



Political Parties, Elections and Referendums Act 2000

2000 CHAPTER 41

PART I

THE ELECTORAL COMMISSION

Establishment of Electoral Commission and bodies with related functions

1 Establishment of the Electoral Commission

- (1) There shall be a body corporate to be known as the Electoral Commission or, in Welsh, Comisiwn Etholiadol (in this Act referred to as “the Commission”).
- (2) The Commission shall consist of members to be known as Electoral Commissioners.
- (3) There shall be not less than five, but not more than nine, Electoral Commissioners.
- (4) The Electoral Commissioners shall be appointed by Her Majesty (in accordance with section 3).
- (5) Her Majesty shall (in accordance with section 3) appoint one of the Electoral Commissioners to be the chairman of the Commission.
- (6) Schedule 1, which makes further provision in relation to the Commission, shall have effect.

2 Speaker’s Committee

- (1) There shall be a Committee (to be known as “the Speaker’s Committee”) to perform the functions conferred on the Committee by this Act.
- (2) The Speaker’s Committee shall consist of the Speaker of the House of Commons, who shall be the chairman of the Committee, and the following other members,—

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- (a) the Member of the House of Commons who is for the time being the Chairman of the Home Affairs Select Committee of the House of Commons;
 - (b) the Secretary of State for the Home Department (whether or not a Member of the House of Commons);
 - (c) a Member of the House of Commons who is a Minister of the Crown with responsibilities in relation to local government; and
 - (d) five Members of the House of Commons who are not Ministers of the Crown.
- (3) The member of the Committee mentioned in subsection (2)(c) shall be appointed to membership of the Committee by the Prime Minister.
- (4) The members of the Committee mentioned in subsection (2)(d) shall be appointed to membership of the Committee by the Speaker of the House of Commons.
- (5) Schedule 2, which makes further provision in relation to the Speaker's Committee, shall have effect.
- (6) In this section and that Schedule, references to the Home Affairs Select Committee shall—
- (a) if the name of that Committee is changed, be taken (subject to paragraph (b)) to be references to the Committee by its new name;
 - (b) if the functions of that Committee at the passing of this Act with respect to electoral matters (or functions substantially corresponding thereto) become functions of a different committee of the House of Commons, be taken to be references to the committee by whom the functions are for the time being exercisable.

3 Appointment of Electoral Commissioners and Commission chairman

- (1) The powers of Her Majesty under section 1(4) and (5) shall be exercisable on an Address from the House of Commons.
- (2) No motion shall be made for such an Address except—
- (a) with the agreement of the Speaker of the House of Commons; and
 - (b) after consultation with the registered leader of each registered party to which two or more Members of the House of Commons then belong.
- (3) Such an Address shall specify the period (not exceeding 10 years) for which each proposed Electoral Commissioner to whom the Address relates is to hold office as such Commissioner or (as the case may be) the period for which the proposed chairman of the Commission is to hold office as such chairman.
- (4) A person may not be appointed as an Electoral Commissioner if the person—
- (a) is a member of a registered party;
 - (b) is an officer or employee of a registered party or of any accounting unit of such a party;
 - (c) holds a relevant elective office (within the meaning of Schedule 7); or
 - (d) has at any time within the last ten years—
 - (i) been such an officer or employee as is mentioned in paragraph (b), or
 - (ii) held such an office as is mentioned in paragraph (c), or
 - (iii) been named as a donor in the register of donations reported under Chapter III or V of Part IV.

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- (5) An Electoral Commissioner, or the chairman of the Commission, may be re-appointed (or further re-appointed).
- (6) In subsection (2)(b) the reference to Members of the House of Commons does not include any Member of that House who at the time in question—
 - (a) has not made and subscribed the oath required by the Parliamentary Oaths Act 1866 (or the corresponding affirmation); or
 - (b) is disqualified from sitting and voting in that House.
- (7) In this section “registered party”—
 - (a) includes (in relation to times before the appointed day for the purposes of Part II of this Act) a party registered under the Registration of Political Parties Act 1998; and
 - (b) in subsection (4)(b) also includes (in relation to times before 1st April 1999) any political party.

