EXPLANATORY MEMORANDUM TO

THE PARLIAMENTARY CONSTITUENCIES AND ASSEMBLY ELECTORAL REGIONS (WALES) (AMENDMENT) ORDER 2008

2008 No. [DRAFT]

1. This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Order gives effect, without modifications, to the report of the Boundary Commission for Wales dated 31st January 2008 (HC 588) which recommended that there be an alteration in the boundary between Neath County Constituency and Brecon and Radnorshire County Constituency, and a corresponding alteration in the boundary between the South West Wales Assembly electoral region and the Mid and West Wales Assembly electoral region.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 Section 2(1) of the Parliamentary Constituencies Act 1986 ("the 1986 Act") provides for the establishment of four permanent Boundary Commissions to keep under review, and make recommendations for changes to, the boundaries of parliamentary constituencies in each of England, Wales, Scotland and Northern Ireland. Under section 3(3) of the 1986 Act, any Boundary Commission may from time to time submit to the Secretary of State a report showing the constituencies into which they recommend a particular area should be divided. When the Boundary Commission for Wales ("BCW") proposes to recommend changes to parliamentary constituencies in Wales, Schedule 1 to the Government of Wales Act 2006, as modified by paragraph 1 of Schedule 11 to that Act, requires it to consider whether any alteration should also be made to the National Assembly of Wales electoral regions.

4.2 The current parliamentary constituencies into which Wales is divided and the Assembly electoral regions are set out in the Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006 (S.I.2006/1041) ("the 2006 Order"). The parliamentary constituencies are described by reference to local government areas as they existed on 31st January 2005, and the Assembly electoral regions are described by reference to the parliamentary constituencies.

4.3 The Neath Port Talbot and Powys (Cwmtwrch) Order 2004 No. 2746 (W.244) ("the 2004 Order") altered the county boundary between the County Borough of Neath Port Talbot and the County of Powys. That Order came into force for all relevant purposes on 1st April 2005.

4.4 This Order implements the recommendations contained in the report of the BCW made as a result of the 2004 Order and which was submitted to the Secretary of State under section 3(3) of the 1986 Act on 31st January 2008.

5. Territorial Extent and Application

5.1 This Order applies to Wales.

6. European Convention on Human Rights

6.1 The Parliamentary Under Secretary of State, Bridget Prentice, MP has made the following statement regarding Human Rights:

"In my view the provisions of the draft Parliamentary Constituencies and Assembly Electoral Regions (Wales) (Amendment) Order 2008 are compatible with the Convention Rights."

7. Policy background

7.1 The 2006 Order, which sets out the parliamentary constituencies into which Wales is divided and the Assembly electoral regions, implemented the recommendations made by the BCW in its fifth periodical report to the Secretary of State dated 31st January 2005 (HC 743-1). The new Assembly electoral regions took effect at the Assembly election on 3rd May 2007, and the new parliamentary constituencies will come into effect at the next general election.

7.2 The 2004 Order altered the relevant local government boundaries with effect from 1st April 2005. As this Order came into effect after the BCW's fifth periodical report was submitted to the Secretary of State, the changes made by the 2004 Order were not reflected in the 2006 Order. As a result, the boundary between the Neath County Constituency and Brecon and Radnorshire County Constituency does not follow the new county boundary. The BCW, therefore, decided to carry out a review of the affected area under section 3(3) of the 1986 Act. It issued its provisional recommendations on 1st September 2007 and submitted its report to the Secretary of State on 31st January 2008.

7.3 The BCW's report recommended that the boundary between Neath County Constituency and Brecon and Radnorshire County Constituency, as constituted by the 2006 Order, be altered to conform with the new county boundary. The report also recommended that the boundary between the South West Wales Assembly electoral region and the Mid and West Wales Assembly electoral region be altered to conform with the new constituency boundary.

7.3 The change recommended by the BCW involves only 84 electors. The Secretary of State accepts the BCW's recommendations without modifications.

7.3 There is no requirement for the Secretary of State to consult the Electoral Commission about this Order, although it has been informed of its contents.

8. Impact

8.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is minimal.

9. Contact

9.1 Any queries about the content of this memorandum should be addressed to: Malcolm Rawlings at the Ministry of Justice, e-mail: malcolm.rawlings@justice.gsi.gov.uk, or telephone 020 7210 8225.

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