furthermore, observers have noted that STV in Northern Ireland is the most proportional system of voting present in the UK<sup>7</sup>.

#### **Women and people from black and minority ethnic backgrounds**

It has been suggested that under AMS fair representation for women and people from black and minority ethnic backgrounds is increased. At the 2011 National Assembly for Wales election 24 women were elected, equalling the 40% achieved in 1999. In 2003, the Assembly became the first legislature in the world to have equal representation for both men and women.<sup>8</sup>

In Scotland, the number of women elected in 2011 was 45, resulting in the second lowest number of women MSPs in four Scottish Parliament elections at 35%. The 2007 election produced the lowest number at 33%.

6 Electoral Reform Society (2007), *Britain's Experience of Electoral Systems*

7 Ministry of Justice (2008), *The Governance of Britain: Review of Voting Systems: the experience of new voting systems in the UK since 1997* (London: TSO) p.92

8 Fox, Ruth (2011), "Boom and Bust' in Women's Representation: Lessons to be Learnt from a Decade of Devolution", *Parliamentary Affairs*, 64, 1

The 2011 election led to only a slight improvement in the number of black and minority ethnic members (BME) of the National Assembly for Wales and Scottish Parliament: in both places they doubled, to two.

Female representation in the Northern Ireland Assembly is lower than the legislatures in Scotland and Wales (18.5%), and there is only one MLA from a BME background in the Assembly.

Factors beyond the electoral system need to be considered when examining the issue of under-represented groups in legislatures. For example, what efforts do political parties make to encourage female/BME membership and subsequent candidacy at elections?

### **Status of constituency and regional members**

Both the Scottish Parliament and National Assembly for Wales make it clear that Members must not describe themselves as regional Members if they are constituency members, and vice versa. These rules are laid down in Standing Orders, Codes of Conduct and, in the case of the National Assembly for Wales, section 36(6) of the Government of Wales Act 2006.

### **Decoupling Parliamentary/Assembly constituencies from Westminster boundaries**

Unlike the Northern Ireland Assembly, the Scottish Parliamentary and National Assembly for Wales constituency boundaries are not coterminous with Westminster boundaries.

Section 2 of the Government of Wales Act 2006 specifies that the National Assembly for Wales constituencies are the parliamentary constituencies in Wales. Section 13 of the Parliamentary Voting System and Constituencies Act 2011 (PVSC Act) amended that section to provide that the Assembly constituencies are the constituencies specified in the Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006, as amended. The effect is that any future changes to Parliamentary constituencies made under the new rules introduced by the PVSC Act 2011 will not change Assembly constituencies.

The Scottish Parliament (Constituencies) Act 2004 removed the statutory link between the Scottish Parliamentary constituencies and those for the House of Commons. This ensured the number of MSPs remains at 129, even if the number of MPs is reduced.

### **How could the electoral system for the Northern Ireland Assembly be changed?**

The electoral systems for the Scottish Parliament, National Assembly for Wales and the Northern Ireland Assembly can only be changed by the UK Parliament. Section 33 of the Northern Ireland Act 1998 states:

*The members of the Assembly shall be returned for the parliamentary constituencies in Northern Ireland*

*Each constituency shall return six members*

The PVSC Act 2011 did not contain provision to amend Section 33 of the Northern Ireland Act 1998.

Furthermore, Paragraph 2 of Strand One of the Belfast (Good Friday) Agreement states that: "A 108-member Assembly will be elected by PR(STV) from existing Westminster constituencies"<sup>9</sup>. Therefore any potential change to the current electoral system would probably have to take account of Paragraph 2.





Northern Ireland  
Assembly

Research and Information Service  
Briefing Paper

7 December 2011

**Ray McCaffrey & Leigh Egerton**

Further information relating to  
the structure of the Northern  
Ireland Assembly

**NIAR 859 -11**

# 1 Introduction

This briefing paper provides supplementary information on issues relating to the size of the Northern Ireland Assembly. The Assembly and Executive Review Committee requested this information following a presentation on paper 768-11.

This paper addresses the following issues:

- The committee systems in the Scottish Parliament and National Assembly for Wales
- Percentage attendance figures at committee meetings in the Northern Ireland Assembly
- The review of Westminster boundaries and information on membership of the Policing Board

## 2 The committee systems in the Scottish Parliament and National Assembly for Wales

### Issues

- Rationale for the structure of the Committee system in the Scottish Parliament
- Potential difficulties of a small quorum (3) in Scottish Parliament committees
- Do Committees in the Scottish Parliament and National Assembly for Wales meet during plenary sessions?

### Scottish Parliament

#### Structure

Officials from the Scottish Parliament confirmed that they do not have a rationale for the members/committees ratio. They have operated with both larger and fewer committee place numbers over the years and it is a case of supply having to meet the business demands of the Parliament<sup>1</sup>.

#### Quorum

Rule 12.2 of Standing Orders states:

A committee shall not commence consideration of any business or vote if the number of committee members present (including the convener or deputy convener if that person is in the chair) is fewer than 3<sup>2</sup>.

The reason for a quorum of three appears to come from the Report of the Consultative Steering Group on the Scottish Parliament, which stated:

Standing Orders should prescribe a quorum which must be reached by Committees both for consideration of business and for voting. Given that we are recommending that the number of Members on each Committee may vary between 5 and 15, it is proposed that a quorum of 3 Members is required. Committees which were not quorate would not be able to meet<sup>3</sup>.

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1 Information provided by Scottish Parliament officials, 1 December 2011

2 Standing Orders of the Scottish Parliament (revised November 2011) accessed 28 November 2011

3 Report of the Consultative Steering Group on the Scottish Parliament, The Scottish Office 1998, accessed November 2011

The Scottish Parliament has advised that the relatively small quorum has to date not caused problems<sup>4</sup>.

### **Plenary and Committee meetings**

Rule 12.3 of Standing Orders of the Scottish Parliament states:

A meeting of a committee (other than a Private Bill Committee) shall not begin when a meeting of the Parliament is in progress, and a committee meeting that has begun shall be closed before, or suspended during, any period when a meeting of the Parliament is in progress<sup>5</sup>.

Again, the report of the Steering Group appears to have influenced this decision:

Committees should not sit when the Plenary is in session, to facilitate maximum participation in debates<sup>6</sup>.

In its legacy report published at the end of the previous mandate, the Convenors Group of the Parliament commented on committee workload and priorities:

Given the range of work to be undertaken by committees, the Standards, Procedures and Public Appointments Committee should look at the balance of the parliamentary week between committees and the Chamber.

The Group recognises the need for sufficient Chamber time, particularly for the passage of legislation but believes that the current arrangements do not properly reflect the range and importance of committee business. It might be appropriate to consider a more flexible division of the parliamentary week which would recognise that the Chamber might need more time at particular points in the year or session such as the weeks immediately preceding the summer recess or dissolution. The work of committees could be given a larger proportion of the parliamentary week at other times of the year. Other options should also be considered including devoting weeks exclusively to committee or Chamber business. The Group recognises that changes of this kind would require a new approach to business programming.

The Group also recommends that the Standards, Procedures and Public Appointments Committee review the Rule that prevents committees from meeting at the same time as the Chamber. The Group considers that a change in that Rule could provide valuable additional time for committees without any adverse impact on the work of the Parliament<sup>7</sup>.

Therefore, Committees may meet on the same day as plenary sessions, but the timings cannot overlap.

## **National Assembly for Wales**

### **Quorum**

Standing Orders 17.31 and 17.32 of the National Assembly for Wales state:

17.31 A committee meeting must be declared inquorate if there are fewer than three Members, or less than one-third of the committee's members, whichever is the greater, present.

17.32 A committee meeting must be declared inquorate if, at the beginning of the meeting, the Members present represent only one political group<sup>8</sup>.

4 Information provided by Scottish Parliament officials, 1 December 2011

5 Standing Orders of the Scottish Parliament (revised November 2011) accessed 28 November 2011

6 Report of the Consultative Steering Group on the Scottish Parliament, The Scottish Office 1998, accessed November 2011

7 CONVENERS GROUP LEGACY PAPER - SESSION 3, accessed 28 November 2011

8 Standing Orders of the National Assembly for Wales, accessed 29 November 2011

### Plenary and Committee meetings

Although there is nothing in Standing Orders to specifically prohibit committee meetings taking place during plenary, evidence to the Richard Commission by the Panel of Chairs of the Subject Committees stated that: “It is...considered inappropriate to arrange committee business at the same time as plenary sessions”<sup>9</sup>.

This position was confirmed by later research<sup>10</sup> carried out for the Scottish Parliament.

## 4 Percentage attendance figures at committee meetings in the Northern Ireland Assembly 2007-11

### Issue

- Percentage attendance figures for committees in the Scottish Parliament and National Assembly for Wales compared to the Northern Ireland Assembly

The following tables provide the percentage attendance figures at statutory and standing committees in the 2007-11 mandate of the Northern Ireland Assembly.

**Table 1: Percentage attendance at meetings of statutory committees in the 2007-11 mandate**

Committee	Average % attendance
Agriculture and Rural Development	81.2
Office of the First Minister and Deputy First Minister	75.5
Culture, Arts and Leisure	81.6
Education	80.1
Employment and Learning	76.7
Enterprise, Trade and Investment	74.8
Environment	77.8
Finance and Personnel	80.9
Health, Social Services and Public Safety	78.5
Justice <sup>1</sup>	86.7
Regional Development	82.2
Social Development	81.3
Overall average	79.7

1 Committee for Justice met for the first time in 2009

9 Panel of Subject Committee Chairs - Submission to Richard Commission, November 2002

10 Parliamentary time in other Parliaments and Assemblies [http://www.scottish.parliament.uk/S4\\_PublicPetitionsCommittee/Inquiries/20111025\\_international\\_comparisons.pdf](http://www.scottish.parliament.uk/S4_PublicPetitionsCommittee/Inquiries/20111025_international_comparisons.pdf)

**Table 2: Percentage attendance at meetings of standing committees in the 2007-11 mandate**

<b>Committee<sup>2</sup></b>	<b>Average % attendance</b>
Assembly and Executive Review	79.0
Procedures	71.7
Public Accounts	75.4
Standards and Privileges	73.1
Audit	86.0
Overall average	77.0

2 Figures not available for Business Committee

The information for the Scottish Parliament and National Assembly for Wales is less comprehensive. Officials from the Parliament have stated that “It is usual to find that all members attend each committee meeting<sup>11</sup>”, but no figures are available. For the National Assembly for Wales, figures are only available for the attendance of each Member from the beginning of the current mandate. The attendance figures are therefore very high due to the small number of meetings held.

## 5 Average duration of committee meetings

### Issue

#### ■ Duration of committee meetings

A direct comparison between legislatures is difficult due to the different amounts of information available and the method of collation. It should also be noted that the figures for Scotland and Wales include all committees.

#### **Scottish Parliament**

The average duration of a committee meeting in the Scottish Parliament in the 2009-10 session was 2 hours and 16 minutes<sup>12</sup>. In 2008-09 the figure was 1hr 59mins, for 2007-08 it was 1hr 50mins<sup>13</sup> and for 2006-07 it was 2 hours and 2 minutes<sup>14</sup>.

This equates to an average of approximately 2 hours from 2006 to 2010.

#### **National Assembly for Wales**

115 committee meetings took place between May and the start of December 2011, lasting a total of 177 hours and 48 minutes. The average duration of a committee meeting was therefore approximately 1 hour and 30 minutes<sup>15</sup>.

#### **Northern Ireland Assembly**

Figures were available for a sample of committee meetings in the 2007-11 mandate<sup>16</sup>:

11 Information provided by the Scottish Parliament

12 [http://www.scottish.parliament.uk/Annualreportsandaccounts/SP\\_Stats\\_200910v2.pdf](http://www.scottish.parliament.uk/Annualreportsandaccounts/SP_Stats_200910v2.pdf)

13 [http://www.scottish.parliament.uk/Annualreportsandaccounts/SP\\_Stats\\_2007-08.pdf](http://www.scottish.parliament.uk/Annualreportsandaccounts/SP_Stats_2007-08.pdf)

14 [http://www.scottish.parliament.uk/Annualreportsandaccounts/SP\\_Stats\\_2006-07.pdf](http://www.scottish.parliament.uk/Annualreportsandaccounts/SP_Stats_2006-07.pdf)

15 Information provided by the National Assembly for Wales Research Service

16 Figures provided by the Business Office

- Average length of standing committee meeting: 1 hour 21 minutes
- Average length of statutory committee meeting: 2 hours 28 minutes

The combined average is therefore 1 hour 55 minutes

## 5 The review of Westminster boundaries and any potential impact on membership of the Policing Board

### **Review of Westminster boundaries**

The Parliamentary Voting System and Constituencies Act 2011 places a requirement on the UK Boundary Commissions to “submit boundary reports...before 1 October 2013 and every five years subsequently. This replaces a requirement to report every 8 to 12 years”<sup>17</sup>.

### **Policing Board**

The Northern Ireland Policing Board was established under section 2 of the Police (Northern Ireland) Act 2000<sup>18</sup>. Schedule 1 of this Act outlines the membership and allocation of MLAs to the Board. Part 3 of Schedule 1 states that:

- The Board shall have 19 Members
- 10 will be nominated from among Members of the Assembly
- 9 shall be appointed by the Minister for Justice

The political members are appointed using the D'Hondt method. Furthermore, the previous Assembly and Executive Review Committee, in its First Report on the Arrangements for the Devolution of Policing and Justice Matters recommended that:

There should be a convention, which would be respected by the political parties, and which would ensure that, at the point of devolution, and beyond, Members of the Northern Ireland Policing Board, or any District Policing Partnership could not sit, simultaneously, on the Statutory Committee of Justice<sup>19</sup>.

This recommendation was subsequently given effect in Standing Order 49B.

### **Frequency of meetings**

The Police (Northern Ireland) Act 2003 amended the minimum number of public meetings of the Board from 10 to 8<sup>20</sup>. The following table shows the number of meetings per year since 2008.

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17 Explanatory Note to the PVSC Act 2011

18 Police (Northern Ireland) Act 2000: <http://www.legislation.gov.uk/ukpga/2000/32/contents>

19 [http://archive.niassembly.gov.uk/assem\\_exec/2007mandate/reports/report22\\_08\\_09R.htm#Sum](http://archive.niassembly.gov.uk/assem_exec/2007mandate/reports/report22_08_09R.htm#Sum)

20 [http://www.nio.gov.uk/police\\_northern\\_ireland\\_act\\_2003.pdf](http://www.nio.gov.uk/police_northern_ireland_act_2003.pdf)

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**Table 3: Number of meetings of the Northern Ireland Policing Board since 2008**

<b>Year</b>	<b>Number of meetings</b>
2011	10 (as at 3 November)
2010	10
2009	13
2008	12

Using the minutes published on the website of the Policing Board, the average running time for a Board meeting in 2011 has been calculated at 5.5 hours.

### **Scope for change**

The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010<sup>21</sup> transferred certain functions in relation to the Board from the Secretary of State to the Northern Ireland Minister for Justice. However, responsibility for amending the legislation remains within the remit of the UK Government, including, for example, the number of political members and their method of appointment.

21 <http://www.legislation.gov.uk/uksi/2010/976/contents/made>



Northern Ireland  
Assembly

Research and Information Service  
Briefing Paper

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Paper 000/00

12 April 2012

NIAR 229-12

**Ray McCaffrey and Leigh Egerton**

# Scheduling Parliamentary time



# 1 Introduction

This briefing paper has been prepared for the Assembly and Executive Committee. It provides information in relation to the scheduling of Parliamentary business in the House of Commons, the Scottish Parliament, the National Assembly for Wales and the Oireachtas. It also references international examples where appropriate. The paper seeks to address the following issues:

- The manner in which other parliaments schedule parliamentary business for plenary sessions, committee meetings and constituency work
- If there is any evidence that suggests that scheduling plenary sittings alongside committee meetings produces a decrease in parliamentary effectiveness
- The size of committees in the House of Commons

## Key points

- The Scottish Parliament and National Assembly for Wales avoid the overlap of plenary and committee meetings. However the Scottish Parliament could soon amend this practice to allow greater flexibility in the scheduling of parliamentary business
- No legislature in the UK and Ireland has officially designated constituency days in Standing Orders, but certain days are generally regarded as time for constituency business
- In the House of Commons, there has been an ongoing debate over many years on the impact of scheduling plenary alongside committee business
- The number of committee places in the Commons has doubled since the establishment of the current system in 1979, from 275 to 576

# 2 Scheduling Parliamentary Business

## House of Commons

Plenary meetings and Select Committee meetings take place concurrently in the House of Commons<sup>1</sup>. Standing Order 123 of the Commons states “All committees, other than committees of the whole House, shall have leave to sit at any time on any day on which the House sits”<sup>2</sup>.

The Commons Select Committee on Procedures is currently undertaking an inquiry into sittings of the House and the parliamentary calendar:

The Committee intends to undertake a radical review of the role of Members of Parliament and the House of Commons and the optimum arrangements for the hours and sitting patterns of the House for fulfilling these roles most effectively.<sup>3</sup>

A range of views have been expressed in evidence to the Committee regarding the arrangements for scheduling plenary and committee business. These are summarised below:

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1 Parliamentary time in other Parliaments and Assemblies [http://www.scottish.parliament.uk/S4\\_PublicPetitionsCommittee/Inquiries/20111025\\_international\\_comparisons.pdf](http://www.scottish.parliament.uk/S4_PublicPetitionsCommittee/Inquiries/20111025_international_comparisons.pdf)

2 Standing Orders of the House of Commons Number 73 Printed December 2010 Accessed: 4th April 2012

3 Commons Select Committee Inquiry: Sittings of the House and Parliamentary Calendar <http://www.parliament.uk/business/committees/committees-a-z/commons-select/procedure-committee/inquiries/parliament-2010/sittings-of-the-house-and-the-parliamentary-calendar/>

- the Procedure Committee should give the House the option of setting time aside each week for select committee meetings, with no debates taking place in the chamber. In effect, this would be a dedicated Committee day
- The structure of Committees in the House is already overstretched with regular poor attendance, often with MPs popping in for a few minutes then leaving

The Hansard Society's submission is particularly interesting on the topic of balancing Plenary and Committee time:

We believe that the Chamber should remain the ultimate forum for holding ministers to account. However, to improve its effectiveness Parliament should become a more committee-based institution. In order to provide for greater focus on select committee work one half or perhaps even one full day per week should be ring-fenced in the parliamentary week for committee work during which time the main Chamber should not sit. This would enhance the status of committees and, by rationing time in the Chamber, would mean that it acts as a plenary session for issues of greatest importance<sup>4</sup>.