4 Parliamentary Parties Panel

- (1) There shall be a panel (to be known as “the Parliamentary Parties Panel”) which consists of representatives of qualifying parties appointed in accordance with this section.
- (2) The function of the panel shall be to submit representations or information to the Commission about such matters affecting political parties as the panel think fit.
- (3) Where the panel submit any such representations or information to the Commission, the Commission shall—
 - (a) consider the representations or information, and
 - (b) decide whether, and (if so) to what extent, they should act on the representations or information.
- (4) Each qualifying party shall be entitled to be represented on the panel by a person appointed to the panel by the treasurer of the party.
- (5) Subject to subsection (6), a person so appointed shall be a member of the panel for such period as the treasurer of the party may determine when making the appointment.
- (6) A person so appointed shall cease to be a member of the panel if at any time—
 - (a) his appointment is terminated for any reason by the treasurer of the party, or
 - (b) the party ceases to be a qualifying party.
- (7) The panel may determine their own procedure.
- (8) The validity of any proceedings of the panel shall not be affected by any failure by the treasurer of a qualifying party to make any appointment in accordance with this section.
- (9) In this section “qualifying party” means a registered party—
 - (a) to which two or more Members of the House of Commons for the time being belong, who have made and subscribed to the oath required by the Parliamentary Oaths Act 1866 (or the corresponding affirmation) and are not disqualified from sitting or voting in the House; or
 - (b) to which two or more such Members belonged immediately after the most recent parliamentary general election.

Commission's general functions

5 Reports on elections and referendums

- (1) The Commission shall, after—
 - (a) each election to which this section applies, and
 - (b) each referendum to which Part VII applies,prepare and publish (in such manner as the Commission may determine) a report on the administration of the election or referendum.
- (2) The elections to which this section applies are the following, namely—
 - (a) a parliamentary general election;
 - (b) a European Parliamentary general election;
 - (c) a Scottish Parliamentary general election;
 - (d) a National Assembly for Wales ordinary election;
 - (e) a Northern Ireland Assembly general election.
- (3) After a poll held under section 36 of the Government of Wales Act 1998 the Commission shall, if requested to do so by the National Assembly for Wales, at the Assembly's expense prepare and publish (in such manner as the Commission may determine) a report on the administration of the poll.

6 Reviews of electoral and political matters

- (1) The Commission shall keep under review, and from time to time submit reports to the Secretary of State on, the following matters, namely—
 - (a) such matters relating to elections to which this section applies as the Commission may determine from time to time;
 - (b) such matters relating to referendums to which this section applies as the Commission may so determine;
 - (c) the redistribution of seats at parliamentary elections;
 - (d) if any functions are transferred by an order under section 18(1), 19(1) or 20(1), the matters in relation to which those functions are exercisable;
 - (e) the registration of political parties and the regulation of their income and expenditure;
 - (f) political advertising in the broadcast and other electronic media;
 - (g) the law relating to the matters mentioned in each of paragraphs (a) to (f).
- (2) At the request of the Secretary of State, and within such time as the Secretary of State may specify, the Commission shall—
 - (a) review, and
 - (b) submit a report to the Secretary of State on,such matter or matters (whether or not falling within subsection (1)) as the Secretary of State may specify.
- (3) The Commission shall not, however, carry out any review (or make any report) under this section with respect to any of the following matters, namely—
 - (a) the funding of political parties under section 97 of the Scotland Act 1998 or for the purpose of assisting members of the Northern Ireland Assembly connected with such parties to perform their Assembly duties;

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- (b) the conduct of referendums held in pursuance of any provision made by or under an Act of the Scottish Parliament or the Northern Ireland Assembly or the conduct of any poll under section 36 of the Government of Wales Act 1998;
 - (c) the law relating to the matters mentioned in each of paragraphs (a) and (b).
- (4) Where any review carried out under this section relates to elections or referendums in Northern Ireland, the Commission shall consult the Chief Electoral Officer for Northern Ireland with respect to such elections or referendums.
- (5) Each report made by the Commission under this section shall be published by them in such manner as they may determine.
- (6) The elections and referendums to which this section applies are—
- (a) in the case of elections—
 - (i) the elections mentioned in section 5(2),
 - (ii) local government elections in England or Wales, and
 - (iii) local elections in Northern Ireland; and
 - (b) in the case of referendums, referendums to which Part VII applies and those under Part II of the Local Government Act 2000.

