

Parliamentary Constituencies Act 1986 (c.56)

As amended by:

- *Boundary Commissions Act 1992 (c.55)*
- *Statistics and Registration Services Act 2007 (c.18)*
- *The Lord President of the Council Order 2010 (SI 2010/1837)*
- *Parliamentary Voting System and Constituencies Act 2011 (c.1)*
- *Fixed-term Parliaments Act 2011 (c.14)*

This Act has also been amended by:

- *Local Government (Wales) Act 1994 (c.19)*
- *Local Government etc (Scotland) Act 1994 (c.39)*
- *Scotland Act 1998 (c.46)*
- *Political Parties, Elections and Referendums Act 2000 (c.41)*
- *The Transfer of Functions (Transport, Local Government and the Regions) Order 2002 (SI 2002/2626)*

but those amendments have been superseded or repealed.

An Act to consolidate the House of Commons (Redistribution of Seats) Acts 1949 to 1979 and certain related enactments.

1 Parliamentary constituencies

(1) There shall for the purpose of parliamentary elections be the county and borough constituencies (or in Scotland the county and burgh constituencies), each returning a single member, which are described in Orders in Council made under this Act.

(2) In this Act and, except where the context otherwise requires, in any Act passed after the Representation of the People Act 1948, “constituency” means an area having separate representation in the House of Commons.

2 The Boundary Commissions

(1) For the purpose of the continuous review of the distribution of seats at parliamentary elections, there shall continue to be four permanent Boundary Commissions, namely a Boundary Commission for England, a Boundary Commission for Scotland, a Boundary Commission for Wales and a Boundary Commission for Northern Ireland.

(2) Schedule 1 to this Act shall have effect with respect to the constitution of, and other matters relating to, the Boundary Commissions.

3 Reports of the Commissions

(1) Each Boundary Commission shall keep under review the representation in the House of Commons of the part of the United Kingdom with which they are concerned and shall, in accordance with subsection (2) below, submit to the Secretary of State reports with respect to the whole of that part of the United Kingdom, either -

- (a) showing the constituencies into which they recommend that it should be divided in order to give effect to the rules set out in Schedule 2 to this Act,
- or

(b) stating that, in the opinion of the Commission, no alteration is required to be made in respect of that part of the United Kingdom in order to give effect to the said rules. ¹

(2) A Boundary Commission shall submit reports under subsection (1) above periodically -

(a) before 1st October 2013, and

(b) before 1st October of every fifth year after that. ²

(2A) A failure by a Boundary Commission to submit a report within the time limit which is appropriate to that report shall not be regarded as invalidating the report for the purposes of any enactment. ³

(2B) In relation to any report which a Boundary Commission are required by subsection (2) above to submit before a particular date but have not yet submitted (a “pending boundary report”), the Commission shall submit to the Speaker of the House of Commons -

(a) during the January that begins one year and nine months before that date, and

(b) during each subsequent January,

a report setting out what progress they have made with the preparation of the pending boundary report, with particular reference to the requirement in subsection (2) above.

(2C) On receiving a report under subsection (2B) above, the Speaker shall lay it before Parliament. ⁴

(3) ⁵

(4) A report of a Boundary Commission under this Act showing the constituencies into which they recommend that any area should be divided shall state, as respects each constituency, the name by which they recommend that it should be known, and whether they recommend that it should be a county constituency or a borough constituency (or in Scotland a county constituency or a burgh constituency).

(5) As soon as may be after the submission of a report under subsection (1) above, the Secretary of State shall lay the report before Parliament.

(5A) As soon as may be after the submission of all four reports under subsection (1) above that are required by subsection (2) above to be submitted before a particular date, the Secretary of State shall lay before Parliament the

¹ 3(1)(a) and (b) amended by the Parliamentary Voting System and Constituencies Act 2011

² 3(2) substituted by the Parliamentary Voting System and Constituencies Act 2011

³ 3(2A) inserted by the Boundary Commissions Act 1992

⁴ 3(2B) and 3(2C) inserted by the Parliamentary Voting System and Constituencies Act 2011

⁵ 3(3) repealed by the Parliamentary Voting System and Constituencies Act 2011

draft of an Order in Council for giving effect to the recommendations contained in them.

(5B) Where -

- (a) a Boundary Commission have submitted a report under subsection (1) above (but no draft under subsection (5A) above has yet been laid in relation to the report),
- (b) the Commission notify the Secretary of State that the recommendations contained in the report are to have effect with specified modifications, and
- (c) the Commission submit to the Secretary of State a statement of the reasons for those modifications,

the draft under subsection (5A) above shall give effect to the recommendations with those modifications.