The Committee is due to report later this year.

The Commons does not sit on every Friday and these non-sitting days are generally regarded as constituency days<sup>5</sup>.

## Scottish Parliament

Paper 859-11 provided information on plenary and committee meetings in the Scottish Parliament. The key points are reproduced below.

Rule 12.3.3 of Standing Orders of the Scottish Parliament states:

A committee meeting may be held on any day, whether a sitting day or not and whether within or outwith the normal Parliamentary week. Committee meetings shall not normally be held when the Parliament is in recess.

Rule 12.3.3A goes on to say:

A meeting of a committee (other than a Private Bill Committee) shall not begin when a meeting of the Parliament is in progress, and a committee meeting that has begun shall be closed before, or suspended during, any period when a meeting of the Parliament is in progress<sup>6</sup>.

### Report of Convenors Group

In its legacy report published at the end of the previous mandate, the Convenors Group of the Parliament commented on committee workload and priorities:

Given the range of work to be undertaken by committees, the Standards, Procedures and Public Appointments Committee should look at the balance of the parliamentary week between committees and the Chamber. The Group also recommends that the Standards, Procedures and Public Appointments Committee review the Rule that prevents committees from meeting at the same time as the Chamber. The Group considers that a change

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4 <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmproced/writew/1370/1370.pdf>

5 Parliament.uk (2012) "Constituency Fridays" see: <http://www.parliament.uk/site-information/glossary/constituency-fridays/> For more details on the Standing Orders governing Friday sittings see Standing Order 11 and 12 in House of Commons Standing Orders

6 Standing Orders of the Scottish Parliament (revised November 2011)

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in that Rule could provide valuable additional time for committees without any adverse impact on the work of the Parliament<sup>7</sup>.

In December 2011 the Standards, Procedures and Public Appointments Committee published a report that recommended significant changes to the scheduling of parliamentary business. One of its recommendations suggested that the rules surrounding plenary and committee meetings should be amended:

The Committee recommends that Standing orders be amended to allow committees to meet at the same time as the Chamber when committees identify a need to sit longer, on a planned basis, should the bureau agree that is necessary.<sup>8</sup>

The latest communication from officials in the Scottish Parliament advises that they are awaiting a response on the report from the Parliamentary Bureau following which they expect to bring forward standing order rule changes for debate in the Chamber.

### **Constituency days**

Constituency days are not stipulated in the Scottish Parliament Standing Orders although Mondays and Fridays are generally regarded as constituency days.<sup>9</sup>

## **National Assembly for Wales**

Although there is nothing in Standing Orders to specifically prohibit committee meetings taking place during plenary, evidence to the Richard Commission by the Panel of Chairs of the Subject Committees stated that: "It is...considered inappropriate to arrange committee business at the same time as plenary sessions"<sup>10</sup>.

This position was confirmed by the Assembly's submission to the Commons' Procedure Committee<sup>11</sup>.

### **Constituency days**

A constituency day is not stipulated in Assembly Standing Orders although Friday is considered informally to be the constituency day for the Assembly.<sup>12</sup>

## **Oireachtas**

There is nothing in Standing Orders to prohibit plenary business from taking place at the same time as committee business within the Oireachtas and indeed this is normal practice.<sup>13</sup>

The Committee system in the Oireachtas has traditionally been considered weaker than its counterparts elsewhere, in part due to the limited powers of inquiry available to them<sup>14</sup>.

7 CONVENERS GROUP LEGACY PAPER - SESSION 3

8 Standards, Procedures and Public Appointments Committee, 2nd report, 2011 (Session 4), "Reform of Parliamentary business inquiry: Phase 1 report: remodelling the Parliamentary week" Available at: [http://www.scottish.parliament.uk/S4\\_StandardsProceduresandPublicAppointmentsCommittee/Reports/sppa-11-02w.pdf](http://www.scottish.parliament.uk/S4_StandardsProceduresandPublicAppointmentsCommittee/Reports/sppa-11-02w.pdf)

9 As above see p. 10.

10 Panel of Subject Committee Chairs - Submission to Richard Commission, November 2002

11 <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmproced/writetv/1370/1370.pdf>

12 Welsh Assembly (2012), "Assembly Timetable 19 September 2011 – 20 July 2012" See: [http://www.assemblywales.org/bus-home/assembly\\_timetable.htm](http://www.assemblywales.org/bus-home/assembly_timetable.htm)

13 Schedule of Business: This Week in the Houses of the Oireachtas <http://www.oireachtas.ie/ViewDoc.asp?DocId=1&CatID=60>

14 A proposal to grant Oireachtas committees more investigatory powers was defeated in the referendum in October 2011

However, there could soon be a greater emphasis placed on the work of committees. The Programme for Government had promised that “In order to enhance the role of the legislative committees, we will organise a committee week every fourth sitting week. The Dáil plenary will sit only for questions, including Leaders’ Questions and the order of business and the remainder of the day will be taken up in committee<sup>15</sup>.”

**Constituency days**

In terms of constituency days there is no specific day stipulated in Standing Orders. However, the Dail does not meet on a Monday<sup>16</sup> or on three Fridays a month<sup>17</sup>.

**Other legislatures**

As part of its inquiry, the Commons’ Procedure Committee asked other legislatures to provide it with information on their approach to constituency and committee days:

**Table 1: Constituency and committee days in other legislatures**

Legislature	Constituency days	Committee days
Canadian House of Commons	The calendar generally provides for at least one week per month, and occasionally two weeks, during which the House does not sit in order primarily to afford Members the opportunity to spend time in their constituencies	No
Australian House of Representatives	No	No
Lok Sabha (India)	No	Yes, to consider the Budget

### 3 Impact of scheduling Plenary alongside Committee business

Perhaps unsurprisingly, given its size and workload, the House of Commons provides the best example of tensions between the scheduling of business in plenary and committees. This section draws on a number of sources highlighting the negative impact concurrent plenary and committee business has on the effectiveness of committees.

In 2001 the Hansard Society recommended that the House of Commons give greater recognition of the importance of committee work in its weekly parliamentary scheduling:

In order to reflect the importance attached to the select committee system, and not take away from the chamber, one day each week should be devoted to committee activity. To reflect the importance of this work other parliamentary business should be arranged around the committees so that the chamber would not meet on this day.<sup>18</sup>

15 [http://www.taoiseach.gov.ie/eng/Publications/Publications\\_2011/Programme\\_for\\_Government\\_2011.pdf](http://www.taoiseach.gov.ie/eng/Publications/Publications_2011/Programme_for_Government_2011.pdf)

16 See Oireachtas Standing Order 21.

17 Recent Change to Standing Orders of the Oireachtas in March 2012. See Standing Order 117A that now allows for on Friday sitting a month.

18 Hansard Society (2001), *The Challenge for Parliament; Making Government Accountable*, Report of the Hansard Society Commission on Parliamentary Scrutiny (London: Vacher Dod), p.54.

In 2008-09 the House of Commons Reform Committee (the Wright Committee) recognised the pressure faced by select committees:

Select committees have rightly won respect for the work they do and they are being asked to take on an increasing number of tasks on behalf of the House. As a result committee members find it increasingly difficult to devote time to select committee work as well as all their other duties. We consider that the Liaison Committee should re-examine the current role of select committees, their resources and their tasks, and in particular how to deal with the increasing demands of time made of Members as their role grows<sup>19</sup>.

In evidence sessions to the Commons Select Committee on Procedures inquiry into Sitings of the House and Parliamentary Calendar Angela Eagle MP the shadow leader of the house also suggested the introduction of committee days to the parliamentary week:

I think there are more fundamental reforms we could look at and think of, like having committee days and plenary days, how we could brigade the business that is different from what we have traditionally done in this Parliament... We need to look at the way other parliaments work and see whether they have a better way of brigading business<sup>20</sup>.

Furthermore, recent research has contended that:

The effective discharge of the core tasks and the overall effectiveness of select committees are challenged by the capacity, time and motivation of members and the support and resources available to them. One of the reasons that some areas of government activity may escape effective scrutiny is that committees simply face too many demands without the resources required, particularly the time and interest of members...the growing importance and effectiveness of select committees is part of a trend that has seen the House of Commons become a more committee-based institution. However...there has been little reform to the balance between committee and chamber work and consequently...committees have to deal with the conflicting time demands and expectations of the plenary session in the Chamber and Westminster Hall. Proposals to provide more time for committees and to avoid clashes with the chamber have been made for many years.

The following table provides some international examples of the approach taken to scheduling plenary and committee business.

**Table 2: Approach taken in other legislatures to scheduling plenary alongside committee business**

Legislature	Can Plenary sessions take place at the same time as committee meetings?
Legislative Council of New South Wales	No
Legislative Assembly of Victoria	Joint investigatory committee and select committees cannot meet during plenary unless the House grants leave, this leave is rarely given. Privileges and standing orders committees may both meeting during plenary.

19 <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmrefhoc/1117/1117.pdf>

20 See Angela Eagle Oral evidence session: <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmproced/c1370-vi/c137001.htm>

<b>Legislature</b>	<b>Can Plenary sessions take place at the same time as committee meetings?</b>
Legislative Council of Victoria	No, but since December 2010 Wednesday evenings have been made available for Council committees to meet. Joint investigatory committee and select committees cannot meet during plenary unless the House grants leave, this leave is rarely given. Privileges and standing orders committees may both meeting during plenary.
Legislative Assembly of South Australia	No unless the House votes to permits it.
Legislative Assembly of Ontario	Yes, except during question time and the Routine Proceedings Committee of Supply.
Legislative Assembly of Manitoba	No
National Assembly of Québec	Yes, up to 4 committees may meet concurrently with the plenary, except during the Routine Proceedings. When the Assembly is not sitting up to 5 committees may meet concurrently.
House of Representatives, Australian Parliament	Yes, but may be interrupted if there is a call for a division or a quorum in the House.

## 4 Size of Commons' committees

There has been a significant increase in membership of Commons' select committees since the establishment of the current system in 1979. Originally populated with between 9 and 11 Members, this has grown to around 14. During this period, the number of places to be filled on all temporary and statutory committees has doubled from 275 to 576<sup>21</sup>. There are currently 650 MPs but this number will reduce to 600 for the purposes of the 2015 UK Parliamentary election<sup>22</sup>. The number of committees has risen from 24 to approximately 39, requiring a number of Members to serve on two or more committees. The convention that Parliamentary Private Secretaries and Opposition front-benchers do not serve on committees has had to be breached to service the demands of the committee system.

Prior to the 2010 Parliamentary election, the Wright Committee recommended:

That the new House of Commons reduce the size of its standard departmental committees to not more than 11; Members in individual cases can be added to specific committees to accommodate the legitimate demands of the smaller parties. We also recommend that the practice of appointing parliamentary private secretaries and front bench Official Opposition spokesmen should cease. We believe there should be clear consequences for unreasonable absence from select committees. The House must also seek to reduce the numbers of committees, ending overlapping or duplicate remits and rationing the scarce resource of Members time and commitment<sup>23</sup>.

21 <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmrefhoc/1117/111706.htm>

22 This is a result of provisions in the Parliamentary Voting System and Constituencies Act 2011

23 As above



Northern Ireland  
Assembly

## Research and Information Service Research Paper

Paper 000/00

23 April 2012

NIAR XXX-12

**Ray McCaffrey & Tim Moore**

# Committee Stages of Bills

This research paper compares the committee stages of the legislative process in the devolved legislatures, House of Commons and Dail Éireann. It looks at the role committees play in consideration of both the general principles and detail of a Bill, the role of non-committee members during committee stages, and the ability of committees to amend legislation.

Research and Information Service briefings are compiled for the benefit of MLAs and their support staff. Authors are available to

discuss the contents of these papers with Members and their staff but cannot advise members of the general public. We do, however, welcome written evidence that relate to our papers and these should be sent to the Research and Information Service,

Northern Ireland Assembly, Room 139, Parliament Buildings, Belfast BT4 3XX or e-mailed to [RLS@niassembly.gov.uk](mailto:RLS@niassembly.gov.uk)

## Executive Summary

Primary legislation governing the devolved legislatures in Northern Ireland, Scotland and Wales contains similar provisions relating to the legislative process. All three bodies must provide for their Members to:

- consider the general principles of a Bill
- consider and vote on the details of a Bill
- reject or pass the Bill

Standing Orders implement these provisions somewhat differently in each of the devolved legislatures.

At present, each of the devolved legislatures has established committees with remits that include the consideration of legislation and scrutiny of the relevant executive functions. In the past this was not the case, as separate legislation and scrutiny committees existed in the National Assembly for Wales.

Regarding consideration of the general principles of a bill, in the Scottish Parliament, Bills are referred to the committee within whose remit the subject matter of the Bill falls. The committee considers the general principles and reports on its consideration. The Parliament, taking into consideration the committee's report, then decides in plenary whether or not to agree the general principles.

In the National Assembly for Wales, consideration of general principles may occur in either committee or plenary. In the Northern Ireland Assembly, standing orders provide for the consideration of general principles, as a stage in the legislative process, to be undertaken in plenary only.

In each of the three devolved legislatures consideration of the detail of a bill occurs in committee. Differences in standing orders exist, however, in relation to the participation of non-committee members and the ability of committees to amend the bill during this stage of the legislative process.

In both the Scottish Parliament and the National Assembly for Wales, Members who are not members of a committee may, with the permission of the chair, participate in a committee meeting though they may not vote.

In the Northern Ireland Assembly, Members who are not members of a committee may, at the invitation of the Committee, participate in committee meetings though they may not vote.

In the National Assembly for Wales, any Assembly Member may table amendments to a Bill but only committee members may move, seek agreement to withdraw, or vote on an amendment.

In the Scottish Parliament, notice of an amendment may be given by any member and members who are not members of the committee taking Stage 2 of a Bill are also entitled to participate in the committee proceedings for the purpose of moving, debating or seeking agreement to withdraw an amendment in their name; they are not, however, entitled to vote.

In both the Scottish Parliament and the National Assembly for Wales a Bill can be amended in Committee during the detailed consideration stage. The statutory committees of the Northern Ireland Assembly may propose amendments for consideration by the Assembly but committees cannot themselves amend the Bill.

In Dail Éireann, consideration of the general principles of a bill is undertaken in plenary as the second stage of the legislative process. Detailed consideration of a bill can be undertaken by a Committee of the whole Dail, a select committee or a special committee.



Standing Orders also enable some provisions to be considered by a Committee of the whole Dáil, whilst others are considered by a Select or Special Committee. Committees undertaking detailed consideration are able to amend the Bill. It has been suggested, however, that ‘the dominance of political parties in the Irish parliamentary process and the unwillingness to accept opposition party amendments means that few bills fundamentally change’ during the legislative process.

In the House of Commons, debate on the general principles of a bill takes place in plenary sittings. Detailed examination of Bills is generally undertaken by Public Bills committees although a minority of Bills are dealt with by a Committee of the Whole House. House of Commons public Bills Committees can amend the bill during the committee stage.

In the House of Commons, there is a general rule that only those members nominated to a general committee (including Public Bill Committees) may take part in the deliberations of the committee, make any motion or move any amendment, be counted in the quorum of a committee, or vote. Therefore, non-committee members usually have to sit in the public gallery<sup>1</sup>.

Research examining the case for reform of legislative committees in the House of Commons is currently being undertaken by the Constitution Unit in University College London. The final report based on this research is planned for release before the summer (2012).

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1 There are exceptions to this rule in relation to law officers and Ministers. See page 861 of Erskine May for details.

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# Contents

## Executive Summary

- 1 Introduction
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# 1 Introduction

The paper outlines the processes for the Committee stage of Bills in the UK Legislatures and Dail Éireann and highlights issues relating to how Committees scrutinise legislation. It focuses on the most common type of legislation, Public Bills (Government and Executive Bills). In addition, Table 1 at the end of the paper provides an overview of the procedures in each legislature.

# 2 Background

The House of Commons, Dáil Éireann and the Northern Ireland Assembly share common practices in relation to the passage of legislation. This includes referral of a Bill to a Committee after its introduction and second reading or debate by the whole House. The Scottish Parliament and National Assembly for Wales are different in that a Bill may be referred to Committee as soon as it is introduced.

# 3 House of Commons

The Committee Stage of Public Bills in the House of Commons has undergone significant transformation in recent years. In 2006 the Modernisation Committee produced a report which recommended that the system of standing committees should be replaced by Public Bill Committees. The “old standing committee system, though vital to the legislative process, was deemed ineffective by numerous commentators on parliament and had long faced pressure for reform. Ad hoc and unspecialised, standing committees lacked many of the features characteristic of effective committees found in other parliaments around the world”<sup>2</sup>. These reforms also empowered the new Public Bill Committees to take “evidence and submissions in relation to Bills”<sup>3</sup>.