7 Commission to be consulted on changes to electoral law

- (1) Before making an instrument to which this section applies, the authority making the instrument shall consult the Commission.
- (2) This section applies to an instrument containing—
- (a) regulations under paragraph 2 of Schedule 1 to the European Parliamentary Elections Act 1978 (conduct and questioning of European Parliamentary elections);
 - (b) an order under paragraph 4(1)(a) or (b) of that Schedule (designations of regional returning officers);
 - (c) an order under section 24(1)(c), (cc) or (e), 25(1)(b), 28(1)(b) or 35(2B) of the Representation of the People Act 1983 (designations of returning officers and acting returning officers);
 - (d) rules under section 36 of that Act (local government elections in England and Wales);
 - (e) regulations under that Act (“the 1983 Act”), or under the Representation of the People Act 1985, in relation to which section 201(2) of the 1983 Act (regulations which may not be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament) has effect;
 - (f) an order under section 11 or 36(4) or (5) of the Government of Wales Act 1998 (conduct of elections to the National Assembly for Wales and of polls held by the Assembly);
 - (g) an order under section 12(1) or (6) of the Scotland Act 1998 (conduct of elections to the Scottish Parliament);
 - (h) an order under section 34(4) of the Northern Ireland Act 1998 (conduct of elections to the Northern Ireland Assembly);
 - (i) an order under section 17A(3) of the Greater London Authority Act 1999 (free delivery of election addresses at elections to the Greater London Authority).

- (3) No draft Order shall be laid before Parliament under section 84(4) of the Northern Ireland Act 1998 (power to make provision with respect to elections in Northern Ireland) except after consultation with the Commission.

8 Powers with respect to elections exercisable only on Commission recommendation

- (1) The function of giving directions under section 52(1) of the Representation of the People Act 1983 (directions as to discharge of registration duties) shall be exercisable only on, and in accordance with, a recommendation of the Commission.
- (2) A function to which this subsection applies shall, unless the Secretary of State considers that the exercise of the function is expedient in consequence of changes in the value of money, be exercisable only on, and in accordance with, a recommendation of the Commission.
- (3) Subsection (2) applies to the following functions, namely—
- (a) the making of orders under section 76(2A) of that Act (limitation of expenses in connection with elections to the Greater London Authority);
 - (b) the making of orders under section 11 of the Government of Wales Act 1998 or section 12 of the Scotland Act 1998 so far as relating to the matters mentioned in subsection (2)(c) of the section (limitation of expenses in connection with elections to the National Assembly for Wales or Scottish Parliament);
 - (c) the making of regulations under paragraph 2(3A)(a) of Schedule 1 to the European Parliamentary Elections Act 1978 (limitation of expenses in connection with elections to the European Parliament).

9 Involvement of Commission in changes in electoral procedures

- (1) The Commission—
- (a) may participate with any relevant local authority in the joint submission of proposals falling within section 10(1) of the Representation of the People Act 2000 (pilot schemes); and
 - (b) shall have such other functions in relation to—
 - (i) orders and schemes under section 10 of that Act, and
 - (ii) orders under section 11 of that Act (revision of procedures in the light of pilot schemes),as are conferred on the Commission by those sections.
- (2) Where any scheme under section 10 of that Act falls to be implemented following the approval by the Secretary of State of proposals jointly submitted by the Commission and a relevant local authority as mentioned in subsection (1)(a) above, the Commission may, in connection with the implementation of the scheme, provide that authority with such assistance (except financial assistance) as the Commission think fit.
- (3) In this section “relevant local authority” has the same meaning as in section 10 of that Act.

10 Giving of advice and assistance

- (1) The Commission may, at the request of any relevant body, provide the body with advice and assistance as respects any matter in which the Commission have skill and experience.
- (2) The assistance which may be so provided includes (in particular) the secondment of members of the Commission's staff.
- (3) The Commission may also—
 - (a) provide advice and assistance to—
 - (i) registration officers,
 - (ii) returning officers at relevant elections,
 - (iii) registered parties,
 - (iv) recognised third parties within the meaning of Part VI, and
 - (v) permitted participants within the meaning of Part VII;
 - (b) provide advice and assistance to other persons which is incidental to, or otherwise connected with, the discharge by the Commission of their functions.
- (4) The Commission—
 - (a) may make charges for advice or assistance provided by them under subsection (1); but
 - (b) may not make charges for advice and assistance provided under subsection (3).
- (5) Nothing in this section authorises the Commission to provide any form of financial assistance.
- (6) In this section “relevant body” means—
 - (a) the Scottish Parliament;
 - (b) the Scottish Executive;
 - (c) the National Assembly for Wales;
 - (d) the Northern Ireland Assembly;
 - (e) the Executive Committee of the Northern Ireland Assembly;
 - (f) any of the following local authorities—
 - (i) in England, the council of a county, district or London borough,
 - (ii) in Wales, the council of a county or county borough, and
 - (iii) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
 - (g) a national or regional parliament or government in a country other than the United Kingdom;
 - (h) a body in any such other country having functions corresponding to any of the functions of the Commission;
 - (i) an organisation of which two or more countries (or their governments) are members or a subordinate body of such an organisation.
- (7) In this section “relevant election” means any election falling within section 22(5) other than a local government election in Scotland.
- (8) The Scottish Ministers may by order provide that subsection (7) shall have effect as if the words “other than a local government election in Scotland” were omitted.