(5C) Subsections (5A) to (5B) above do not apply where each of the reports mentioned in subsection (5) above states that no alteration is required to be made in respect of the part of the United Kingdom with which the Commission in question are concerned.⁶

(6) Schedule 2 to this Act which contains the rules referred to above shall have effect.⁷

(7)

(8)⁸

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4 *Orders in Council*

(1) The draft of any Order in Council laid before Parliament by the Secretary of State under this Act for giving effect, whether with or without modifications, to the recommendations contained in the report of a Boundary Commission may make provision for any matters which appear to him to be incidental to, or consequential on, the recommendations.

(2) Where any such draft gives effect to any such recommendations with modifications, the Secretary of State shall lay before Parliament together with the draft the statement submitted under section 3(5B)(c) above of the reasons for the modifications.¹⁰

⁶ 3(5) substituted and 3(5A), (5B) and (5C) inserted by the Parliamentary Voting System and Constituencies Act 2011

⁷ 3(6) amended by the Parliamentary Voting System and Constituencies Act 2011

⁸ 3(7) and 3(8) repealed by the Parliamentary Voting System and Constituencies Act 2011

⁹ 3A proposed by the Political Parties, Elections and Referendums Act 2000 but repealed before coming into force.

¹⁰ 4(2) amended by the Parliamentary Voting System and Constituencies Act 2011

(3) If any such draft is approved by resolution of each House of Parliament, the Secretary of State shall submit it to Her Majesty in Council.

(4) If a motion for the approval of any such draft is rejected by either House of Parliament or withdrawn by leave of the House, the Secretary of State may amend the draft and lay the amended draft before Parliament, and if the draft as so amended is approved by resolution of each House of Parliament, the Secretary of State shall submit it to Her Majesty in Council.

(5) Where the draft of an Order in Council is submitted to Her Majesty in Council under this Act, Her Majesty in Council may make an Order in terms of the draft which (subject to subsection (6) below) shall come into force on such date as may be specified in the Order and shall have effect notwithstanding anything in any enactment.

(6) The coming into force of any such Order shall not affect any parliamentary election or the constitution of the House of Commons until the dissolution of the Parliament then in being. ¹¹

(7) The validity of any Order in Council purporting to be made under this Act and reciting that a draft of the Order has been approved by resolution of each House of Parliament shall not be called in question in any legal proceedings whatsoever.

5 *Publicity and consultation* ¹²

(1) Once a Boundary Commission have decided what constituencies they propose to recommend in a report under section 3(1)(a) above -

(a) the Commission shall take such steps as they think fit to inform people in each of the proposed constituencies -

(i) what the proposals are,

(ii) that a copy of the proposals is open to inspection at a specified place within the proposed constituency, and

(iii) that written representations with respect to the proposals may be made to the Commission during a specified period of 12 weeks ("the initial consultation period");

(b) the Commission shall cause public hearings to be held during the period beginning with the fifth week of the initial consultation period and ending with the tenth week of it.

(2) Subsection (1)(a)(ii) above does not apply to a constituency with respect to which no alteration is proposed.

(3) Schedule 2A to this Act, which makes further provision about public hearings under subsection (1)(b) above, has effect.

¹¹ Subsection 4(6) amended by the Fixed-term Parliaments Act 2011

¹² Section 5 substituted by the Parliamentary Voting System and Constituencies Act 2011

- (4) After the end of the initial consultation period the Commission -
- (a) shall publish, in such manner as they think fit, representations made as mentioned in subsection (1)(a) above and records of public hearings held under subsection (1)(b) above;
 - (b) shall take such steps as they think fit to inform people in the proposed constituencies that further written representations with respect to the things published under paragraph (a) above may be made to the Commission during a specified period of four weeks ("the secondary consultation period").
- (5) If after the end of the secondary consultation period the Commission are minded to revise their original proposals so as to recommend different constituencies, they shall take such steps as they see fit to inform people in each of those revised proposed constituencies -
- (a) what the revised proposals are,
 - (b) that a copy of the revised proposals is open to inspection at a specified place within the revised proposed constituency, and
 - (c) that written representations with respect to the revised proposals may be made to the Commission during a specified period of eight weeks.
- (6) Subsection (5) above does not apply to any proposals to make further revisions.
- (7) Steps taken under subsection (4) or (5) above need not be of the same kind as those taken under subsection (1) above.
- (8) A Boundary Commission shall take into consideration -
- (a) written representations duly made to them as mentioned in subsection (1)(a), (4)(b) or (5)(c) above, and
 - (b) representations made at public hearings under subsection (1)(b) above.
- (9) Except as provided by this section and Schedule 2A to this Act, a Boundary Commission shall not cause any public hearing or inquiry to be held for the purposes of a report under this Act.
- (10) Where a Boundary Commission publish -
- (a) general information about how they propose to carry out their functions (including, in the case of the Boundary Commission for England, information about the extent (if any) to which they propose to take into account the boundaries mentioned in rule 5(2) of Schedule 2 to this Act), or
 - (b) anything else to which subsection (1), (4) or (5) above does not apply,

it is for the Commission to determine whether to invite representations and, if they decide to do so, the procedure that is to apply.