The website of the House of Commons provides the following guidance on the Committee stage of Public Bills<sup>4</sup>:

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2 *Strengthening Parliament's Powers of Scrutiny?* The Constitution Unit, University College London, 2009

3 Conan McKenna: *Parliamentary scrutiny by committee: Ireland in context. A comparative study on issues and effectiveness in parliamentary committees* Thesis 2010 Queen's University Belfast

4 <http://www.parliament.uk/about/how/laws/passages-bill/commons/coms-commons-committee-stage/>

**Committee Stage - Line by line examination of the Bill**

Committee stage is where detailed examination of the Bill takes place. It usually starts within a couple of weeks of a Bill's second reading, although this is not guaranteed. Government Bills are usually formally timetabled after they have received a second reading. Most Bills are dealt with in a Public Bill Committee. If the Bill starts in the Commons the committee is able to take evidence from experts and interest groups from outside Parliament. Amendments (proposals for change) for discussion are selected by the chairman of the committee and only members of the committee can vote on amendments during committee stage. Amendments proposed by MPs to the Bill will be published daily and reprinted as a marshalled list of amendments for each day the committee discusses the Bill. Every clause in the Bill is agreed to, changed or removed from the Bill, although this may happen (particularly under a programme order) without debate. A minority of Bills are dealt with by a Committee of the Whole House (takes place on the floor of the House of Commons), with every MP able to take part. Bills fast tracked through the House of Commons will receive less consideration. Consolidated Fund Bills do not have a committee stage at all.

A public bill committee:

generally has about 17 members though this can vary (the Committee of Selection must nominate between 16 and 50 Members to serve on each general committee) and its membership reflects the party composition of the House. At least one Minister from the Government Department in charge of the bill will be on the committee, as will a front-bench spokesman from each of the opposition parties represented. A new public bill committee is appointed for each bill and the membership of each committee is discharged when it has reported its bill to the House. There may be several public bill committees appointed at any one time and they are named after the bill that they examine e.g. the Welfare Reform Bill Committee<sup>5</sup>.

## Programme Motions/Orders

Programme Motions and Orders are unique to the House of Commons among the legislatures examined. A "programme motion in the House of Commons is usually agreed to immediately after a Bill's second reading and then becomes known as the 'programme order'. Programme orders help to make a Bill's progress through its various stages much more predictable"<sup>6</sup>. The Cabinet Office provides a useful overview<sup>7</sup> of the process and its impact on committee stages of bills:

- Most Government Bills are subject to programming in the Commons. Programming allows the House, following consultation through the usual channels, to determine a timetable for proceedings in Public Bill Committee and the duration of remaining stages on the floor of the House.
- The Bill team needs to provide a reasonable assessment of the time required in Committee, based on their knowledge of the Bill, its complexity and degree of controversy, and experience with similar Bills.
- Parliamentary Counsel drafts the required Programme Motion setting out the completion date for Public Bill Committee and outline provision for later stages, which is taken immediately after Second Reading.

<sup>5</sup> *Parliamentary stages of a Government Bill*, House of Commons Information Office, August 2010

<sup>6</sup> <http://www.parliament.uk/site-information/glossary/programme-motion/>

<sup>7</sup> Cabinet Office, *Programming*, retrieved 11 August 2010

- For Bills being considered by a Public Bill Committee, the Programming Sub-Committee can recommend detailed proposals for particular witnesses and for the internal division of time between oral evidence sessions and clause by clause consideration and between different parts of the Bill within the overall time for Committee stage (“knives”). They may also recommend to the House that the out-date is changed, if this is felt necessary.
- As for how the programme motion provides for clause by clause consideration, on minor Bills the Programming Sub-Committee may simply have to suggest the order of consideration and the number of Committee sittings required to deal with the business, the time at which those meetings will take place and the time for conclusion of proceedings at the last meeting. On others, the order of consideration and the business for each sitting may be specified in detail. For larger Bills there are usually regular ‘knives’ to ensure that all parts of the Bill are dealt with in the time allotted. ‘Knives’ are the cut-off points at which debate on particular sections of the Bill must be completed. Importantly, these affect votes as well as debates.

Research examining the case for reform of the legislative committee system in the House of Commons is currently being undertaken by the Constitution Unit in University College London. The project website states that ‘The legislative process in the UK House of Commons has long been criticised, in particular with relation to its committee stage. Almost uniquely amongst established, developed parliamentary democracies this is taken in non-specialist and temporary (‘public bill’) committees, rather than specialist, permanent committees’. The research, therefore, is ‘...seeking to contribute to the evidence base in support of reform of the way in which the House of Commons deals with legislation by investigating how legislative committees function in other jurisdictions’. The final report based on the research is planned for release in spring 2012.

## 4 Scottish Parliament

Following the introduction of the Scotland Act 1998, the Consultative Steering Group (CSG) was established to determine how the Scottish Parliament would carry out its business. It was largely responsible for drafting the Standing Orders of the Parliament and its proposals were endorsed by all the main political parties. The CSG recommended the following in relation to the scrutiny role of committees<sup>8</sup>:

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8 Report of the Consultative Steering Group on the Scottish Parliament, *Shaping Scotland's Future*, December 1998: <http://www.scotland.gov.uk/library/documents-w5/rcsg-00.htm>

10. We recommend that Stage 1, debate and vote on the principles of the Bill, should be conducted in Plenary. A Bill, once introduced, should be referred to the relevant Committee, which should consider and report on the general principles in the Bill, to inform a debate and vote on the principles of the Bill in the Plenary session.

11. The role of the Committee as proposed would be to provide a report to the Parliament as to whether or not the Bill should be approved in principle. It would not at this stage be a detailed consideration on a line by line basis of the Bill's content. At this stage, the Committee would also be able to comment on the Memorandum accompanying the Bill, in particular on the extent of consultation undertaken, and to recommend whether further evidence should be taken to inform the next stage of consideration of the Bill.

12. Following a debate and positive vote in Plenary on the principles of the Bill, the Bill should be referred again to Committee for detailed consideration. Where there are 2 or more interested Committees, one Committee should be identified as the "lead" and other interested Committees should submit their views to the lead Committee within a specified time.

As noted in the introduction, the Committee stage of legislation in the Scottish Parliament differs somewhat from the model in the House of Commons, Dail Éireann and Northern Ireland Assembly. Section 36 of the Scotland Act 1998 and Chapter 9 of Standing Orders outline the process for Public Bills in the Scottish Parliament.

## Scotland Act 1998

### **Section 36 Stages of Bills**

- (1) Standing orders shall include provision—
- (a) for general debate on a Bill with an opportunity for members to vote on its general principles,
  - (b) for the consideration of, and an opportunity for members to vote on, the details of a Bill, and
  - (c) for a final stage at which a Bill can be passed or rejected.

In particular, rules 9.5 to 9.9 of Standing Orders<sup>9</sup> detail the various stages of a Bill. Below is a summary of that process:

### Stage 1

- Once introduced, the Parliamentary Bureau refers the Bill to whichever Committee has the Bill within its remit – known as the 'lead committee'. If the Bill could go to more than one Committee, then the Bureau must recommend to Parliament which should be the lead Committee
- The Bureau also sets a timescale within which the lead committee is expected to report

### Stage 1 report

- The lead committee's role is to report to the Parliament on the general principles of the Bill – that is, on the principal purposes of the Bill, rather than the fine detail. It is normal

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Standing Orders of the Scottish Parliament, Nov 2011: <http://www.scottish.parliament.uk/Parliamentaryprocedureandguidance/StandingOrdersv4.1.pdf>

(but not obligatory) for a Stage 1 Report to include a recommendation to the Parliament as to whether the general principles of the Bill should be agreed to

- The Committee can take evidence from witnesses and may issue a call for written evidence
- The lead committee must include in the Stage 1 Report consideration of the Financial Memorandum, taking into account any report on that document that may (but need not) be made to it by the Finance Committee. In the case of an Executive Bill, the Report must also include consideration of the Policy Memorandum. This enables the lead committee to consider, for example, whether sufficient consultation was undertaken before introduction.

## Stage 2 Committee

- The minimum period that must elapse between the day on which Stage 1 is completed and the day on which Stage 2 starts is 11 sitting days. If the Parliament agrees to the general principles of the Bill at Stage 1, the Bill proceeds to Stage 2. (If the general principles are rejected, the Bill falls.) The Parliamentary Bureau may refer the Bill back to the Stage 1 lead committee for Stage 2 or propose (by motion) that a different committee or committees take that Stage. The Stage 2 committee can be a Committee of the Whole Parliament, of which all MSPs are members and the Presiding Officer is the convener. For example, the stage 2 debate on Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Bill in October 2010 took place in a Committee of the Whole House. The Bureau may also propose that the Bill be divided among two or more committees for Stage 2 consideration – preferably with each committee being allocated whole Parts or Chapters to deal with.
- The Bureau may set a timescale within which Stage 2 is to be completed. Except for Budget and Emergency Bills, there must be at least eleven whole sitting days between the completion of Stage 1 (i.e. the decision at the end of the Stage 1 debate) and the beginning of Stage 2
- The principal role of the Stage 2 committee is to consider and dispose of amendments. Any MSP may lodge an amendment – not just members of the relevant committee. And there is no limit to the number of amendments that each MSP may lodge. The convener of a committee may lodge (or support) an amendment on behalf of the committee if the committee has made a formal decision during a meeting to that effect. Such “committee amendments” are printed in the name of the convener followed by the words “(on behalf of the [name] Committee)”. There is no procedural distinction between committee amendments and amendments in the name of an individual member, but the stated endorsement of the committee may be helpful as an indication of cross-party support. It is also open to the committee, within the timescale available, to take further evidence on the Bill at Stage 2.
- A member who is not a member of a committee taking Stage 2 of a Bill is entitled to participate in the committee proceedings for the purpose of moving, debating or seeking agreement to withdraw an amendment in their name but they are not able to vote.

## Stage 3

- Stage 3 takes place at a meeting of the whole Parliament. Except in the case of a Budget or Emergency Bill, the day on which Stage 3 begins must be at least nine whole sitting days after the day on which Stage 2 ends

## 5 National Assembly for Wales

Section 111 of the Government of Wales Act 2006 relates to Bill proceedings in the Assembly:

### Government of Wales Act 2006

#### **Section 111 Proceedings on Bills**

- (1) The standing orders must include provision—
  - (a) for general debate on a Bill with an opportunity for Assembly members to vote on its general principles,
  - (b) for the consideration of, and an opportunity for Assembly members to vote on, the details of a Bill, and
  - (c) for a final stage at which a Bill can be passed or rejected.

Standing Order<sup>10</sup> 16.1 of the Assembly states:

The Assembly must establish committees with power within their remit to:

- (i) examine the expenditure, administration and policy of the government and associated public bodies;
- (ii) examine legislation;
- (iii) undertake other functions specified in Standing Orders; and
- (iv) consider any matter affecting Wales.

In June 2011, the National Assembly for Wales established five ‘thematic’ committees to carry out these functions. This differed from the arrangement in existence during the course of the Third Assembly (2007-11), where five separate permanent Legislation Committees were established to consider and report on legislation introduced into the Assembly.

Standing Order 26 deals with the passage of legislation through the Assembly (Acts of the Assembly) and the relevant provisions relating to consideration of the principles and details are described below.

### Stage 1 – Consideration of General Principles

- Once a Bill has been introduced, the Business Committee will decide if it should be referred to a responsible committee established under Standing Order 16. If it is referred, the Committee must consider and report on the general principles of the Bill subject to a deadline decided by the Business Committee. If it is not, it may go to the Assembly for agreement on general principles.

### Stage 2 – Detailed Consideration by Committee

- Stage 2 starts on the first working day after Stage 1 is completed

10 National Assembly for Wales – Standing Orders (November 2011) [http://www.assemblywales.org/november\\_2011\\_branded\\_clean\\_sos-e.pdf](http://www.assemblywales.org/november_2011_branded_clean_sos-e.pdf)



- At least 15 working days must elapse between the start of Stage 2 and the date of the first meeting at which the responsible committee considers amendments to the proposed Measure
- Stage 2 may take place in committee or be undertaken by a Committee of the Whole House
- A Bill may be amended in Stage 2 proceedings
- Any Assembly Member may table amendments to the Bill and there is no limit to the number of amendments that can be tabled.
- Only a Member who is a member of the committee considering Stage 2 proceedings may participate in those proceedings for the purpose of: (i) moving or seeking agreement to withdraw an amendment; or (ii) voting.
- This stage ends when all the amendments have been considered.

## 6 Dáil Éireann

Standing Orders 126 to 132 of Dail Éireann detail the procedure for the committee stage of Bills<sup>11</sup>. Bills in Dail Éireann may be introduced in one of two ways: presentation or introduction. In the Dáil, only the Government, and groups provided for in standing orders (seven or more deputies), may present Bills (one Bill at a time from each group). Leave of the House is sought for publication of Bill. In the Dáil any member may seek leave to introduce a bill. In the Seanad introduction requires three Senators to sponsor the bill. As a general rule, Bills may be initiated in either the Dáil or the Seanad. Exceptions to general rule are:

- Money Bills (Dáil only)
- Bills to amend the Constitution (Dáil only)
- Private Bills (Seanad only)<sup>12</sup>

Standing Orders of the Dail do not specify timings between stages. However, Standing Order 139 states: “The making of an Order fixing the date for the next Stage of a Bill shall be decided without amendment: Provided that, in a case where the Order is not made, the Bill shall remain on the Order Paper”<sup>13</sup>.

Consideration of the general principle of a Bill, the second stage in the legislative process, is undertaken in plenary.

Standing Order 126 states that, following stage 2, a bill may be considered in a committee of the whole Dáil or referred to some other committee.<sup>14</sup> Committees have “the power to seek submissions and take evidence on bills but rarely do so”<sup>15</sup>. Only members of the committee or their substitutes may table amendments, although only members of the government can table amendments that impose a charge on the revenue or on the people. Only amendments relevant to the provisions of the Bill and are not in conflict with the principle of the Bill may be made in committee.<sup>16</sup> Other amendments, however, may be made if the House has given an

11 Standing Orders of Dail Éireann: [http://www.oireachtas.ie/documents/proceduraldocuments/Standorders2011\\_revised.pdf](http://www.oireachtas.ie/documents/proceduraldocuments/Standorders2011_revised.pdf)

12 Website of the Houses of the Oireachtas: A Brief Guide to the Legislative Process, retrieved 12 August 2011

13 Standing Orders of Dail Éireann: [http://www.oireachtas.ie/documents/proceduraldocuments/Standorders2011\\_revised.pdf](http://www.oireachtas.ie/documents/proceduraldocuments/Standorders2011_revised.pdf)

14 Standing Orders of Dail Éireann:

15 Conan McKenna, *Parliamentary scrutiny by committee: Ireland in context. A comparative study on issues and effectiveness in parliamentary committees*, Queen’s University Belfast, 2011

16 Standing Orders of Dail Éireann No 131 (1)

appropriate instruction to the committee to do so.<sup>17</sup> Members may speak twice in the report stage on each amendment with the proposer also having a right of reply.<sup>18</sup>

Previous research has highlighted perceived shortcomings in committees' ability to influence legislation:

Oireachtas select committees play an important role in the legislative process...the third stage of that process is the committee stage. At this stage the bill is sent to the most relevant committee. Clearly then, committees have a critical role in the legislative process... at committee stage, it is possible for detailed amendments to be made and there are certainly examples over time of Irish governments allowing amendments to bills at committee stage...the clear pattern, however, is of government dominance of the legislative process at all stages. Once the cabinet has approved the contents of a bill, it is normally very unusual for the Oireachtas to have any substantive input into changing those contents...the dominance of political parties in the Irish parliamentary process and the unwillingness to accept opposition party amendments means that few bills fundamentally change...during the legislative process<sup>19</sup>.

## 7 Northern Ireland Assembly

As with the Scottish Parliament and National Assembly for Wales, the legislative process for the Northern Ireland Assembly is set out in the first instance in primary legislation. The Northern Ireland Act 1998 states:

### Section 13 – Stages of Bills

Standing orders shall include provision—

- (a) for general debate on a Bill with an opportunity for members to vote on its general principles;
- (b) for the consideration of, and an opportunity for members to vote on, the details of a Bill; and
- (c) for a final stage at which a Bill can be passed or rejected but not amended<sup>1</sup>.

Standing Orders<sup>20</sup> 30 to 43 of the Assembly detail the process for public legislation. A key difference between the Assembly and the other devolved legislatures in Scotland and Wales is that in Northern Ireland the process is more closely modelled on that in the House of Commons and Dail Éireann. Rather than referring a Bill to a Committee after its introduction, a Bill will not go the relevant committee until after the second stage.

At the Second Stage of a Bill being agreed, the Bill is referred to the appropriate statutory committee, unless the Assembly orders otherwise. The relevant statutory committee, may, within the period of 30 working days from date of referral, consider and take evidence on the provisions of the Bill, and report its findings to the Assembly.

A report made to the Assembly may include proposals for amendments to the Bill that may be proposed at Consideration Stage, but the committee cannot vote on amendments. Due to the legislative drafting resources available to the Departments, the committee normally

17 Standing Orders of Dail Éireann No 131 (2)

18 Standing Orders of Dail Éireann 133 (3)

19 MacCarthaigh & Manning (eds) *The Houses of the Oireachtas: Parliament in Ireland*, Institute of Public Administration 2010

20 Northern Ireland Assembly - Standing Orders as amended 24 January 2012  
<http://www.niassembly.gov.uk/Assembly-Business/Standing-Orders/Standing-Orders/>

persuades the relevant Minister and department officials to draft and table the amendments sought by it. However, where the department won't draft the amendment, the committee can and will table its own amendments.

In a 2002 report on the legislative process, the Committee on Procedures considered whether committees should be given the power to amend Bills. The Committee concluded that there would need to be an extensive period of consultation, particularly with the Executive, before any such change was introduced<sup>21</sup>.

Of 69 Bills receiving Royal Assent during the 2007-11 mandate, 47 had a Committee Stage of which 43 were extended (91%). The other 22 Bills progressed by Accelerated Passage (no Committee Stage)<sup>22</sup>.

