

EXPLANATORY MEMORANDUM TO
THE PARLIAMENTARY CONSTITUENCIES (ENGLAND) ORDER 2007

2007 No.

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 The draft Order in Council gives effect, without modifications, to the recommendations contained in the Boundary Commission for England's Fifth Periodical Report on Parliamentary Constituencies (HC7032) dated 31st October 2006.

2.2 Implementing the Boundary Commission's recommendations will mean that the number of English parliamentary constituencies will increase from 529 to 533.

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

None.

4. Legislative Background

4.1 Section 2 of the Parliamentary Constituencies Act 1986 ("the 1986 Act") provides for the continuation of the four Boundary Commissions for the constitutive parts of the United Kingdom. Among these is the Boundary Commission for England. Section 3(1) of that Act imposes a duty on the Boundary Commissions to keep under review the representation in the House of Commons of the part of the United Kingdom with which they are concerned. In accordance with that provision and section 3(2), the Boundary Commissions are required:

(a) To submit to the Secretary of State at intervals of between 8 to 12 years a report showing the constituencies into which they recommend that the part should be divided to give effect to the rules set out in paragraphs 1 to 6 of Schedule 2 to the 1986 Act; or

(b) to state that in their opinion no alteration is required to be made in respect of that part.

4.2 Amendments, which are not yet in force, are made to the 1986 Act by the Political Parties, Elections and Referendums Act 2000 ("the 2000 Act"). The effect of these amendments would be to transfer the functions of the Boundary Commissions to

Boundary Committees of the Electoral Commission established under the 2000 Act. The Committee on Standards in Public Life has recently recommended in its Eleventh Report that these transfers should not take place.

4.3 On 31st October 2006, the Boundary Commission for England submitted a report under section 3(1) of the 1986 Act showing the revised constituencies into which they recommend England be divided. The Secretary of State is required, under section 3(5) of the 1986 Act, as soon as may be after he has received the Boundary Commission's report, to lay it before Parliament together with a draft Order in Council giving effect, with or without modifications, to the report's recommendations.

4.4 Article 2 of, and the Schedule to, the draft Order will give effect to the Boundary Commission's recommendations without modification. Article 4 of the draft Order will repeal the Orders which prescribed the preceding parliamentary constituency boundaries in England.

4.5 The Order will come into force fourteen days after the day on which it is made. However, by virtue of section 4(6) (Orders in Council) of the Parliamentary Constituencies Act 1986 (c. 56), the coming into force of the Order will not affect any parliamentary election until a proclamation is issued by Her Majesty summoning a new Parliament or affect the constitution of the House of Commons until the dissolution of the Parliament then in being.

5. Extent

This instrument applies to England.

6. European Convention on Human Rights

In the view of the Parliamentary Under Secretary of State for Constitutional Affairs, Bridget Prentice, the provisions of this Order are compatible with the Convention rights.

7. Policy background

7.1 The Boundary Commission for England is a non-political and independent body. The recommendations were made following extensive research and consultation with interested stakeholders.

7.2 Since the Secretary of State received the Boundary Commission for England's Report on the 31st October 2006, there has been an opportunity for interested persons to make representations to him on the exercise of his discretion under section 4(1) of the Parliamentary Constituencies Act 1986 to implement the Commission's proposals with modifications. To date one formal representation has been received by the Secretary of State seeking to modify the name of the Oldham West and Royton constituency. Following Ministerial consideration, the Department has responded to the persons making the representation indicating that the Secretary of State will not be exercising their discretion to make the requested modification.

8. Impact

8.1 A Regulatory 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

Tony Bellringer at the Department for Constitutional Affairs Tel: 020 7210 8225 or e-mail: Tony.Bellringer@dca.gsi.gov.uk can answer any queries regarding the instrument.