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6B Functions of the Lord President of the Council

See the Lord President of the Council Order 2010 by virtue of which functions of the Secretary of State under this Act are exercisable concurrently with the Lord President of the Council.¹⁵

7 Consequential amendments

Schedule 3 to this Act shall have effect.

8 Repeals and revocation

(1) The enactments specified in Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) Article 2(7) of the Local Government Reorganisation (Consequential Provisions) (Northern Ireland) Order 1973 is hereby revoked.

(3)¹⁶

9 Citation, commencement and extent

(1) This Act may be cited as the Parliamentary Constituencies Act 1986, and shall be included among the Acts which may be cited as the Representation of the People Acts.

(2) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.

(3) This Act extends to Northern Ireland.

SCHEDULES

SCHEDULE 1

THE BOUNDARY COMMISSIONS

Constitution

1 The Speaker of the House of Commons shall be the chairman of each of the four Commissions.

2 Each of the four Commissions shall consist of the chairman, a deputy chairman and two other members appointed by the Secretary of State.

¹³ Section 6 repealed by the Parliamentary Voting System and Constituencies Act 2011

¹⁴ Section 6A inserted by SI 2002/2626 and repealed by SI 2003/1887

¹⁵ Section 6B inserted by SI 2010/1837

¹⁶ Subsection 8(3) repealed by the Parliamentary Voting System and Constituencies Act 2011

3 The deputy chairman -

- (a) in the case of the Commission for England shall be a judge of the High Court appointed by the Lord Chancellor,
- (b) in the case of the Commission for Scotland shall be a judge of the Court of Session appointed by the Lord President of the Court of Session,
- (c) in the case of the Commission for Wales shall be a judge of the High Court appointed by the Lord Chancellor,
- (d) in the case of the Commission for Northern Ireland shall be a judge of the High Court in Northern Ireland appointed by the Lord Chief Justice of Northern Ireland.

4 A Member of any Commission (other than the chairman) shall hold his appointment for such term and on such conditions as may be determined before his appointment by the person appointing him.

4A In the case of a member of a Commission other than the chairman or deputy chairman, the conditions referred to in paragraph 4 above may include such provisions with respect to remuneration as the Secretary of State may determine with the approval of the Treasury.¹⁷

Officers

5 The officers of each Commission shall include, as assessors, the following persons -

- (a) in the case of the Commission for England, the Statistics Board and the Director General of Ordnance Survey,¹⁸
- (b) in the case of the Commission for Scotland, the Registrar General of Births, Deaths and Marriages for Scotland and the Director General of Ordnance Survey,
- (c) in the case of the Commission for Wales, the Statistics Board and the Director General of Ordnance Survey,¹⁹
- (d) in the case of the Commission for Northern Ireland, the Registrar General of Births and Deaths in Northern Ireland, the Commissioner of Valuation for Northern Ireland, the Chief Electoral Officer for Northern Ireland and the Chief Survey Officer of Land and Property Services.²⁰

6 (1) The Secretary of State may, at the request of any Commission, appoint one or more assistant Commissioners to assist the Commission in the discharge of their functions.

¹⁷ Paragraph 4A inserted by the Boundary Commissions Act 1992

¹⁸ Paragraph 5(a) amended by the Statistics and Registration Services Act 2007

¹⁹ Paragraph 5(c) amended by the Statistics and Registration Services Act 2007

²⁰ Paragraph 5(d) amended by the Parliamentary Voting System and Constituencies Act 2011

(2) Any such assistant Commissioner shall be appointed either for a certain term or for the purposes of a particular matter, and on such conditions as to remuneration and otherwise as may be determined before his appointment by the Secretary of State with the approval of the Treasury. ²¹

7 The Secretary of State shall appoint a secretary to each of the Commissions, and may appoint such other officers of any Commission as he may determine with the approval of the Treasury, and the term and conditions of any such appointment shall be such as may be so determined.

Expenses

8 The expenses of each Commission, including the remuneration and travelling and other expenses of the members, assistant Commissioners, secretary and other officers, shall be paid out of money provided by Parliament. ²²

Proceedings and instruments

9 A Commission shall have power to act notwithstanding a vacancy among their members, and at any meeting of a Commission two, or such greater number as the Commission may determine, shall be the quorum.

10 For the purpose of considering any matter of common concern, the Commissions, or any two or three of them, may hold joint meetings.

11 Subject to the provisions of this Act, each of the Commissions shall have power to regulate their own procedure.

12 Every document purporting to be an instrument made or issued by a Commission and to be signed by the secretary or any person authorised to act in that behalf, shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Commission.