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21 Committee on Procedures: Review of the Legislative Process in the Northern Ireland Assembly, January 2002

22 Information provided by the Bill Office

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<b>House of Commons</b>	<b>National Assembly for Wales</b>	<b>Scottish Parliament</b>	<b>Dail Éireann</b>	<b>NIA</b>
<p>Formal introduction – no debate on the Bill</p>	<p>Introduction - Bills must be available in English and Welsh and the Presiding Officer must publish a statement that the Assembly has the power to make the Bill. Each Bill must also be accompanied by an Explanatory Memorandum that will set out its policy objectives, details of any consultation already undertaken on the Bill, estimates of the costs of implementing the Bill and any other relevant information</p>	<p>Introduction – certain accompanying documents are required: explanatory notes, financial memorandum, Executive statement on legislative competence and policy memorandum</p>	<p>Legislation can be introduced by one of two methods: presentation (government and recognized groups) or introduction (any Member may seek leave to introduce a Bill).</p>	<p>Bill text, Explanatory Memorandum, Statement on legislative competence and Secretary of State's consent, if required, submitted to the Speaker by Minister/Member in charge of the Bill.  Statement on legislative competence is published with the Bill. Bill ordered to be printed and set down in the list of pending future business for Second Stage Bill copied to Northern Ireland Human Rights Commission</p>
<p>Debate on general principles of the Bill in plenary</p>	<p>This stage involves the consideration of the general principles of a Bill by a committee (or committees), followed by the agreement of the general principles by the Assembly.</p>	<p>Bill referred to appropriate Committee, known as the 'lead Committee'. Committee produces a report on the general principles of the Bill. General principles are then debated by Parliament</p>	<p>Debate on general principles of the Bill in plenary</p>	<p>Debate on general principles in Assembly Plenary.  Bill may be referred by the Speaker, on a motion being agreed at any stage, to either the NIHRC or the Special Committee on Conformity with Equality Requirements for advice and, if agreed on a vote, the Equality Committee may take the Committee Stage.</p>

<b>House of Commons</b>	<b>National Assembly for Wales</b>	<b>Scottish Parliament</b>	<b>Dail Éireann</b>	<b>NIA</b>
<p>Detailed consideration by Committee - When a public bill (other than a Consolidated Fund or an Appropriation Bill, or a tax law rewrite bill, or a bill for confirming a provisional order) has been read a second time, it shall stand committed to a public bill committee unless the House otherwise orders. A motion—to commit a bill to a committee of the whole House or to a select committee, or a motion that it is expedient that a bill be committed to a joint committee of Lords and Commons; or to give a public bill committee to which a bill has been committed under this order power to send for persons, papers and records, may be made by any Member and if made immediately after the bill has been read a second time shall not require notice, and, though opposed, may be decided after the expiration of the time for opposed business, and the question thereon shall be put forthwith</p>	<p>Detailed consideration by Committee - A Bill may be amended in Stage 2 proceedings Amendments to be considered at Stage 2 proceedings may be tabled by any Member, from the first day on which Stage 2 starts Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Bill, unless the committee considering Stage 2 proceedings has decided otherwise Only a Member who is a member of the committee considering Stage 2 proceedings may participate in those proceedings for the purpose of: (i) moving or seeking agreement to withdraw an amendment; or (ii) voting An amendment tabled by a Member who is not a member of a the committee considering Stage 2 proceedings, may be moved by a member of the committee</p>	<p>Detailed consideration by Committee - At Stage 2, each section and schedule and the long title of the Bill shall be considered separately and the committee shall decide whether to agree to them. Unless the Parliament has decided, on a motion of the Parliamentary Bureau, the order in which the sections and schedules of the Bill are to be considered at Stage 2, the committee may decide the order. If neither decides, the sections shall be taken in the order in which they arise in the Bill, with each schedule taken immediately after the section which introduces it. A Bill may be amended at Stage 2. Notice of an amendment may be given by any member after the completion of Stage 1</p>	<p>Detailed consideration by Committee - In Committee, a Bill must be considered section by section. It shall be in order, however, before consideration of a section or sections is entered upon, to move the postponement of the section or sections until another section, other sections or schedules have been disposed of. Any section of a Bill may be amended in Committee, and new sections may be inserted. In Committee, when an amendment is offered proposing to insert a new section in a Bill, such amendment may be moved when the number of the section, before which it is proposed to insert the new section, is read from the Chair, and the question on such amendment shall be first decided When the amendments (if any) offered to a section have been disposed of, the question shall be proposed, "That such section (or such section as amended) stand part of the Bill".</p>	<p>Detailed consideration by Committee - On the Second Stage of a Bill being agreed, the Bill shall stand referred to the appropriate statutory committee, unless the Assembly shall order otherwise. A statutory committee to which a Bill stands referred under this Standing Order, may, within the period of 30 working days from date of referral, consider and take evidence on the provisions of the Bill, and report its opinion thereon to the Assembly. A report made to the Assembly under paragraph (2) may include proposals for amendments to the Bill that may be proposed at Consideration Stage. Before the conclusion of the period specified in paragraph (2), a motion may be moved in the Assembly by - (a) a Minister; or (b) the chairperson of the relevant statutory committee (or deputy chairperson acting in the chairperson's stead) to extend the period until a date specified in the motion. The question on any such motion may be decided after the expiration of the time for opposed business.</p>

<b>House of Commons</b>	<b>National Assembly for Wales</b>	<b>Scottish Parliament</b>	<b>Dail Éireann</b>	<b>NIA</b>
<p>A motion to commit a bill to a public bill committee in respect of some of its provisions and to a committee of the whole House in respect of other provisions may be made by the Member in charge of the bill and, if made immediately after the bill has been read a second time, shall not require notice, and may, though opposed, be decided after the expiration of the time for opposed business. If such a motion is opposed, the Speaker after permitting, if he thinks fit, a brief explanatory statement from the Member who makes and from a Member who opposes the motion shall, without permitting any further debate, put the question there on</p>		<p>At Stage 2, amendments to any section or schedule or to the long title shall be disposed of before the committee considers whether to agree to the provision in question. Where no amendments are proposed to a section, a schedule or the long title, the committee shall proceed immediately to decide the question whether that provision be agreed to. If an amendment to leave out a section or schedule is disagreed to, that section or schedule shall be treated as agreed to</p> <p>A member who is not a member of a committee taking Stage 2 of a Bill, or part of it, is entitled to participate in the proceedings for the purpose of moving, debating or seeking agreement to withdraw an amendment in that member's name but shall not vote</p>	<p>The consideration of the preamble and title of a Bill in Committee shall be deferred until the sections and schedules (if any) have been considered. It shall be an instruction to all Committees to which Bills may be committed that they have power to make such amendments therein as they shall think fit, provided that such amendments be relevant to the provisions of the Bill and are not in conflict with the principle of the Bill as read a second time.</p> <p>The Dáil may, following debate of not less than 60 minutes as the House may order on motion made by the member in charge of a Bill, give an instruction to a Committee to which a Bill has been committed empowering it to make amendments, the nature of which shall be specified, provided that the amendments be relevant to the general subject matter and not in conflict with the principle of the Bill</p>	<p>On a report being made to the Assembly under paragraph (2), or on the conclusion of any period specified in this order or extended by the Assembly under this order, the Bill shall be set down on the list of pending future business until a date for its Consideration Stage is determined.</p>

<b>House of Commons</b>	<b>National Assembly for Wales</b>	<b>Scottish Parliament</b>	<b>Dail Éireann</b>	<b>NIA</b>
<p>If the question on a motion made under paragraph (2) or paragraph (3) of this order is negatived, the Speaker shall forthwith declare that the bill stands committed to a public bill committee</p> <p>All committees to which bills may be committed or referred for consideration on report shall have power to make such amendments therein as they shall think fit, provided they be relevant to the subject matter of the bill: but if any such amendments shall not be within the long title of the bill, they shall amend the long title accordingly, and report the same specially to the House</p> <p>Save as provided in Standing Order No. 92 (Consideration on report of certain bills by a general committee) every bill committed to and reported from a public bill committee, whether amended or not, shall be considered on report by the House</p>		<p>If the Bill has been amended at Stage 2 so as to insert or substantially alter provisions conferring powers to make subordinate legislation, the Subordinate Legislation Committee shall consider and report to the Parliament on those provisions. The Committee may also consider and report on any new or substantially altered provisions conferring other delegated powers</p>		

<b>House of Commons</b>	<b>National Assembly for Wales</b>	<b>Scottish Parliament</b>	<b>Dail Éireann</b>	<b>NIA</b>
<p>Report stage - gives MPs an opportunity, on the floor of the House, to consider further amendments (proposals for change) to a Bill which has been examined in committee</p>	<p>Detailed consideration, by the Assembly, of the Bill and any amendments proposed by Assembly Members</p>	<p>Consideration by Parliament</p>	<p>Consideration in Plenary of amendments arising from Committee stage</p>	<p>Committee reports its findings and proposed amendments to Assembly Plenary. All amendments and the clauses and Schedules of the Bill voted on at this stage. Bill reprinted if necessary.</p>
<p>Third reading is the final chance for the Commons to debate the contents of a Bill. It usually takes place immediately after report stage as the next item of business on the same day</p>	<p>This is the last stage of the process and follows the completion of stage 3. At this stage, there is a vote by the Assembly to pass the final text of the Bill.</p>	<p>Reconsideration stage – this only occurs where a Law Officer or the Secretary of State considers the Bill to be incompatible with legal obligations</p>	<p>General debate on the Bill</p>	<p>A second opportunity for the Bill to be amended in the Assembly Plenary. All amendments proposed voted on at this stage. Bill reprinted if necessary</p>
<p>Consideration of amendments – Commons and Lords have to agree final text of Bill</p>	<p>Bill becomes Act</p>	<p>Bill becomes Act</p>	<p>Bill sent to Seanad for further scrutiny</p>	<p>Bill referred to the Speaker to confirm that it may proceed to Final Stage</p>
<p>Bill becomes Act</p>			<p>Bill becomes Act</p>	<p>Bill becomes Act</p>





Northern Ireland  
Assembly

Research and Information Service  
Briefing Paper

Paper 000/00

3 May 2012

NIAR 274-12

**Ray McCaffrey & Leigh Egerton**

Further information on plenary  
and committee business in the  
Northern Ireland Assembly  
and other legislatures

# 1 Introduction

This briefing paper was requested by the Assembly and Executive Review Committee following its meeting on 17 April 2012. The paper provides information on the following issues:

- analysis of plenary and committee business in the Northern Ireland Assembly and Scottish Parliament
- Confirmation on whether plenary attendance in the Northern Ireland Assembly is recorded and the practice in other UK and Ireland parliaments;
- How the plenary/committee meetings scheduling works in practice in the House of Commons and Dail Eireann

# 1 Timings and items considered in plenary and committees in the Northern Ireland Assembly and Scottish Parliament

This section provides a breakdown of plenary and committee business in the Northern Ireland Assembly and Scottish Parliament. The timeframe chosen was the post-Easter recess to summer recess in 2009, as it was considered to be a typical period of business for each legislature.

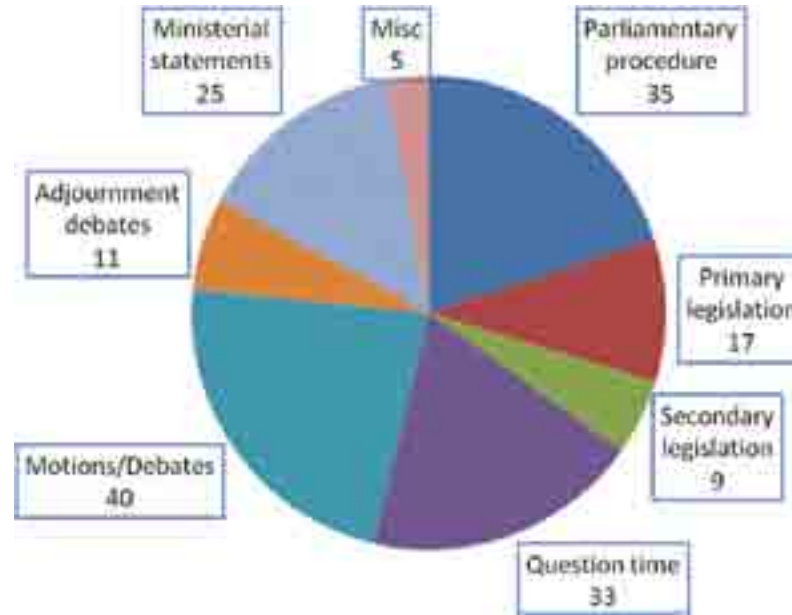
The research looked at the official records in the Scottish Parliament and Northern Ireland Assembly to determine the total length of time spent in plenary.

**Table 1: Information on length of plenaries in the Scottish Parliament and Northern Ireland Assembly**

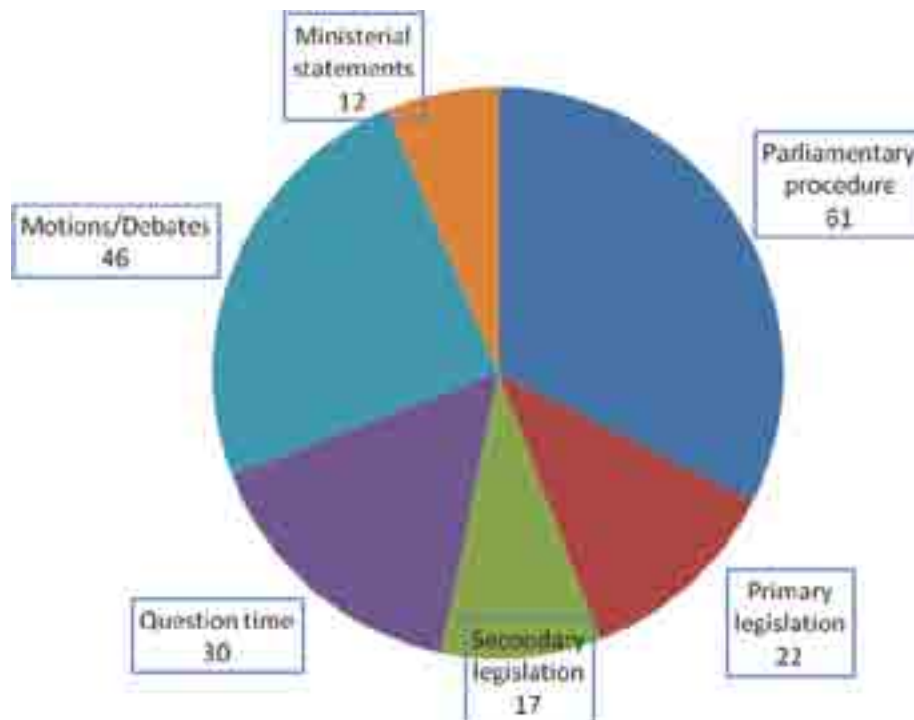
<b>Legislature</b>	<b>Number of plenaries</b>	<b>Total amount of hours</b>	<b>Average hours per sitting</b>
Scottish Parliament	19	115 hrs 30 min	6 hrs 4 min
Northern Ireland Assembly	21	125 hrs 30 min	5 hrs 58 min

As the above table shows, there is little difference in the figures for both legislatures, given that the Assembly sat for an additional two days.

**Figure 1: Items considered in Plenary in the Northern Ireland Assembly, 22 April 2009 to 7 July 2009<sup>1</sup>**



**Figure 2: Items considered in Plenary in the Scottish Parliament, 22 April 2009 to 25 June 2009**



As figures 1 and 2 show, there are some differences in the recurrence of items considered in plenary in the Northern Ireland Assembly and Scottish Parliament. There was almost double the amount of Ministerial Statements in the Assembly, more motions/debates (although the Scottish Parliament does not distinguish between ordinary debates and adjournment debates). The Scottish Parliament considered more legislation than the Assembly and significantly more items that could be classed as routine procedural matters.

Due to the formatting of the respective Official Reports, it was not possible to conduct an analysis of the time spent on consideration of individual items. This has also precluded

<sup>1</sup> The five miscellaneous items were two Private Notice Questions, two Matters of the Day and one Urgent Oral Question

an analysis of a possible increase in plenary attendance when committees do not sit concurrently.

Table 2 lists the motions/debates considered in the relevant period in both legislatures.