- (9) Section 156(5) shall apply to an order made by the Scottish Ministers under subsection (8) as it applies to an order made by the Secretary of State under this Act and the reference in that section to enactments shall include a reference to any enactment comprised in or in an instrument made under an Act of the Scottish Parliament.
- (10) The power of the Scottish Ministers to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.

11 Broadcasters to have regard to Commission’s views on party political broadcasts

- (1) In section 36 of the Broadcasting Act 1990 (independent television services: party political broadcasts), after subsection (4) there shall be inserted—
- “(5) Before making any rules for the purposes of this section the Commission shall have regard to any views expressed by the Electoral Commission.”
- (2) In section 107 of that Act (independent sound broadcasting services: party political broadcasts), after subsection (3) there shall be inserted—
- “(4) Before making any rules for the purposes of this section the Authority shall have regard to any views expressed by the Electoral Commission.”
- (3) The British Broadcasting Corporation and Sianel Pedwar Cymru shall each, in determining its policy with respect to party political broadcasts, have regard to any views expressed by the Electoral Commission for the purposes of this subsection.

12 Policy development grants

- (1) For the purposes of this section—
- (a) “a policy development grant” is a grant to a represented registered party to assist the party with the development of policies for inclusion in any manifesto on the basis of which—
- (i) candidates authorised to stand by the party will seek to be elected at an election which is a relevant election for the purposes of Part II, or
- (ii) the party itself will seek to be so elected (in the case of such an election for which the party itself may be nominated); and
- (b) a registered party is “represented” if there are at least two Members of the House of Commons belonging to the party who—
- (i) have made and subscribed the oath required by the Parliamentary Oaths Act 1866 (or the corresponding affirmation), and
- (ii) are not disqualified from sitting or voting in that House.
- (2) The Commission shall submit recommendations to the Secretary of State for the terms of a scheme for the making by the Commission of policy development grants.
- (3) Where the Secretary of State receives recommendations under subsection (2), he shall make an order setting out such a scheme in terms which, with any modifications he considers appropriate, give effect to the recommendations.
- (4) The scheme shall, in particular, specify or provide for the determination of—
- (a) the parties eligible for policy development grants, and

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- (b) how any money provided to the Commission for the making of policy development grants is to be allocated between the parties eligible for such grants.
- (5) The Commission shall keep under review the terms of any scheme under this section and shall make recommendations to the Secretary of State for any variations to the scheme which they consider appropriate.
- (6) Where the Secretary of State receives recommendations under subsection (5), he shall make an order giving effect, with any modifications he considers appropriate, to the recommendations.
- (7) Where any such modifications as are mentioned in subsection (3) or (6) would result in an order under that subsection giving effect with modifications to any recommendations of the Commission in respect of either of the matters mentioned in subsection (4), the order shall not be made without the agreement of the Commission to the modifications so far as relating to those matters.
- (8) The Commission shall make such grants as are provided for under any scheme under this section, and any such grants may be made subject to such conditions as (consistently with the terms of the scheme) the Commission consider appropriate; but nothing in such a scheme shall have effect to authorise the Commission to make in any financial year more than £2 million in policy development grants.
- (9) The Secretary of State may by order made with the consent of the Treasury vary the sum for the time being specified in subsection (8).

13 Education about electoral and democratic systems

- (1) The Commission shall promote public awareness of—
 - (a) current electoral systems in the United Kingdom and any pending such systems, together with such matters connected with any such existing or pending systems as the Commission may determine;
 - (b) current systems of local government and national government in the United Kingdom and any pending such systems; and
 - (c) the institutions of the European Union.
- (2) For the purposes of subsection (1) any system such as is mentioned in paragraph (a) or (b) of that subsection is pending at a time when arrangements for giving effect to it have been made by any enactment but the arrangements are not yet in force.
- (3) Subsection (1) does not apply in relation to local government elections, or to local government, in Scotland; but in paragraph (b) of that subsection the reference to national government includes (in addition to the government of the United Kingdom) the government of parts of the United Kingdom for which there are devolved legislatures.
- (4) The Commission shall perform their functions under subsection (1) in such manner as they think fit but may, in particular, do so by—
 - (a) carrying out programmes of education or information to promote public awareness of any of the matters mentioned in subsection (1); or
 - (b) making grants to other persons or bodies for the purpose of enabling them to carry out such programmes.

