



Northern Ireland
Assembly

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Ray McCaffrey

The Parliamentary Voting System and Constituencies Act 2011

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'¹.

The legislation was the subject of considerable debate in Parliament. Concerns were raised that a Bill proposing major constitutional change was being rushed through

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

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.

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 ²	533	500(+2)	31
Northern Ireland	1,190,635	18	16	2
Scotland	3,873,387 ³	59	50(+2)	7
Wales	2,281,596	40	30	10
Total	45,678,175	650	600	50

Source: Boundary Commission for England website

² The total electorate for England does not contain the electorate of the Isle of Wight which will, according to the Act, comprise two constituencies

³ 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

The Act requires constituencies to be within 5% of an electoral quota that is based on an electoral quota of 76,641 (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 2013⁴.

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.

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

⁴ Boundary Commission press release <http://www.boundarycommission.org.uk/pubs/PressRelease-040211.pdf> +

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.