**Table 2: Motions and debates considered in Plenary in the Northern Ireland Assembly and Scottish Parliament, April 2009 to July 2009**

Northern Ireland		Scotland	
Date	Motions	Date	Motions
20 April	Childcare strategy Loss of nursing posts	22 April	Commissioner for Children and Young People in Scotland Vale of Leven Inquiry High-speed Rail Services Project Linus UK
21 April	Educational Underachievement Social Housing	23 April	Newspaper Industry Transport Infrastructure Glasgow 2014 Legacy Plan Daily Record and Sunday Mail
27 April	Steps to Work Contracts Science, technology, engineering and mathematics (STEM) subjects	29 April	Housing Telehealth
28 April	Health Provision for Older People Local Govt Boundaries Children Missing from Care	30 April	Education Economy United Kingdom Budget (Implications for Scotland) Private Residential Care Homes (Accountability)
5 May	Employment and Support Allowance Costs of Division	6 May	Midwives
11 May	RUC Museum Children Missing from Care	7 May	School Discipline Community Courts Royal Mail
12 May	Dairy Farming Economy	13 May	HBOS-Lloyds TSB Merger
18 May	Healthcare for Older People Restructuring Assembly and Executive	14 May	Community Courts United States of America and Canada (Engagement) RNID Hearing Matters Campaign
19 May	Byron Review (Education) Juvenile Justice System Special Educational Needs Review	20 May	Bees
26 May	Educational Underachievement Race Relations	21 May	Student Hardship Supporting Employment Aquaculture Strathclyde Police Prolific Offender Programme

Northern Ireland		Scotland	
Date	Motions	Date	Motions
1 June	Civil Service: Equal Pay Claim	27 May	Open Prisons Influenza A(H1N1) Sheep (Electronic identification)
2 June	Royal Mail Regulation and Quality Improvement Authority	28 May	Missing Children Alert System Supporting Scottish Business Cashback for Communities Infertility Treatment
8 June	Diabetes Service Framework Decline in Bee Population	3 June	Unpaid Carers
9 June	Housing Budget Social Housing in Foyle	10 June	Supporting Town Centres
15 June	Supply Resolution for 2009-10 Main Estimates	11 June	United Kingdom General Election National Waste Strategy Anne Frank Diary
16 June	Increased Income for Ex-Service Pensioners	17 June	Dispensing Doctors (Rural Areas)
22 June	Way Forward for Apprenticeships Egan Contractors (Housing) Criminal Justice Inspection's Report on Section 75	18 June	Scotland's Festivals Former Gurkha Soldiers' Rights
23 June	NI Assembly Code of Conduct Impact of Economic Downturn on NI businesses PSNI Full-time Reserve	24 June	Supporting Social Work
29 June	Private Security Industry Senior Civil Service Pay and Bonuses Racist and Sectarian Attacks	25 June	Commission on Scottish Devolution (Report) Hybrid Bills Mary's Meals
30 June	N/A	N/A	N/A
7 July	N/A	N/A	N/A

## Committees

This section provides a breakdown of committee business in the Northern Ireland Assembly and Scottish Parliament.

Tables 3 and 4 detail the number of meetings, items, duration of meetings, average duration and average number of items in the statutory and standing committees of the Northern Ireland Assembly.

### Removal of administrative items

To provide a fairer comparison with Scottish Parliament committees, certain 'administrative' items have been removed from consideration of the Northern Ireland statutory committees. These items are not recorded in the minutes of the Scottish Parliament committees and are

the apologies, minutes of previous meetings, matters arising, date and time of next meeting and AOB (correspondence has been retained as this item can take up enough time to make its inclusion valid).

**Table 3: Northern Ireland statutory committees with administrative items removed from consideration**

<b>Committee</b>	<b>Meetings</b>	<b>Duration</b>	<b>Items</b>	<b>Average Duration</b>	<b>Average No. of items</b>
Agriculture and Rural Development	11	24:30	64	02:13	5.8
Culture, Arts and Leisure	11	21:44	49	01:58	4.5
Education	11	32:05	46	02:55	4.2
Employment and Learning	10	18:07	26	01:48	2.6
Enterprise, Trade and Investment	9	22:08	64	02:27	7.1
Environment	9	29:35	77	03:17	8.6
Finance and Personnel	12	26:17	56	02:11	4.7
Health, Social Services and Public Safety	9	20:22	55	02:15	6.1
OFMdFM	10	18:49	34	01:52	3.4
Regional Development	9	22:33	56	02:30	6.2
Social Development	9	17:23	59	01:55	6.6
	110	253:33	586	2:18	5.3

**Table 4: Information on standing committee business in the Northern Ireland Assembly, April 2009 to July 2009**

<b>Committee</b>	<b>Meetings</b>	<b>Time</b>	<b>Items</b>	<b>Average Length</b>	<b>Average No. of items</b>
Assembly & Executive Review	9	08:27	70	00:56	7.8
Committee on Procedures	3	01:04	22	00:21	7.3
Public Accounts Committee	8	17:57	67	02:14	8.4
Committee on Standards and Privileges	9	09:02	74	01:00	8.2
	29	37:30	233	1:09	7.9

Tables 4 and 5 detail the number of meetings, items, duration of meetings, average duration and average number of items in the subject and mandatory committees of the Scottish Parliament.

**Table 5: Information on subject committee business in the Scottish Parliament, April 2009 to July 2009**

<b>Committee</b>	<b>Meetings</b>	<b>Duration</b>	<b>Items</b>	<b>Average duration</b>	<b>Average no. of items</b>
Economy Energy Tourism	9	24:44	25	2:44	2.8
Education Life Long Learning and culture	10	23:40	32	2:22	3.2
Health and Sport	9	25:31	33	2:50	3.7
Justice	10	32:18	61	3:13	6.1
Rural Affairs and Environment	8	16:18	36	2:02	4.5
Transport Infrastructure Climate Change	7	20:21	13	2:54	1.9
European and External Relations	4	6:32	26	1:38	6.5
Finance	9	23:01	33	2:33	3.7
Local Government and Communities	9	21:55	37	2:26	4.1
	75	194:20	296	2:35	3.9

**Table 6: Information on mandatory committee business in the Scottish, April 2009 to July 2009**

	<b>Meetings</b>	<b>Duration</b>	<b>Items</b>	<b>Average duration</b>	<b>Average no. of items</b>
Audit	6	12:41	38	2:06	6.3
Equal Opportunities	6	17:18	22	2:53	3.7
Public Petitions	5	12:28	20	2:29	4.0
Review of SPCB supported bodies	3	5:38	4	1:52	1.3
Standards Procedures Public Appts	4	4:26	17	1:06	4.3
Subordinate Legislation	9	3:35	52	0:23	5.8
	33	56:06	153	1:42	4.6

Assembly statutory committees sat in total for around 60 hours more than the subject committees of the Scottish Parliament. Assembly committees, on average, consider a greater number of items, even when administrative items are removed.

## 2 Recording attendance of members

None of the legislatures in the UK and Ireland record Members' attendance in the Chamber. Attendance is recorded for voting purposes but this does not necessarily give a fair reflection of Members' attendance over the course of a sitting, as they may only attend to vote.

The research has found that Freedom of Information requests have been submitted to the House of Commons and Scottish Parliament asking for the disclosure of attendance records. On both occasions, the replies have confirmed that neither the Commons nor Scottish Parliament hold such records<sup>2</sup>.

In Dail Eireann, payment of the Travel and Accommodation Allowance (TAA) is verified by attendance at Leinster House but does not have to include sitting days.

Members must attend a minimum of 120 days annually to receive full payment of the TAA. The 120 days can be registered on any day that Leinster House is open to attend and is not specific to the sittings of the House. Attendance recording at Leinster House is by means of an electronic System for Recording Attendance (SRA) or signing a Daily Attendance Record located in the One Stop Shop. Members can register their attendance once daily at any time during the day or evening when Leinster House is open. Members, in general, attend on sitting days for plenary sessions of the Houses and on non-sitting days for a range of reasons related to their parliamentary duties e.g. to attend Committee meetings, to meet Ministers or to meet other parliamentary colleagues. Members may also attend without recording attendance on the system<sup>3</sup>.

### 3 Business in the House of Commons and Dail Eireann – an overview of a typical sitting week

The following tables give an overview of a typical week's business in the House of Commons and Dail Eireann. The busy schedule of the Commons places in context the ongoing inquiry by the Procedures Committee into sitting times and the parliamentary calendar.

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2 [http://www.whatdotheyknow.com/request/george\\_galloway\\_former\\_mp](http://www.whatdotheyknow.com/request/george_galloway_former_mp) for House of Commons and <http://www.scottish.parliament.uk/help/FOIDisclosureFiles/13998/2008-013998%20disclosed%20reply.pdf> for Scottish Parliament

3 <http://www.oireachtas.ie/ViewDoc.asp?fn=/documents/members/20102527-2.htm&CatID=168>



**Table 8: Order of Business in the House of Commons for week commencing 16 April 2012**

	<b>Commons Chamber</b>	<b>Committees</b>	<b>Westminster Hall</b>
<b>Monday (House sits at 2.30pm)</b>	<p>2.30 - Questions to Education Secretary</p> <p>3.15 – Topical questions to Education Secretary</p> <p>3.30 – Urgent Questions (if any)</p> <p>Ministerial Statements (if any) – there were 10 to be made on this day</p> <p>Main business (until any hour)</p> <p>Finance (No. 4) Bill (second reading)</p> <p>Finance (No. 4) Bill (programme)</p> <p>10.00 – Deferred divisions</p> <p>Finance (No. 4) Bill (carry over)</p> <p>E-tabling of written questions</p> <p><b>Adjournment</b></p> <p>Electrification of the Midland Main Line (debate may continue until 10.30 or for 30 mins, whichever is later)</p>	<p>4.30 - European Committee B</p> <p>4.30 – Fourth Delegated Legislation Committee</p> <p>4.30 - Fifth Delegated legislation Committee</p> <p><b>Select Committees</b></p> <p>4.30 – Communities and Local Govt</p> <p>5.00 – Culture, Media and Sport</p>	N/A

	<b>Commons Chamber</b>	<b>Committees</b>	<b>Westminster Hall</b>
<p><b>Tuesday (House sits at 2.30pm)</b></p>	<p><b>Private Business</b> Transport for London (Supplemental Toll Provisions) Bill <b>Chairman of Ways and Means</b> London Local Authorities and Transport for London (No. 2) Bill Questions to Foreign Secretary 3.15 – Topical Questions to Foreign Secretary 3.30 – Urgent Questions (if any) Ministerial Statements (if any) – there were 7 to be made on this day <b>Preliminary Business</b> 10 minute rule motion <b>Main Business</b> Legal Aid, Sentencing and Punishment of Offenders Bill (Programme) (no debate) Consideration of Lords Amendments <b>Orders, Regulations and European Union Documents</b> Pensions (no debate) Postal Services (no debate) Postal Services (no debate) Financial Services Credit Rating Agencies <b>End of sitting</b> Presentation of Public Petitions (no debate) <b>Adjournment</b> Cigarette packaging and contraband cigarettes (Debate may continue until 10.30 or for 30 mins, whichever is later)</p>	<p>4.30 – European Committee B 10.30 – Sixth Delegated Legislation Committee 4.30 - Eighth Delegated Legislation Committee <b>Select Committees</b> 9.45 – Treasury 10.00 – Energy and Climate Change 10.00 – Foreign Affairs 10.00 – Health 10.00 – International Development 10.00 – Transport 10.15 – Culture, Media and Sport 10.15 – Justice 10.15 – Business, Innovation and Skills 10.30 – Environment, Food and Rural Affairs 10.30 – Public Administration 10.40 – Home Affairs 12.30 – Backbench Business Committee 1.45 – Defence 2.00 – International Development</p>	<p>9.30 – 11.00 – High street bank branch closures in rural areas 11.00 – 12.30 – Future of the Gangmasters Licensing Authority 12.30 – 1.00 – Govt policy on higher rate taxpayers and child benefit 1.00 – 1.30 – Sustainability of the London Olympics 1.30 – 2.00 – Flood Defence funding</p>

<p><b>Wednesday (House sits at 11.30am)</b></p>	<p><b>Commons Chamber</b></p> <p>Questions to Secretary of State for Scotland          Noon – Prime Minister’s Questions          12.30 – Urgent Questions (if any)          Ministerial Statements (if any) – 2 due on this day  <b>Preliminary Business</b>          10 Minute Rule Motion  <b>Main Business</b>          Finance (No.4 Bill)          Statistics Board (no debate)          Education (no debate)          European Commission Work Programme (no debate)  <b>Adjournment</b>          Selective dorsal rhizotomy in the NHS          Debate may continue until 7.30 or for 30 mins, whichever is later</p>	<p><b>Committees</b></p> <p>2.30 – Ninth Delegated Legislation Committee  <b>Select Committee</b>          9.00 – Science and Technology          9.15 – Education          9.15 – Work and Pensions          1.45 – Defence          2.00 – Environment, Food and Rural Affairs          2.00 – Environmental Audit          2.00 – European Scrutiny          2.00 – Foreign Affairs          2.00 – Scottish Affairs          2.15 – Northern Ireland Affairs          3.00 - Speaker’s Committee          3.00 – Public Accounts          3.00 – Procedure          4.45 - Selection</p>	<p><b>Westminster Hall</b></p> <p>9.30 – 11.00 – Human Rights in Sri Lanka          11.00 – 11.30 – Flood defences in Exeter          2.30 – 4.00 – Inquest into the death of Kevin Williams at Hillsborough          4.00 – 4.30 – Fishing quotas and the case of Paul Gilson          4.30 – 5.00 – Cost of fuel duties in Northern Ireland</p>
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	<b>Commons Chamber</b>	<b>Committees</b>	<b>Westminster Hall</b>
<p><b>Thursday (House sits at 10.30am)</b></p>	<p>Questions to Transport Secretary                      11.05 – Topical Questions to Transport Secretary                      11.15 – Questions to Women and Equalities Minister                      11.30 – Urgent Questions (if any)                      Business Question to the Leader of the House                      Ministerial Statements (if any) – 4 statements due today  <b>Main Business</b>                      Finance (No.4) Bill  <b>Presentation of Public Petition</b> (no debate)  <b>Adjournment</b>                      Armed Forces Covenant                      Debate may continue until 6.30 or for 30 mins, whichever is later</p>	<p>8.55 – Tenth Delegated Legislation Committee  <b>Select Committees</b>                      9.15 – Liaison Committee                      9.45 – Political and Constitutional Reform</p>	<p>2.30 – 5.30 - Cycling</p>

Please note that the following table provides information for the week beginning 23 April 2012.

**Table 9: Order of Business in Dail Eireann for week commencing 23 April 2012**

	<b>Dail</b>	<b>Committees</b>
<b>Monday</b>	N/A	N/A
<b>Tuesday (Dail sits at 2.00pm)</b>	2.00 - Questions (Minister for Public Expenditure and Reform) 3.15 – Leaders Questions 3.36 – Questions to Taoiseach 4.36 – Order of Business 5.06 – Topical Issues Motion: Rota change (no debate) Social Welfare and Pensions Bill (Second Stage) Motion: Committee Stage of Social Welfare and Pensions Bill 2012 Private Members Business: Motorist Emergency Relief Bill 2012 (Fianna Fail) 9.30 – Dail adjourns	2.00 - Communications, Natural Resources and Agriculture 2.00 - Education and Skills (Sub-Committee) 2.15 - Environment, Transport, Culture and the Gaeltacht
<b>Wednesday (Dail sits at 10.30)</b>	10.30 – Leaders Questions 10.51 – Order of Business Social Welfare and Pensions Bill 2012 1.30 – SOS 2.30 – Questions to Minister for Social Protection 3.45 – Topical Issues 4.33 – Morning Business continued 7.30 - Private Members Business: Motorist Emergency Relief Bill 2012 Afternoon business continued 10.30 – Dail adjourns	9.30 - Jobs, Social Protection and Education 10.00 - Communications, Natural Resources and Agriculture 10.30 - Environment, Transport, Culture and the Gaeltacht 3.30 - Finance (Sub-Committee) 3.30 - Justice, Defence and Equality 2.00 - Sub-Committee on the Referendum on the Intergovernmental Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (Sub-Committee of the Joint Committee on European Union Affairs)

	<b>Dail</b>	<b>Committees</b>
<p><b>Thursday (Dail sits at 10.30)</b></p>	<p>10.30 – Leaders Questions                      10.51 – Order of Business                      11.11 - Social Welfare and Pensions Bill 2012                      3.42 - Statements re Government's Proposals for the Establishment of Irish Water and Water Metering Programme                      5.42 – Topical Issues                      6.30 - Questions to Minister for Jobs, Enterprise and Innovation                      7.45 – Dail adjourns</p>	<p>9.30 - Sub-Committee on the Referendum on the Intergovernmental Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (Sub-Committee of the Joint Committee on European Union Affairs)                      10.00 - Members' Interests of Dáil Éireann                      10.00- Public Accounts                      10.30 - Communications, Natural Resources and Agriculture                      11.30 - Health and Children                      2.00 - Finance, Public Expenditure and Reform</p>
<p><b>Friday</b></p>		<p>10.00 - Sub-Committee on the Referendum on the Intergovernmental Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (Sub-Committee of the Joint Committee on European Union Affairs)                      11.00 - Implementation of the Good Friday Agreement</p>



Northern Ireland  
Assembly

Research and Information Service  
Briefing Paper

Paper 000/00

3rd May 2012

NIAR 327-12

**Tim Moore & Ray McCaffrey**

# Electoral Constituencies

# 1 Introduction

This briefing paper was requested by the Assembly and Executive Review Committee following its meeting on 17 April 2012. It provides information relevant to consideration of the following issues:

- the impact of the Northern Ireland Assembly constituencies remaining linked to UK Parliamentary boundaries
- Possibility of using the new local Council/RPA boundaries for the MLA boundaries – how this might work (e.g. by varying the number of MLAs for some constituencies) and if there is any precedent on that model; and
- Possibility of creating MLA constituencies (and number of MLAs per constituency) using a ‘bottom up’ approach – that is firstly looking at the population of an area and then determining the number of MLAs needed to represent this population and if this, in turn, would significantly affect the proportionality of MLAs/number of voters in an area.

To address these questions the paper provides information on:

- Parliamentary Constituencies - Legislative Framework
- Parliamentary Constituencies - Projections
- Decoupling in Scotland and Wales
- New Local Government Boundaries
- District Magnitude

## 2 Parliamentary Constituencies - Legislative Framework

The legal framework which determines the number and distribution of UK Parliamentary constituencies is contained within the Parliamentary Voting System and Constituencies Act 2011 (the 2011 Act). This Act significantly amended the previous framework contained within the Parliamentary Constituencies Act 1986 (the 1986 Act)

### **Parliamentary Constituencies Act 1986**

Schedule 2 of the 1986 Act<sup>1</sup>, as enacted, set out rules for redistribution of seats. The first rule placed a control on the number of constituencies for parts of the United Kingdom.