SCHEDULE 2

RULES FOR REDISTRIBUTION OF SEATS ²³

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.

²¹ Paragraph 6 amended by the Parliamentary Voting System and Constituencies Act 2011

²² Paragraph 8 amended by the Boundary Commissions Act 1992

²³ Schedule 2 substituted by the Parliamentary Voting System and Constituencies Act 2011

(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.²⁴

(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.

²⁴ Rule 5(1)(e) does not apply to a report due to be submitted before 1 October 2013, as specified by section 11(2) of the Parliamentary Voting System and Constituencies Act 2011

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 Governance (Scotland) Act 2004, and

(d) in Northern Ireland, the boundaries of wards.

(4) "Ordinary council-election day" is -

(a) in relation to England and Wales, the ordinary day of election of councillors for local government areas;

(b) in relation to Scotland, the day on which the poll is held at ordinary elections of councillors for local government areas;

(c) in relation to Northern Ireland, the day of an election for any district council (other than an election to fill a casual vacancy).

(5) The "review date", in relation to a report under section 3(1) of this Act that a Boundary Commission is required (by section 3(2)) to submit before a particular date, is two years and ten months before that date.

(6) "The United Kingdom electoral quota" has the meaning given by rule 2(3).

(7) A reference in rule 6 to an area is to the area as it existed on the coming into force of Part 2 of the Parliamentary Voting System and Constituencies Act 2011.

SCHEDULE 2A

PUBLIC HEARINGS ABOUT BOUNDARY COMMISSION PROPOSALS ²⁵

Purpose of hearings

1 The purpose of a public hearing is to enable representations to be made about any of the proposals with which the hearing is concerned.

Number of hearings

2 (1) In relation to any particular report under section 3(1)(a) of this Act -

(a) the Boundary Commission for England shall cause at least two and no more than five public hearings to be held in each English region;

(b) the Boundary Commission for Scotland shall cause at least two and no more than five public hearings to be held in Scotland;

(c) the Boundary Commission for Wales shall cause at least two and no more than five public hearings to be held in Wales;

²⁵ Schedule 2A inserted by the Parliamentary Voting System and Constituencies Act 2011

(d) the Boundary Commission for Northern Ireland shall cause at least two and no more than five public hearings to be held in Northern Ireland.

(2) The public hearings in an English region shall be concerned with proposals for that region, and shall between them cover the whole region.

(3) The public hearings in Scotland shall be concerned with proposals for Scotland, and shall between them cover the whole of Scotland.

(4) The public hearings in Wales shall be concerned with proposals for Wales, and shall between them cover the whole of Wales.

(5) The public hearings in Northern Ireland shall be concerned with proposals for Northern Ireland, and shall between them cover the whole of Northern Ireland.

Chair of hearing

3 For each public hearing the Boundary Commission concerned shall appoint a person to chair the hearing.

Length of hearings

4 A public hearing shall be completed within two days.

Procedure at hearings

5 It is for the chair of each public hearing to determine the procedure that is to govern that hearing.

6 The chair shall make arrangements for a public hearing to begin with an explanation of -

(a) the proposals with which the hearing is concerned;

(b) how written representations about the proposals may be made (as mentioned in section 5(1)(a), (4)(b) or (5)(c) of this Act).

7 (1) The chair of a public hearing must allow representations to be made -

(a) by each qualifying party;

(b) by any other persons (whether individuals or organisations) considered by the chair to have an interest in any of the proposals with which the hearing is concerned.

Paragraph (b) above has effect subject to sub-paragraph (3)(b) below.

(2) The chair may restrict the amount of time allowed for representations -

(a) by qualifying parties, and

(b) by other persons,

and need not allow the same amount to each.

(3) The chair may determine -

(a) the order in which representations are made, and

(b) if necessary because of shortage of time, which of those wishing to make representations are not allowed to do so,

in whatever way the chair decides.

8 (1) The chair may put questions, or allow questions to be put, to a person present at the hearing.

(2) If questions are allowed to be put, the chair may regulate the manner of questioning or restrict the number of questions a person may ask.

Interpretation

9 In this Schedule -

“the chair” means the person appointed under paragraph 3 above;

“English region” means an electoral region 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 day referred to in rule 5(2) of Schedule 2 to this Act;

“public hearing” means a hearing under section 5(1)(b) of this Act;

“qualifying party” means a party that is registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 and either -

(a) has at least one Member of the House of Commons representing a constituency in the region, or (as the case may be) the part of the United Kingdom, in which the hearing is held, or

(b) received at least 10% of the votes cast in that region or part in the most recent parliamentary general election.

SCHEDULE 3
CONSEQUENTIAL AMENDMENTS

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SCHEDULE 4
REPEALS

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