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- (5) Any grant under subsection (4)(b) may be made subject to such conditions as the Commission consider appropriate.
- (6) The total expenditure incurred in any financial year by the Commission in performing their functions under subsection (1) (whether by making grants or otherwise) shall not exceed such sum as is for the time being specified for the purposes of this subsection by an order made by the Secretary of State with the consent of the Treasury.
- (7) The Scottish Ministers may by order provide that, despite subsection (3), the Commission may perform the functions conferred by this section in relation to local government elections, or to local government, in Scotland.
- (8) Subsection (6) shall not apply to the expenditure incurred by the Commission in performing their functions exercisable by virtue of an order made by the Scottish Ministers under subsection (7); but such expenditure shall not exceed such sum as is for the time being specified for the purposes of this subsection in an order made by the Scottish Ministers.
- (9) The Scottish Ministers shall reimburse the Commission for any expenditure incurred by them which is attributable to the exercise of any of functions mentioned in subsection (8).
- (10) Section 156(5) shall apply to an order made by the Scottish Ministers under this section as it applies to an order made by the Secretary of State under this Act and the reference in that section to enactments shall include a reference to any enactment comprised in or in an instrument made under an Act of the Scottish Parliament.
- (11) The power of the Scottish Ministers to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.

Commission's electoral boundary functions

14 Boundary committees

- (1) The Commission shall establish four Boundary Committees, one for each of England, Scotland, Wales and Northern Ireland.
- (2) Each Boundary Committee shall consist of—
 - (a) a chairman, and
 - (b) not less than the appropriate number of other members, appointed by the Commission.
- (3) For the purposes of subsection (2) “the appropriate number”, in relation to a Boundary Committee, is—
 - (a) two, if no functions fall to be exercised by the Committee by virtue of section 18(1), section 19(1) or section 20(1) (as the case may be); and
 - (b) four, if any functions fall to be so exercised.
- (4) Only an Electoral Commissioner or a deputy Electoral Commissioner may be appointed a member of a Boundary Committee; and only an Electoral Commissioner may be appointed chairman of a Boundary Committee.

- (5) The Commission shall, where any functions fall to be exercised by a Boundary Committee as mentioned in subsection (3), so exercise their powers of appointment under this section and section 15 as to secure—
- (a) that at least one of the members of the Committee is a person with experience of local government matters in England, Scotland or Wales (as the case may be); and
 - (b) that, in the case of the Boundary Committee for Wales, at least one of the members of the Committee is a person able to speak the Welsh language.
- (6) The following persons shall be assessors to the Boundary Committees—
- (a) in the case of each of the Boundary Committee for England and the Boundary Committee for Wales, the Registrar General for England and Wales and the Director General of Ordnance Survey;
 - (b) in the case of the Boundary Committee 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 Boundary Committee for Northern Ireland, the Registrar General of Births and Deaths in Northern Ireland, the Commissioner of Valuation for Northern Ireland and the Chief Electoral Officer for Northern Ireland.

15 Deputy Electoral Commissioners

- (1) The Commission may appoint Deputy Electoral Commissioners.
- (2) The number of Deputy Electoral Commissioners shall not exceed such number as the Commission, with the agreement of the Speaker's Committee, may determine.
- (3) A person shall not be appointed as a Deputy Electoral Commissioner if he is a person who (by virtue of section 3(4)) may not be appointed as an Electoral Commissioner.
- (4) The functions of a Deputy Electoral Commissioner are limited to serving as a member of any Boundary Committee to which he is appointed.
- (5) Schedule 1 contains further provisions about Deputy Electoral Commissioners.