<b>Schedule 2 Rules for Redistribution of Seats</b>
<p>1(1)The number of constituencies in Great Britain shall not be substantially greater or less than 613.</p> <p>(2)The number of constituencies in Scotland shall not be less than 71.</p> <p>(3)The number of constituencies in Wales shall not be less than 35.</p> <p>(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.</p>

Section 86 of the Scotland Act 1998<sup>2</sup> made a number of significant changes to the rules contained in Schedule 2 of the 1986 Act. These changes included the removal of Rule 1(2) which meant that there was no longer a guaranteed minimum number of Scottish seats at

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1 Parliamentary Constituencies Act 1986 (1986 c.56)  
<http://www.legislation.gov.uk/ukpga/1986/56/contents/enacted>

2 Scotland Act 1998 (1998 c.46)  
<http://www.legislation.gov.uk/ukpga/1998/46/contents>



Westminster. In addition, further rules were altered with the effect that for the first Boundary Commission review of Parliamentary Constituencies undertaken following the enactment of the Scotland Act 1998 the electoral quota for England rather than a quota based on existing Scottish constituencies would be used to determine the appropriate number of Scottish seats at Westminster.

The Boundary Commission for Scotland submitted the final report of its Fifth Periodical Review to the Secretary of State for Scotland on 30 November 2004. The final recommendations contained within the report indicated that the number of Scottish seats should be reduced by 13 (from 72 to 59). The Parliamentary Constituencies (Scotland) Order 2005<sup>3</sup> gave effect to the recommendations contained in report and as a consequence the House of Commons was reduced in size to 646 as the new constituencies came into being at the General Election on 5th May 2005.<sup>4</sup>

During the same periodic review (albeit reporting after the 2005 elections), the Boundary Commission for Northern Ireland did not recommend any changes to the number of constituencies in Northern Ireland (18) and the Boundary Commission for Wales recommended the retention of the same number of constituencies in Wales (40). The Boundary Commission for England recommended an increase of 4 in the number of constituencies in England (533). The present size of the House of Commons following the 2010 general election, therefore, was 650.

### **Parliamentary Voting System and Constituencies Act 2011**

The Parliamentary Voting System and Constituencies Act 2011<sup>5</sup> substantially amended the 1986 Act by, amongst other things, setting the number of parliamentary constituencies at 600 and prescribing a revised method for calculating the number of constituencies for each part of the UK. In relation to the provisions relating to the number and distribution of seats, the Explanatory Note which accompanies the 2011 Act states that:

#### Number and distribution of seats

47. Section 11 replaces the rules under which the four Boundary Commissions make recommendations as to how their part of the UK should be divided into constituencies, which are currently set out in Schedule 2 to the 1986 Act. The section substitutes a new Schedule 2. Rule 1 of the new Schedule 2 sets the number of constituencies in the UK at 600. Rule 2 provides for there to be less variation in the size of the electorate in each constituency than at present: the electorate of each constituency is required to be within 5% either side of the UK electoral quota. The UK electoral quota is the number of people in the UK on the electoral register published two years and ten months before the date by which the Commissions' reports are to be submitted less the electorate on that date of the protected constituencies named in Rule 6, divided by 596, i.e. the number of constituencies in the UK (600) less the four protected constituencies in rule 6.

48. Rules 3 and 8 prevent the Boundary Commissions from recommending constituencies that cross national borders and set out the procedure for calculating the number of constituencies which there are to be in each part of the UK. This is to be done by the Sainte-Laguë method. Under this method, the first constituency is allocated to the part of the UK with the largest electorate (that is to say, the part of the UK with the largest registered electorate). The next constituency and subsequent constituencies are allocated in the same way, except that the electorate of a part of the UK to which one or more

3 Parliamentary Constituencies (Scotland) Order 2005 (2005 No. 250 (S. 1)) <http://www.legislation.gov.uk/ukxi/2005/250/made>

4 Parliamentary constituency boundaries: the Fifth Periodical Review House of Commons Library (July 2010) Standard Note: SN/PC/03222 <http://www.parliament.uk/documents/commons/lib/research/briefings/snpc-03222.pdf>

5 Parliamentary Voting System and Constituencies Act 2011 (2011 c.1) <http://www.legislation.gov.uk/ukpga/2011/1/notes/division/1>

constituencies have already been allocated is divided by twice the number of seats already allocated to that part of the UK plus one. If two (or more) parts of the UK are equally entitled to a seat (or seats), the seat is allocated to that nation, of those that are tied, with the smaller or smallest electorate. The preserved constituencies set out in Rule 6 and their electorates are not included in the allocation process.<sup>6</sup>

For reference, Schedule 2 of the 1986 Act as amended by the 2011 Act is included as Appendix 1 to this paper.

The 2011 Act provided for a 5-year cycle of reviews by each of the boundary commissions and the Boundary Commission for Northern Ireland started its 6th review of parliamentary constituency boundaries on 4th March 2011. The review has to be completed before 1st October 2013 and the 2011 Act also prescribes the electorate to be used for the purposes of the review; the relevant electorate being that at the 1st December 2010 Parliamentary electorate. Application of the Sainte-Laguë formula as prescribed by the 2011 Act results in the allocation of seats as set out in Table 1 below.

Section 33 of the Northern Ireland Act 1998<sup>7</sup> states that the members of the Assembly shall be returned for the parliamentary constituencies in Northern Ireland and that each constituency shall return six members. As it stands, therefore, the number of members of the Assembly will reduce from 108 to 96, as a result of losing two Westminster constituencies under the changes produced by the 2011 Act.

**Table 1 Westminster Election Allocation of Seats (2015) by part of UK**

Country	Electorate	Current allocation	New allocation
England	38,332,557*	533	500 (+2)
Northern Ireland	1,190,635	18	16
Scotland	3,873,387#	59	50 (+2)
Wales	2,281,596	40	30
<b>Total</b>	<b>45,678,175</b>	<b>650</b>	<b>600</b>
*The total electorate for England does not include the electorate of the Isle of Wight which will comprise 2 constituencies			
# The total electorate for Scotland does not include the 2 protected island constituencies which are exempt from the 5% electoral parity rule			

6 <http://www.legislation.gov.uk/ukpga/2011/1/notes/division/5/2/2>

7 Northern Ireland Act 1998 (1998 c.47)  
<http://www.legislation.gov.uk/ukpga/1998/47/contents>

### 3. Parliamentary Constituencies - Projections

The amendments made to the 1996 Act by the 2011 Act mean that the allocation of seats to parts of the UK is determined solely on the basis of a mathematical formula. The number of seats in any part of the UK will be determined by the size of the electorate applied at the relevant period for each five yearly review. Variations in the size of the electorate, which itself will be determined by the size of the population eligible to vote and the level of registration within the eligible population, have the potential therefore to require a change in the number of seats in parts of the UK following each five year reviews.

It is worth noting that the system of electoral registration in Northern Ireland is different to that elsewhere in the UK. In Northern Ireland, electors are required to register on an individual basis and provide certain personal identifiers including National Insurance Number and signature. GB operates the 'household' registration system, whereby one member of a household can register all other eligible residents living there. Northern Ireland operated this system until 2002, and individual registration will be implemented in GB in 2014. In Northern Ireland, the first register published under individual electoral registration (IER) in December 2002 showed a decline of around 10%.

The total number of people registered to vote at the May 2011 Assembly election, however, was 1,210,009, an increase of 94,038 from the 2007 Assembly election and an increase of 114,458 from the 2003 Assembly election. It represented the largest number of people registered to vote at an election in Northern Ireland since individual electoral registration was introduced in 2002<sup>8</sup>.

The UK Government has responded to concerns that IER could see a significant number of people drop off the register in GB by putting in place safeguards:

We have learnt from the experience in Northern Ireland and are phasing in IER over two years. Existing electors will be invited to register under the new system in both the amended canvass in 2014 and the full household canvass in 2015 before they are removed from the register. In these canvasses we are funding extensive contact with all electors that will include invitations to register, reminders and door to door canvassing. This will be supported by an Electoral Commission publicity campaign<sup>9</sup>.

Furthermore, any potential drop in the number of people registered will not be evident until after the 2015 UK Parliamentary election, after which there would be time to rebuild the GB electoral register. However, the full impact of introducing IER in GB remains to be seen.

By way of showing a number of potential future scenarios, Research and Information Service (RaISe) has produced a simple projections model to demonstrate the potential outcome of this legislative change for Northern Ireland in subsequent years.

The methodology used to project the number of registered voters is as follows:

- 1) Calculate historic registration rates (2001 to 2011) by dividing the number of registered voters in each region by their respective age 16+ population estimates (figures obtained from Office for National Statistics) – the 16+ population is used as a proxy for the number of people eligible to vote as it is more convenient to apply than the 18+ population (the 18+ population figures could be used, but this would require a lot more work and is unlikely to change the projections greatly; in any case, no attempt is made to take account of non-residents, etc).

8 Electoral Commission, Report on the Northern Ireland Assembly election 5 May 2011, October 2011

9 <http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120123/text/120123w0001.htm>

- 2) Calculate projected registration rates using three scenarios:
  - a. Take the average for each region over the last five years (England – 91%; Wales – 93%; Scotland – 91%; and Northern Ireland – 83%) and hold these rates constant from 2012 onwards.
  - b. As above, but rates for England, Wales and Scotland reduced to Northern Ireland 83% rate from 2016 onwards (to show worst scenario impact for other regions switching to IER – the impact would not come into play until after the 2015 election under the current proposals).
  - c. As above, but rates for England, Wales and Scotland reduced by a more modest 5 percentage points (to show a more modest impact for other regions switching to IER).
- 3) Apply the projected registration rates to the age 16+ population projections to obtain the projected number of registered voters for each region.

These projections are then adjusted for the four exempt constituencies in England and Scotland and the “2C +1” iterative allocation formula is applied to calculate the projected number of constituencies for each region.

Tables setting out the overall results in terms of distribution of seats from each of the three scenarios are set out below.

**Scenario 1**

	<b>Present</b>	<b>2011</b>	<b>2013</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
England	533	502	503	504	504	505	506	508
Wales	40	30	30	29	29	29	29	28
Scotland	59	52	52	52	52	51	50	49
N Ireland	18	16	15	15	15	15	15	15
UK	650	600	600	600	600	600	600	600

**Scenario 2**

	<b>Present</b>	<b>2011</b>	<b>2013</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
England	533	502	503	504	504	504	506	507
Wales	40	30	30	29	28	28	28	28
Scotland	59	52	52	52	51	51	50	49
N Ireland	18	16	15	15	17	17	16	16
UK	650	600	600	600	600	600	600	600

**Scenario 3**

	<b>Present</b>	<b>2011</b>	<b>2013</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
England	533	502	503	504	504	504	505	507
Wales	40	30	30	29	29	29	29	28
Scotland	59	52	52	52	51	51	50	49
N Ireland	18	16	15	15	16	16	16	16
UK	650	600	600	600	600	600	600	600

The data upon which these outcomes are based is contained in appendices to this paper.

## 4. Decoupling in Scotland and Wales

The Scottish Parliament and National Assembly for Wales have ‘de-coupled’ their constituencies from Westminster constituencies. This means that the number of members in each legislature will not be affected by changes resulting from future application of the Sainte-Laguë method as prescribed by the 2011 Act.

The Scotland Act 1998 as enacted provided that one member of the Scottish Parliament would be returned for each constituency (under the simple majority system) and that Members of the Parliament for each region would be returned under the additional member system of proportional representation. Schedule 1 of the Scotland Act 1998 contained provisions setting out the constituencies and regions for the purposes of the Act. These were (a) the Orkney Islands (b) the Shetland Islands and (c) the parliamentary constituencies in Scotland, except a parliamentary constituency including either of those islands. The Schedule also provided that there would be eight regions ( the European Parliamentary constituencies) and that seven regional members would be returned for each region.

The Scottish Parliament (Constituencies) Act 2004<sup>10</sup> replaced the previous Schedule 1 of the Scotland Act 1998 with a new Schedule 1 which stated that there were to be 73 constituencies for the purposes of the Act. The constituencies being defined as (a) the Orkney Islands (b) the Shetland Islands and (c) the parliamentary constituencies in Scotland (except the constituency of Orkney and Shetland) provided for by Article 2 of and the Schedule to the Parliamentary Constituencies (Scotland) Order 1995 (S.I. 1995/1037) as at 11 April 1995 (the day it was made).

Under Schedule 1 to the Scotland Act 1998, as amended by the Scottish Parliament (Constituencies) Act 2004, the Boundary Commission for Scotland is responsible for reviewing the constituencies and regions of the Scottish Parliament, and making recommendations to the Secretary of State for Scotland. The Boundary Commission for Scotland, however, does not have the power to alter the total number of constituencies or to alter the fact that 2 of these constituencies will be the Orkney Islands constituency and the Shetland Islands constituency.

The rules that the Boundary Commission must follow when designing Scottish Parliament constituencies and regions, as provided for in the relevant schedule, are set out in the box below.

10 Scottish Parliament (Constituencies) Act (2004 c.13)  
<http://www.legislation.gov.uk/ukpga/2004/13/contents>

**Constituency rule 1 - council area boundaries**

Rule 1 of the constituency rules requires us to take into account the boundaries of council areas. Therefore, one of our first considerations was how constituencies might fit within each of the council areas.

**Constituency rule 2 - electoral parity**

Rule 2 of the constituency rules requires that the electorate of a constituency must be as near the electoral quota (see 2.2) as is practicable, while having regard to rule 1.

**Constituency rule 3 - geographical considerations**

Rule 3 of the constituency rules enables us to make allowance for any special geographical considerations that may apply to a particular area.

**Constituency rule 4 - local ties**

Rule 4 of the statutory rules requires us to take account of inconveniences arising from alterations to constituencies, and local ties that would be broken by such alterations.

**Regional rules**

The first regional rule requires that each constituency is contained within a single region. Therefore, when designing regions we can only consider the different ways of combining whole constituencies.

The second regional rule requires that the electorate of each region must be as near to that of the other regions as is practicable, while having regard to special geographical considerations.

Source: Report of the first periodic review of Scottish Parliament boundaries

As required by law, before 30 June 2010, the Commission submitted its Report on the First Periodic Review of Scottish Parliament Boundaries<sup>11</sup> to the Secretary of State for Scotland on 26 May 2010; on the same day a copy was laid before the Scottish Parliament and the UK Parliament.

The Scottish Parliament, however, has no legislative competence in relation to the work of the Boundary Commission and it is the Secretary of State for Scotland who is required by the Scotland Act 1998 to lay before the UK Parliament, as soon as is practicable after receipt of the report, the draft of an Order in Council giving effect to the recommendations contained within it.

In relation to the National Assembly for Wales a similar decoupling has occurred. Section 13 of the 2011 Act made specific provision in relation to the National Assembly for Wales. This section amended section 2 (in addition to Schedule 1 and paragraph 1 of Schedule 11) of the Government of Wales Act 2006<sup>12</sup> to specify that the Assembly constituencies are the constituencies specified in the the Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006 (S.I. 2006/1041), as amended.<sup>13</sup>

The effect is that any future changes to Parliamentary constituencies made under the new rules introduced by the 2011 Act would not change the Assembly's local and regional constituencies and that the number of Assembly Members will remain at 60.

11 Boundary Commission for Scotland - Report of the first periodic review of Scottish Parliament boundaries (26 May 2010) [http://www.bcomm-scotland.gov.uk/1st\\_holyrood/1st\\_holyrood.asp](http://www.bcomm-scotland.gov.uk/1st_holyrood/1st_holyrood.asp)

12 Government of Wales Act 2006 (2006 c.32) <http://www.legislation.gov.uk/ukpga/2006/32/contents>

13 The Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006 (SI 2006 No. 1041) <http://www.legislation.gov.uk/uksi/2006/1041/contents/made>

## 5 New Local Government Boundaries

The Local Government (Boundaries) Act (Northern Ireland) 2008<sup>14</sup> provided for the establishment of 11 local government districts in Northern Ireland and for the division of those districts into wards. The Act also provided for the appointment of a Local Government Boundaries Commissioner and prescribed a series of rules that had to be followed in determining the new boundaries.

On 24th April 2012, the draft Local Government (Boundaries) Order<sup>15</sup> was laid in the Assembly. Figure 1 below sets out the Local Government Boundaries Commissioner's proposed boundaries, which with some modifications not affecting areas of residence are those contained in the Order.



The local government boundaries might be considered more stable than the UK parliament boundaries which given the 2011 and Table 2 below allocates 108/96/80 Members to each district based on the electorate at 2009.

14 Local Government (Boundaries) Act (Northern Ireland) 2008 (2008 c.7)  
<http://www.legislation.gov.uk/nia/2008/7/contents>

15 Draft S.R. 2012 Local Government (Boundaries) Order (Northern Ireland) 2012  
<http://www.niassembly.gov.uk/Assembly-Business/Legislation/Statutory-Rules/Affirmative-Resolution/>

**Table 2: District Electorate Allocation Determined Allocation of Seats**

	<b>Electorate (2009)</b>	<b>Electorate (%)</b>	<b>Members per District</b>		
Antrim and Newtownabbey	85094	7.6%	8	7	6
Armagh, Banbridge & Craigavon	125860	11.2%	12	11	9
Belfast	190400	16.9%	18	16	14
Causeway Coast and Glens	88654	7.9%	9	8	6
Derry and Strabane	92593	8.2%	9	8	7
Fermanagh and Omagh	74414	6.6%	7	6	5
Lisburn and Castlereagh	83369	7.4%	8	7	6
Mid and East Antrim	89734	8.0%	9	8	6
Mid-Ulster	85850	7.6%	8	7	6
Newry Mourne and Down	107233	9.5%	10	9	8
North Down and Ards	102313	9.1%	10	9	7
<b>Total</b>	<b>1125514</b>	<b>100.0%</b>	<b>108</b>	<b>96</b>	<b>80</b>

From Table 2 it can be seen that, as districts vary in size, the number of MLAs per district could range from 5 to 18 depending on the overall number of MLAs distributed proportionately on the basis of electorate.

