EXPLANATORY MEMORANDUM TO

THE PARLIAMENTARY CONSTITUENCIES (ENGLAND) (AMENDMENT) ORDER 2009

2009 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. Purpose of the instrument

2.1 This Order gives effect, without modification, to the report of the Boundary Commission for England ("BCE") dated 25th July 2008 (HC 116) which recommended changes to the areas in the parliamentary constituencies of Daventry, South Northamptonshire, Somerton and Frome, and Wells.

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

3.1 None.

4. Legislative Context

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 continuous 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.

4.2 The current parliamentary constituencies into which England is divided are set out in the Parliamentary Constituencies (England) Order 2007 (S.I. 2007/1681) ("the 2007 Order"). The parliamentary constituencies are described by reference to local government areas as they existed on 12th April 2005. Since that date a number of changes have been recommended to local government areas by the Boundary Committee for England and implemented by Orders made by the Electoral Commission.

4.3 The District of South Northamptonshire (Electoral Changes) Order 2006 (S.I. 2006/3111) (as amended by the District of South Northamptonshire (Electoral Changes) (Amendment) Order 2007 (S.I. 2007/137)) and the District of Mendip (Electoral Changes) Order 2007 (S.I. 2007/141) altered local authority ward boundaries. The changes made by these Orders came into force for all purposes at the local government elections on 3rd May 2007 and meant that the local authority ward boundaries were no longer aligned with the parliamentary constituency boundaries.

5. Territorial Extent and Application

5.1 This Order applies to England.

6. European Convention on Human Rights

6.1 The Minister of State, Michael Wills, MP has made the following statement regarding Human Rights:

> "In my view the provisions of the draft Parliamentary Constituencies (England) (Amendment) Order 2009 are compatible with the Convention Rights."

7. Policy background

- ***What is being done and why***

7.1 The 2007 Order, which sets out the parliamentary constituencies into which England is divided, implemented the recommendations made by the BCE in its fifth periodical report to the Secretary of State dated 31st October 2006 (Cm 7032). The new parliamentary constituencies will come into effect at the next general election.

7.2 Orders made by the Electoral Commission in 2006 and 2007 altered local government boundaries in the Districts of South Northamptonshire and Mendip. These Orders came into effect after the BCE's fifth periodical report was submitted to the Secretary of State, and the changes made by these Orders were therefore not reflected in the 2007 Order. As a result, the boundaries between Daventry and South Northamptonshire County Constituencies and between Somerton and Frome and Wells County Constituencies are no longer aligned with the local authority ward boundaries. The BCE therefore decided to carry out a review of the affected areas under section 3(3) of the 1986 Act. It published its provisional recommendations on 19th July 2007 and submitted its report to the Secretary of State on 25th July 2008.

7.3 The BCE's report recommended that the boundaries between the Daventry and South Northamptonshire County Constituencies and the Somerton and Frome and Wells County Constituencies should be altered so that they do not divide local authority wards. Whole wards have therefore been allocated to one or other of the affected constituencies. The change recommended by the BCE involves 2,030 electors in the constituencies of Daventry and South Northamptonshire and 2,773 electors in the constituencies of Somerton and Frome and Wells. The Secretary of State accepts the BCE's recommendations without modification.

- ***Consolidation***

7.4 The Boundary Commissions are required to conduct periodic general reviews of parliamentary constituencies approximately every ten years (between eight and twelve years after the last one). The review recommendations are implemented by Order which is effectively a consolidation of any interim changes (together with new ones). The report of the next general review of English parliamentary constituencies is due between 1 November 2014 and 31 October 2018.

8. Consultation outcome

8.1 Before making recommendations regarding any constituency, the BCE is required to consult on its proposals. In both the areas concerned, its initial and revised proposals were widely publicised. Key stakeholders, including local elected representatives (both MPs and councillors), political parties, local authorities, parish councils and members of the public made representations. Local (public) inquiries

were also held in both areas to allow representations in person. All these representations were fully considered by the BCE before it made its final recommendations.

8.2 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.

9. Guidance

9.1 The local authorities affected by this Order have been fully involved in the review process and electoral administrators in both areas are aware of the need to adjust their electoral arrangements in line with the new boundaries. Guidance on electoral matters is a function of the Electoral Commission, which provides administrators with a range of advice, including materials such as guidance manuals, to assist them in carrying out their duties.

10. Impact

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

10.2 The impact on the public sector is minimal.

11. Regulating small business

11.1 The legislation does not concern small business.

12. Monitoring & review

12.1 The BCE is required by statute to keep the parliamentary constituencies in England continuously under review in addition to its regular general reviews. It therefore monitors electoral, boundary and other changes and conducts reviews when necessary.

13. Contact

13.1 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 3334 3882.