## 6. District Magnitude

Electoral districts which differ in terms of the number of representatives elected to the relevant legislature exist in other jurisdictions. For example, constituency seats in Dail Eireann are apportioned according to population figures derived from Census figures. There are currently 43 constituencies, 11 five-seaters, 15 four-seaters and 17 three-seaters.

There is currently an on-going review of Dail constituencies based on 2011 Census figures, with the latest review due for completion in June 2012. This review will be based on a reduction in the number of TDs, as announced by the Minister of the Environment. The Constituency Commission is therefore basing its work on a Dail of between 153 and 160 Members, as opposed to the current 166.

According to article 16 of the Irish Constitution, the ratio of population to TD has to be between 20,000 and 30,000. It is important to note that this is the entire population, not eligible voters. There are concerns that because some urban constituencies have large immigrant populations containing many non-voters there will inevitably be a discrepancy between the different parts of the country in terms of the ratio of TDs to voters<sup>16</sup>.

Commenting on the topic of electoral boundaries and the ideal number of representatives to be elected from each constituency (the district magnitude) the ACE Electoral Knowledge Network<sup>17</sup> has noted that:

16 <http://www.irishtimes.com/newspaper/ireland/2012/0330/1224314100302.html>

17 According to its website, 'The ACE Electoral Knowledge Network is your portal to the world of elections. The ACE network promotes credible and transparent electoral processes with emphasis on sustainability, professionalism and trust in the electoral process. ACE offers a wide range of services related to electoral knowledge, assistance and capacity development'



The question regarding electoral districting is fundamental to the composition of government in all parliamentary systems. Electoral district magnitude is the first important decision that has to be taken. District magnitude refers to the number of representatives to be elected from one constituency, and thus determines an electoral system's ability to translate votes casted into seats won proportionally. In proportional electoral systems, it is important to find the balance between accountability and proportionality taking into account the political situation and party system in the respective country.

Using the whole country as one electoral district does indeed give the greatest degree of proportionality. But when the districts are made larger the problem is that the linkage – especially geographical - between elected members and his or her district grows weaker. Because of this paradox there has been a lively debate on the ideal electoral district magnitude. Most scholars agree that district magnitudes of between three and seven seats tend to work quite well, and it has been suggested that odd numbers work better than even numbers, particularly in a two-party system<sup>18</sup>.

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18 <http://aceproject.org/electoral-advice/archive/questions/replies/621103637>

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# Appendix 1

## Parliamentary Constituencies Act 1986, as amended

### SCHEDULE 2

#### RULES FOR REDISTRIBUTION OF SEATS

##### 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 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 Government (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

## Appendix 2 – Scenario 1 Data

	2010	2011	2013	2015	2020	2025	2030	2035
<b>Population aged 16+</b>								
England	42467.7	42808.9	43507.9	44152.8	45599.9	47315.2	49218.5	51018.0
Wales	2458.4	2469.6	2497.3	2524.9	2580.2	2644.9	2715.5	2783.7
Scotland	4310.3	4339.1	4396.7	4443.0	4527.3	4628.1	4726.6	4814.1
N Ireland	1417.4	1427.6	1450.4	1470.9	1510.0	1555.5	1601.4	1639.2
UK	50653.8	51045.3	51852.2	52591.6	54217.3	56143.6	58262.1	60255.0
<b>Registered Voters</b>								
England	38443.5	38654.0	39445.1	40029.8	39215.9	40691.1	42327.9	43875.5
Wales	2281.6	2298.6	2318.1	2343.7	2270.5	2327.5	2389.7	2449.6
Scotland	3929.0	3941.6	4006.6	4048.9	3893.4	3980.1	4064.9	4140.1
N Ireland	1190.6	1213.0	1201.3	1218.3	1250.7	1288.4	1326.5	1357.7
UK	45844.7	46107.2	46971.1	47640.7	46630.6	48287.1	50109.0	51823.0
<b>Reg voters/pop16</b>								
England	0.91	0.90	0.91	0.91	0.86	0.86	0.86	0.86
Wales	0.93	0.93	0.93	0.93	0.88	0.88	0.88	0.88
Scotland	0.91	0.91	0.91	0.91	0.86	0.86	0.86	0.86
N Ireland	0.84	0.85	0.83	0.83	0.83	0.83	0.83	0.83
UK	0.91	0.90	0.91	0.91	0.86	0.86	0.86	0.86

	2010	2011	2013	2015	2020	2025	2030	2035
<b>Registered Voters</b>								
Isle of Wight	110.9	110.9	113.2	114.8	112.5	116.7	121.4	125.9
Orkney & Shetland	33.8	34.2	34.7	35.1	33.8	34.5	35.2	35.9
Western Isles	21.8	22.0	22.3	22.6	21.7	22.2	22.7	23.1
<b>Voters excl exempt</b>								
England	38332.6	38543.1	39332.0	39915.0	39103.4	40574.3	42206.5	43749.6
Wales	2281.6	2298.6	2318.1	2343.7	2270.5	2327.5	2389.7	2449.6
Scotland	3873.4	3885.4	3949.5	3991.2	3838.0	3923.4	4007.0	4081.2
N Ireland	1190.6	1213.0	1201.3	1218.3	1250.7	1288.4	1326.5	1357.7
<b>No. of Constituencies</b>								
England	533	502	503	504	504	504	505	507
Wales	40	30	30	29	29	29	29	28
Scotland	59	52	52	52	51	51	50	49
N Ireland	18	16	15	15	16	16	16	16
UK	650	600	600	600	600	600	600	600

## Appendix 3 – Scenario 2 Data

	2010	2011	2013	2015	2020	2025	2030	2035
<b>Population aged 16+</b>								
England	42467.7	42808.9	43507.9	44152.8	45599.9	47315.2	49218.5	51018.0
Wales	2458.4	2469.6	2497.3	2524.9	2580.2	2644.9	2715.5	2783.7
Scotland	4310.3	4339.1	4396.7	4443.0	4527.3	4628.1	4726.6	4814.1
N Ireland	1417.4	1427.6	1450.4	1470.9	1510.0	1555.5	1601.4	1639.2
UK	50653.8	51045.3	51852.2	52591.6	54217.3	56143.6	58262.1	60255.0
<b>Registered Voters</b>								
England	38443.5	38654.0	39445.1	40029.8	37769.9	39190.6	40767.1	42257.6
Wales	2281.6	2298.6	2318.1	2343.7	2137.1	2190.7	2249.3	2305.7
Scotland	3929.0	3941.6	4006.6	4048.9	3749.9	3833.4	3915.0	3987.5
N Ireland	1190.6	1213.0	1201.3	1218.3	1250.7	1288.4	1326.5	1357.7
UK	45844.7	46107.2	46971.1	47640.7	44907.5	46503.1	48257.8	49908.5
<b>Reg voters/pop16</b>								
England	0.91	0.90	0.91	0.91	0.83	0.83	0.83	0.83
Wales	0.93	0.93	0.93	0.93	0.83	0.83	0.83	0.83
Scotland	0.91	0.91	0.91	0.91	0.83	0.83	0.83	0.83
N Ireland	0.84	0.85	0.83	0.83	0.83	0.83	0.83	0.83
UK	0.91	0.90	0.91	0.91	0.83	0.83	0.83	0.83

	2010	2011	2013	2015	2020	2025	2030	2035
<b>Registered Voters</b>								
Isle of Wight	110.9	110.9	113.2	114.8	108.4	112.4	117.0	121.2
Orkney & Shetland	33.8	34.2	34.7	35.1	32.5	33.2	33.9	34.6
Western Isles	21.8	22.0	22.3	22.6	20.9	21.4	21.8	22.2
<b>Voters excl exempt</b>								
England	38332.6	38543.1	39332.0	39915.0	37661.5	39078.2	40650.1	42136.4
Wales	2281.6	2298.6	2318.1	2343.7	2137.1	2190.7	2249.3	2305.7
Scotland	3873.4	3885.4	3949.5	3991.2	3696.4	3778.7	3859.2	3930.7
N Ireland	1190.6	1213.0	1201.3	1218.3	1250.7	1288.4	1326.5	1357.7
<b>No. of Constituencies</b>								
England	533	502	503	504	504	504	506	507
Wales	40	30	30	29	28	28	28	28
Scotland	59	52	52	52	51	51	50	49
N Ireland	18	16	15	15	17	17	16	16
UK	650	600	600	600	600	600	600	600



## Appendix 4 – Scenario 3 Data

	2010	2011	2013	2015	2020	2025	2030	2035
<b>Population aged 16+</b>								
England	42467.7	42808.9	43507.9	44152.8	45599.9	47315.2	49218.5	51018.0
Wales	2458.4	2469.6	2497.3	2524.9	2580.2	2644.9	2715.5	2783.7
Scotland	4310.3	4339.1	4396.7	4443.0	4527.3	4628.1	4726.6	4814.1
N Ireland	1417.4	1427.6	1450.4	1470.9	1510.0	1555.5	1601.4	1639.2
UK	50653.8	51045.3	51852.2	52591.6	54217.3	56143.6	58262.1	60255.0
<b>Registered Voters</b>								
England	38443.5	38654.0	39445.1	40029.8	41341.8	42896.9	44622.5	46254.0
Wales	2281.6	2298.6	2318.1	2343.7	2395.0	2455.1	2520.7	2583.9
Scotland	3929.0	3941.6	4006.6	4048.9	4125.6	4217.5	4307.3	4387.0
N Ireland	1190.6	1213.0	1201.3	1218.3	1250.7	1288.4	1326.5	1357.7
UK	45844.7	46107.2	46971.1	47640.7	49113.1	50857.9	52776.9	54582.6
<b>Reg voters/pop16</b>								
England	0.91	0.90	0.91	0.91	0.91	0.91	0.91	0.91
Wales	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Scotland	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91
N Ireland	0.84	0.85	0.83	0.83	0.83	0.83	0.83	0.83
UK	0.91	0.90	0.91	0.91	0.91	0.91	0.91	0.91

	2010	2011	2013	2015	2020	2025	2030	2035
<b>Registered Voters</b>								
Isle of Wight	110.9	110.9	113.2	114.8	118.6	123.1	128.0	132.7
Orkney & Shetland	33.8	34.2	34.7	35.1	35.8	36.6	37.3	38.0
Western Isles	21.8	22.0	22.3	22.6	23.0	23.5	24.0	24.5
<b>Voters excl exempt</b>								
England	38332.6	38543.1	39332.0	39915.0	41223.2	42773.8	44494.4	46121.3
Wales	2281.6	2298.6	2318.1	2343.7	2395.0	2455.1	2520.7	2583.9
Scotland	3873.4	3885.4	3949.5	3991.2	4066.8	4157.4	4246.0	4324.5
N Ireland	1190.6	1213.0	1201.3	1218.3	1250.7	1288.4	1326.5	1357.7
<b>No. of Constituencies</b>								
England	533	502	5003	504	504	505	506	508
Wales	40	30	30	29	29	29	29	28
Scotland	59	52	52	52	52	51	50	49
N Ireland	18	16	15	15	15	15	15	15
UK	650	600	600	600	600	600	600	600



Northern Ireland  
Assembly

Research and Information Service  
Briefing Paper

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**Tim Moore**

# Electoral Constituencies

## Further Information on Decoupling in Scotland

# 1 Introduction

Following presentation to it of a paper entitled 'Electoral Constituencies', the Assembly and Executive Review Committee, at its meeting on the 8 May, agreed to commission further research seeking '...any evidence to suggest that the electorate in Scotland and Wales finds the separate boundaries for local/regional/Westminster elections (a 'three-tiered system') confusing'.

This paper provides information relating to coterminosity of electoral boundaries in Scotland, where the Local Governance (Scotland) Act 2004 decoupled Scottish Parliament constituencies from Westminster constituencies. Westminster elections based on the number of constituencies being reduced from 72 to 59, following the Boundary Commission's Fifth Periodic Review, took place in 2005 and 2010. The paper also contains information on turn out at elections in Scotland.

As regards Wales, the Parliamentary Voting System and Constituencies Act 2011 de-coupled National Assembly for Wales constituencies from Westminster constituencies. The Boundary Commission won't report on the new constituencies, however, until October 2013 and from then on the two sets of constituencies will be different.

## 2 Coterminosity of Boundaries

This section of the paper highlights information relating to consideration of the issue of coterminosity from the following sources:

- Consultation on the size of the Scottish Parliament (2001)
- Responses to consultation on the size of the Scottish Parliament (2001)
- Statement on the future size of the Scottish Parliament (2002)
- 'Coincidence of Parliamentary Constituency Boundaries in Scotland and the Consequences of Change' (The Scottish Affairs Select Committee Report 2004)
- Putting Citizens First: Boundaries, Voting and Representation in Scotland (the 'Arbuthnott' Commission Report 2006)
- Report on the First Periodic Review of Scottish Parliament Boundaries (2010)

### Consultation exercise on the size of the Scottish Parliament<sup>1</sup>

On 6 November 2001, the then Secretary of State for Scotland, Helen Liddell, announced that there would be a consultation exercise on the size of the Scottish Parliament.

The consultation document indicated that it would be important, in considering whether to retain or end the link between Westminster and Holyrood constituencies, to address the practical issues of how elected representatives could function if they did not have the common identity of constituency boundaries. In particular, views were sought on three questions:

- What would be the consequence of the reduction required by the Scotland Act on the operation of the Scottish Parliament, and in particular on the Committee system, the workload of MSPs, the service provided to constituents and the role of members elected from the list system?

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1 Scotland Office (2001) THE SIZE OF THE SCOTTISH PARLIAMENT - A CONSULTATION <http://www.scotlandoffice.gov.uk/scotlandoffice/files/Consultation%20-%20Final.pdf>

- What practical effect and issues would arise in their relationship as constituency representatives between MPs, MSPs and councillors if the present number of MSPs were to be retained and non-coterminous boundaries between Westminster and the Scottish Parliament constituencies created, and how could any difficulties be overcome?
- What are the implications where shared constituency boundaries are not in place for electoral administrators and local authorities in relation to the registration of voters and the conduct of elections, and what would need to be done to ensure the effective and efficient running of the democratic process?

## Responses to Consultation exercise on the size of the Scottish Parliament<sup>2</sup>

Responses were received from 28 civic organisations and bodies, representing a wide range of interests across Scotland, and from 95 individual members of the public. Representations were also made by 7 individuals or bodies representing electoral administrators, including the Electoral Commission, and by 21 councils and COSLA. The Scottish Parliament and the Scottish Executive, 2 Parliamentary party groups and 27 individual MSPs replied, as did 1 Westminster party group and 18 MPs, and 3 other Parliamentarians (2 Lords and 1 MEP). Thirty two responses were received from political parties and local constituency organisations.

### **Civic Organisations and bodies**

Amongst the comments set out in the '129 Reflection Group' response (which was endorsed by Action of Churches Together in Scotland, the Committee on Church and Nation of the General Assembly of the Church of Scotland, the Educational Institute of Scotland, the Methodist Church in Scotland, the Royal Incorporation of Architects in Scotland, the Scottish Pensioners' Forum, the United Free Church of Scotland, and the United Reform Church) was the view that:

Boundaries not being coterminous should not be a fundamental problem – as shown by considerable evidence from other countries. Scotland had a politically aware electorate that had long accepted that constituencies vary with the character of elections.

Other organisations which argued along the lines that there was no evidence that people in Scotland were unduly confused by non-coterminous boundaries and that existing electoral arrangements in Scotland already required electoral administrators to cope with non-coterminous boundaries included: the Institute of Governance, Edinburgh University; Professor John Curtice, of the Department of Politics, Strathclyde University; the Electoral Reform Society; Canon Kenyon Wright, Chair of the People & Parliament Trust and former Executive Chair of the Scottish Constitutional Convention; UNISON; the Scottish Council for Development and Industry; the Royal Institution of Chartered Surveyors in Scotland; the Third Sector Policy Officers Network; and the Equality Network

The Association of University Teachers (Scotland), however, argued that '...non-coterminous boundaries already made attempting to place universities in their appropriate constituencies confusing, and further differences would produce a chaotic system that would undermine the organisation of the democratic process'. The Scottish Episcopal Church argued that 'Non-coterminous boundaries would increase the bureaucratic burden on electoral administrators and local authorities, and lead to greater costs and waste money that could more usefully be applied elsewhere'. The Humanist Society of Scotland also believed that different boundaries for parliamentary constituencies could cause confusion for the electorate.

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<sup>2</sup> Scotland Office (2001) THE SIZE OF THE SCOTTISH PARLIAMENT - A CONSULTATION <http://www.scotlandoffice.gov.uk/scotlandoffice/files/Consultation%20-%20Responses%20draft%202b.pdf>

### **Electoral Administrators**

Seven responses were received from either individual electoral administrators or bodies representing them, and the Electoral Commission. The paragraphs in the responses document relating to these are included for reference in their entirety in Appendix 1 to this paper.

The Electoral Commission, which is responsible for overseeing the conduct of elections, including to the Scottish Parliament, had no particular view on the issue of coterminous boundaries, but stated that it would be important in reaching decisions on these to ensure that the needs of the electorate and not administrative issues had priority.

The Association of Electoral Administrators (Scottish Branch) was in favour of retaining the position in the Scotland Act (coterminous boundaries) as was the Election Working Group of the Society of Local Authority Lawyers.

The one Electoral Registration Officer who responded stated that a profusion of boundaries was very confusing to the electorate and that electors found difficulty in relating to these boundaries.

One Returning Officer said that non-coterminous boundaries might increase voter confusion about their elected representatives and that non-coterminous boundaries might mean, in areas of cross-over, polling districts and polling places having to be reviewed.

Another Returning Officer was already used to operating with non-coterminous boundaries, but said that if the same boundaries were used then electoral administration in his authority would be greatly simplified and cross-boundary complications would be eliminated.

Another Returning Officer's view was that in any situation where the number of wards straddling Parliamentary boundaries increased, then the potential for error also increased.

### **The Executive**

The Executive noted that the concerns about separate boundaries were legitimate, but in its view they were far from decisive. Electors, Returning Officers and the political parties, the Executive argued, already had to contend with different boundaries (and different electoral systems) for local, Parliamentary and European elections. There was no evidence that in practice this has led to any significant problems. In practical terms, therefore, the Executive did not see any reason why different constituency boundaries between Westminster and Holyrood should give rise to any serious difficulties either for political parties or for the constituents they served.

### **Parliamentary Groups and MSPs**

Summarising responses from the Parliamentary Groups and MSPs the report states:

The general view was that there was no need for coterminous boundaries. While this would not be ideal or convenient, there were already differences and whatever problems would be created should not be insurmountable. It was believed that there was little evidence of significant problems or confusion for constituents and electors, although it was argued by some respondents that improved communications would be important and electors and constituents needed clear information on the boundaries and their representatives. The co-ordination of boundaries between Scottish Parliament constituencies and local government areas were seen by some to be more important for effective representation. It was acknowledged that there would be problems for political parties in organising themselves if there were differing Westminster and Scottish Parliament constituencies, but these could be limited by developing a more flexible or regional system. While coterminosity would be considerably more straightforward for the purposes of party organisation, these respondents said that the convenience of political parties should not be a significant consideration in deciding on such an important issue as the size of the Scottish Parliament and its stability.

Parties and administrators should be able to adapt to circumstances without any real problems. Maintaining an effective Parliament must take precedence.

### Statement on the future size of the Scottish Parliament<sup>3</sup>

On the 18 December 2002 the then Secretary of State for Scotland (Mrs. Helen Liddell) made a statement to the House of Commons on the future size of the Scottish Parliament. In the statement she stated that:

Two strands emerge from the consultation. First, there is the need for stability. Among the civic and representative bodies that responded, the overwhelming view was that the Scottish Parliament should continue to operate with the present number of MSPs. The argument was put that a reduction would cause difficulties, especially to the Committee system, and that it would be unwise to destabilise the Parliament so early in its life by reducing its numbers. The respondents stated that a reduction would adversely affect the Parliament's scrutiny of legislation and the Executive's capacity to conduct inquiries or initiate legislation. They claimed that any reduction in the numbers of list MSPs would reduce proportionality and that the current structure should be maintained to give a proper balance of representation.

Secondly, it was acknowledged, not least by electoral administrators, that difficulties could arise if the boundaries for Westminster and Holyrood were not coterminous. Confusion could be caused to voters and there would be problems for political parties in relation to their organisation.

... I have weighed up carefully all the responses, and in view of the overwhelming body of opinion in favour of maintaining the current number of MSPs, I propose in the interests of stability to seek to amend the Scotland Act accordingly. However, I also take very seriously the concerns about the operation of different boundaries for Westminster and Holyrood. I therefore propose that an independent commission should be established to examine and make recommendations on issues caused by different boundaries for Westminster and Holyrood constituencies.

### The Scottish Affairs Select Committee Report

In February 2004, the House of Commons Scottish Affairs Committee published the report '*Coincidence of Parliamentary Constituency Boundaries in Scotland and the Consequences of Change*'<sup>4</sup> and in it the Committee noted that:

Both of the politically-neutral expert organisations in these matters, the Electoral Commission and the Association of Electoral Administrators, urge caution. The Commission's view was that:

"...there will be a need to explain to the public the different constituency boundaries. In order to mitigate against the potential confusion arising from the proposed changes, we believe that it will be essential to provide effective advertising and other public awareness activities at national and local levels..."

The AEA said:

"The lack of coincidence between Parliamentary Boundaries in Scotland is more likely to cause bewilderment for electors, especially those who reside in cross-boundary areas..."

3 Hansard 18 December 2002: Columns 859-60  
[http://www.scotlandoffice.gov.uk/scotlandoffice/files/Hansard%2018%20Dec%2002%20\\_2\\_.pdf](http://www.scotlandoffice.gov.uk/scotlandoffice/files/Hansard%2018%20Dec%2002%20_2_.pdf)

4 <http://www.publications.parliament.uk/pa/cm200304/cmselect/cmselect/cmselect/77/77.pdf>

10. The Committee concurs with the Electoral Commission that, should the proposed changes be adopted, an education campaign would be needed to explain the new boundaries to electors. However, the Committee believes that the best way to obviate any possible confusion is not to introduce the changes in the first place.
11. The Committee considers the convenience of the electorate to be paramount. Based on the evidence we have received, we recommend that, in order to avoid possible confusion, the constituency boundaries in Scotland for elections to the United Kingdom and to the Scottish Parliament should remain coterminous.

## Commission on Boundary Differences and Voting Systems<sup>5</sup>

The Commission on Boundary Differences and Voting Systems was established to look into the consequences of having four different voting systems in Scotland, and different boundaries between Westminster and Holyrood. The Commission was chaired by Sir John Arbutnott and the Commission published its report 'Putting Citizens First: Boundaries, Voting and Representation in Scotland' on 19 January 2006. Providing context to the work of the Commission the report noted that:

In 2005, boundary changes made as a result of devolution saw the number of Scottish constituencies returning members to the UK Parliament reduced from 72 to 59, whilst legislation was passed to ensure that the Scottish Parliament retained its 73 constituencies. As a result, virtually all Westminster and Scottish Parliament constituency boundaries are now different, having previously been the same. A different voting system will also be adopted from 2007 for Scottish local government elections (the single transferable vote). The Commission's report assesses the impact of these developments on voter participation and on relations between MPs/MSPs and Scottish public bodies and authorities; as well as the implications for representation of constituents by different elected members.

The Commission consulted widely: publishing a consultation document; commissioning primary research; holding meetings across Scotland; meeting with elected representatives; and interviewing a wide range of experts. Addressing the issue of coterminosity the Commission's report stated that:

We have heard no convincing argument that the boundaries for all Parliamentary contests in Scotland need to be the same. However, we do think there is a strong case for rationalising the very wide range of boundaries that apply to elections, to the delivery of services, and to the organisation of public bodies. We recommend therefore that the boundaries of all electoral divisions should be based on local authority areas, which should enable people to understand who represents them at every level of government. In addition, we want to see changes in the way constituency and regional MSPs operate. In particular, the existing Scottish Parliament regions need to be redrawn to provide a new basis for electing regional members in more relevant and serviceable areas. We recommend that a similar exercise should also be undertaken to redraw the boundaries of the existing Scottish Parliament constituencies. We expect this to provide a clearer service to people and to be in the interests of constituency and regional development.

Addressing the issue of coterminosity further, the Commission's report stated that:

Although the main evidence (rather than speculation) suggested to us that having different boundaries was not a critical issue, in view of there being some strong support for aligning these, the Commission thought it important to look at various options for achieving this.

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<http://www.scotlandoffice.gov.uk/scotlandoffice/files/Final%20version%20of%20report.pdf>



- 2 MSPs for each new Westminster constituency (2 x 59), with 11 additional MSPs
- 60 constituency members and 60 (or 69) members from a regional or a national list
- A hybrid system, with single member rural constituencies and multi-member seats in the cities and urban areas

Having examined these options and considered the information gathered during the consultation process the Commission report set out the following 'Conclusions on Coterminosity'

3.16 Having reviewed the possible alternative structures, the Commission concluded that, even if having coterminous boundaries between Westminster and Holyrood constituencies were to be accepted as a desirable objective, none of the options considered above could provide an appropriate or positive solution to the range of concerns which we had been asked to address. In particular, they would either reduce proportionality in the Parliament to an unacceptable extent, lead to an unacceptable reduction in the number of MSPs, or potentially increase tensions between constituency and regional members. They would also all lead to subsequent changes to the Scottish Parliament constituencies being inevitably and, as we argue below, inappropriately Westminster-led. We therefore rejected them all.

3.17 The Commission also came to the conclusion that no convincing case had been made that having the same boundaries for Scottish Parliament and Westminster constituencies was of such importance that there was a need to realign them, or that this concern should be the driving force behind change to the present electoral system for the Scottish Parliament.

3.18 In particular, there is no convincing case that having different sets of boundaries, as such, lead to any significant confusion for voters during elections, or to constituents being unclear when seeking advice and support from their elected representatives. (So far as representation is concerned, whether in constituencies with or without the same boundaries, each constituent still has one MP, one constituency MSP and the choice of 7 regional MSPs to represent him or her.)

3.19 While we acknowledge that having the same boundaries for Holyrood and Westminster would avoid some difficulties for political parties, party workers and electoral administrators – who we certainly see as important to the proper operation of the democratic process – we do not accept that issues of administrative convenience should be a determining factor in deciding on the appropriate electoral system and structure for our nation's democracy. In any event, the evidence considered by the Commission persuaded us that whatever additional difficulties might arise from having different sets of Westminster and Holyrood boundaries should not be insurmountable and could be addressed through improved voter education, training, and restructuring of electoral administration and organisation.

3.20 However, we do strongly believe, in agreement with many who gave evidence to us, that having a more coherent approach to the overall structuring of boundaries could lead to significant benefits. But we do not accept that Westminster constituencies are the best basis for delivering these improvements as they are the least likely to reflect communities and their needs.

Based on these findings, the Commission made the following four 'Boundaries Recommendations'.

- Having the same constituencies for the Scottish Parliament and Westminster is desirable but not essential and should not be a driver of change to the electoral system for the Scottish Parliament.
- The boundaries for Scottish Parliamentary constituencies should be within and respect local authority areas rather than Westminster constituencies.
- The Scottish Parliament regions should be revised to reflect natural local communities and identity and should be built on local authority areas.

- The functions of the Boundary Commission for Scotland and the Local Government Boundary Commission for Scotland should be combined to enable the constituencies and regions for the Scottish Parliament and local authorities to be reviewed together. Consideration should also be given to integrating the review of Westminster constituencies in Scotland into this process.

The Secretary of State for Scotland response to these recommendations stated that:

The Government is pleased to note that the Commission was able to confirm that having different boundaries between the constituencies of the House of Commons and those of the Scottish Parliament is not a matter which requires further action and should not drive change to the electoral system for the Scottish Parliament.

Regarding greater alignment between the Scottish Parliament constituencies and local authority areas in Scotland, these matters are covered in the Scottish Government response. Any action which might need to be taken by the UK Government will depend on the outcomes of work being taken forward by the Executive. Consideration of possible new structures for the regions for Scottish Parliament elections and the future review of constituency boundaries would also follow from this.<sup>6</sup>

### Report on the First Periodic Review of Scottish Parliament Boundaries<sup>7</sup>

Under Schedule 1 to the Scotland Act 1998, as amended by the Scottish Parliament (Constituencies) Act 2004, the Boundary Commission for Scotland is responsible for reviewing the constituencies and regions of the Scottish Parliament, and making recommendations to the Secretary of State for Scotland. The Commission submitted its Report on the First Periodic Review of Scottish Parliament Boundaries to the Secretary of State for Scotland on 26 May 2010; on the same day a copy was laid before the Scottish Parliament and before the UK Parliament on 1st July. Amongst the recommendations and analysis section of the report the Commission noted that of the 73 recommended constituencies, 61 were each contained within a single council area, while the others each include parts of 2 council areas. Fifty seven of the constituencies existing at the start of the review were each contained within a single council area, 14 included parts of 2 council areas, while the other 2 included parts of 3 council areas.

## 3 Turnout at Scottish Elections

	Local Government	Scottish Parliament (constituency vote)	Westminster
1997			72.6**
1999	*59.4	58.2**	
2001			58.1**
2003	*49.2	49.4**	
2004	The Local Governance (Scotland) Act 2004 changed the existing electoral system used for local government elections in Scotland from first past the post system to a Single Transferable Vote (STV) system of proportional representation. The Act also decouples Scottish Parliament Constituencies from Westminster Constituencies		

6 <http://www.scotlandoffice.gov.uk/scotlandoffice/10198.html>

7 Boundary Commission for Scotland - Report of the first periodic review of Scottish Parliament boundaries (26 May 2010) [http://www.bcomm-scotland.gov.uk/1st\\_holyrood/1st\\_holyrood.asp](http://www.bcomm-scotland.gov.uk/1st_holyrood/1st_holyrood.asp)

2005			60.8**
	First election based on number of Westminster constituencies reduced from 72 to 59 following recommendation of Boundary Commission Fifth Periodic Review		
2007	52.8***	51.7**	
	Third set of elections to the Scottish Parliament and local government to be held on the same day. Some significant changes were implemented at these elections: the elections to local councils saw the introduction of the single transferable vote (STV) system, while the Scottish Parliamentary election saw the introduction of a combined ballot sheet on which both the regional and constituency ballot papers were included. Both elections were counted electronically for the first time. Problems, including high number of spoilt votes, at these elections were subject to reviews by Electoral Commission and an independent review of the electoral processes and administration of the election conducted by Mr Ron Gould.		
2009	Scottish Local Government (Elections) Act 2009 decoupled local government elections in Scotland from elections to the Scottish Parliament		
2010			63.8**
2011		50.4**	
2012	Local Government elections held May but turnout not collected centrally		

\* Plymouth University <http://www.research.plymouth.ac.uk/elections/elections/turnouts.htm>

\*\* Scottish Parliament Information Center (SPICe)

[http://www.scottish.parliament.uk/Electionresults/2011%20election/5\\_Turnout\\_Region.pdf](http://www.scottish.parliament.uk/Electionresults/2011%20election/5_Turnout_Region.pdf)

\*\*\* Scottish Parliament Information Center (SPICe) <http://www.scottish.parliament.uk/SPICeResources/Research%20briefings%20and%20fact%20sheets/SB08-12.pdf>

## Appendix 1 – Responses to consultation on the size of the Scottish Parliament

### Response of electoral administrators

#### **Electoral Administrators**

40. Seven responses were received from either individual electoral administrators or bodies representing them, and the Electoral Commission.
41. The new Electoral Commission, which is responsible for overseeing the conduct of elections, including to the Scottish Parliament, had no particular view on the appropriate number of MSPs nor on the issue of coterminous boundaries, but stated that it would be important in reaching decisions on these to ensure that the needs of the electorate and not administrative issues had priority. It recognised that non-coterminous boundaries between Westminster and Scottish Parliament constituencies could create administrative problems that would need to be overcome. But of more importance, it stated, was ensuring a structure under which the electorate could exercise the franchise without undue difficulty or confusion.
42. The Association of Electoral Administrators (Scottish Branch) was in favour of retaining the position in the Scotland Act. In its view, if constituencies did not remain coterminous, an additional burden would be placed on electoral registration officers and returning officers in the production of the electoral register and conduct of elections, for which additional resources might be required for these to operate effectively. This problem would be exacerbated if there were to be combined elections for Westminster and Scottish Parliament constituencies. Electors might have to vote at different polling places, depending on the type of election, which could lead to voter confusion. More polling districts would be required to prevent this.
43. The Election Working Group of the Society of Local Authority Lawyers & Administrators in Scotland (SOLAR) was of the unanimous view that coterminous boundaries should be retained since these facilitated both the conduct of elections and the registration of voters. It stated that the absence of this link between the two boundaries would lead to difficulties in the preparation for and conduct of elections, and had concerns about different geographical boundaries, different registers of electors, different absent voters lists and the need for greater cross boundary working.
44. The one Electoral Registration Officer who responded stated that a profusion of boundaries was very confusing to the electorate and that electors found difficulty in relating to these boundaries. Having Westminster and Scottish Parliament boundaries the same would significantly reduce the confusion that existed about representation. He reported that at present every property on file had a polling area indicator, ward indicator, Parliamentary Constituency indicator, European Parliamentary Constituency indicator and, in most cases a Community Council indicator, plus the potential National Park Ward indicator. Adding yet another indicator would provide further room for confusion. All these divisions had to be shown on Electoral Registers and poll cards. Further, the more that parliamentary boundaries of different descriptions crossed local government areas, the more fragmented became the process of producing an Electoral Register and of running an election or by-election.
45. One Returning Officer said that non-coterminous boundaries might increase voter confusion about their elected representatives. Also, non-coterminous boundaries might mean, in areas of cross-over, polling districts and polling places having to be reviewed. This would lead to fragmentation of local government wards and smaller polling districts, with the consequence of an increase in polling places to be staffed and the costs of running elections. To ensure the effective and efficient running of the democratic process, this Returning Officer argued

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that the following principles and practices were essential, whether or not there were coterminous boundaries:

- electoral wards should be the smallest unit from which all constituencies are built
- accessible information must be published on elected representatives and their areas of responsibility
- there should be pre-election voter information programmes
- increased resources should be made available for IT systems to support all areas of the electoral process
- increased training for all elections staff.

46. Another Returning Officer was already used to operating with non-coterminous boundaries, but said that if the same boundaries were used then electoral administration in his authority would be greatly simplified and cross-boundary complications would be eliminated. Where more than one Council area was involved, every stage of the procedure was more complex - the designation of polling places, the posting up of election material, the staffing of polling places, the issue and receipt of postal votes, the briefing of candidates and their agents, the separation of ballot papers prior to the verification and count, and the accounting procedure itself. He acknowledged, however, that although administering combined polls on the basis of existing constituency boundaries was difficult, it was not impossible, as had been demonstrated at the combined poll in 1999. However, operating cross-boundary elections was considerably more complex and more prone to error.
47. Another Returning Officer's view was that in any situation where the number of Wards straddling Parliamentary boundaries increased, then the potential for error also increased. In order to reduce the capacity for errors, Returning Officers needed to be involved in an additional level of co-ordination and training of polling staff to avoid confusion at polling stations which served more than one constituency. Care needed to be taken so as to ensure that electors received the correct ballot papers and, at close of Poll, arrangements needed to be made to ensure that the separate local government and parliamentary votes were delivered to the appropriate Returning Officer – all of which could lead to delays.







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