16 Transfer of functions of Boundary Commissions

- (1) The Parliamentary Constituencies Act 1986 shall have effect subject to the amendments specified in Part I of Schedule 3, by virtue of which—
- (a) the functions of each of the Boundary Commissions under section 3(1) and (3) of that Act (functions with respect to keeping under review, and reporting on, representation in the House of Commons of the part of the United Kingdom with which they are concerned) are transferred to the Electoral Commission; and
 - (b) functions with respect to—
 - (i) the carrying out of reviews under that Act with respect to a particular part of the United Kingdom, and
 - (ii) the submission to the Electoral Commission of proposed recommendations following any such review,are conferred on the Boundary Committee established for that part of the United Kingdom under section 14 above.

- (2) The consequential amendments of other Acts specified in Part II of Schedule 3 shall have effect.
- (3) A Boundary Commission shall cease to exist at such time as the Secretary of State, being satisfied that they have no further functions to perform, by order directs.
- (4) In this section “Boundary Commission” means one of the Boundary Commissions constituted under the 1986 Act.

17 Transfer of property etc. of the Boundary Commissions

- (1) There shall be transferred to and vest in the Commission by virtue of this subsection all property, rights and liabilities to which a Boundary Commission are entitled or subject when their functions are transferred to the Commission by virtue of section 16(1).
- (2) A certificate issued by the Secretary of State that any property has been transferred by subsection (1) shall be conclusive evidence of the transfer.
- (3) Subsection (1) has effect in relation to property, rights or liabilities to which it applies despite any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by that subsection.

18 Transfer of functions of Local Government Commission for England

- (1) The Secretary of State may by order make provision for and in connection with transferring (to any extent) to—
 - (a) the Commission, or
 - (b) the Boundary Committee for England,
 any of the functions of the Local Government Commission for England (in this section referred to as “the English Commission”).
- (2) An order under subsection (1) may make provision for—
 - (a) transferring (to any extent) any relevant function of the Secretary of State to the Commission;
 - (b) terminating (to any extent) any relevant function of the Secretary of State or the English Commission without transferring it to the Commission or the Boundary Committee for England;
 - (c) modifying (to any extent) any relevant function of the Secretary of State;
 - (d) preventing the Secretary of State from exercising any relevant function (including one so modified) unless he has sought and obtained such advice of the Commission as may be prescribed by the order, or authorising him to seek such advice in connection with the exercise of any such function;
 - (e) modifying any relevant or other function transferred by an order under subsection (1) so far as it is to be exercisable by the Commission or the Boundary Committee for England;
 - (f) conferring on the Commission functions with respect to electoral areas or other electoral arrangements relating to the Isles of Scilly.
- (3) In subsection (2) “relevant function” means (subject to subsection (4)) a function under—
 - (a) any of sections 13 to 15 and 17 of the Local Government Act 1992 (local government changes in England),

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- (b) any of sections 13, 14 and 17(4) of the Local Government and Rating Act 1997 (parishes and parish councils) so far as having effect in relation to electoral arrangements within the meaning of Part II of that Act, or
 - (c) section 2(4) of the Greater London Authority Act 1999 or Schedule 1 to that Act (assembly constituencies).
- (4) Nothing in subsection (2) authorises the transfer to the Commission of any power of the Secretary of State under any of the provisions mentioned in subsection (3)(a) to make orders other than those effecting electoral changes within the meaning of Part II of the Local Government Act 1992; but, subject to that, the functions which may be transferred by virtue of subsection (2) include functions with respect to the making of orders by statutory instrument.
- (5) The provision made by order under subsection (1) as respects the distribution of functions between the Commission and the Boundary Committee for England shall broadly correspond to that made by Part I of Schedule 3 as respects the distribution of functions between those bodies.
- (6) The English Commission shall cease to exist at such time as the Secretary of State, being satisfied that they have no further functions to perform, by order directs.
- (7) An order under subsection (1) or (6) may include provision for the transfer to the Commission—
 - (a) of the staff of the English Commission, and
 - (b) of any property, rights and liabilities to which the English Commission are entitled or subject;and an order which contains provision such as is mentioned in paragraph (b) may in particular provide for the order to have effect despite any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by the order.
- (8) An order under subsection (6) may include provision for the abolition of any duty in compliance with which the English Commission were established or constituted.
- (9) The Secretary of State may pay to the Commission such amount as he may determine to be appropriate by way of reimbursement for any expenditure incurred by them which is attributable to the provision by them of advice to the Secretary of State in pursuance of an order under subsection (1).

19 Transfer of functions of Local Government Boundary Commission for Scotland

- (1) The Scottish Ministers may by order make provision for and in connection with transferring (to any extent) to—
 - (a) the Commission, or
 - (b) the Boundary Committee for Scotland,any of the functions of the Local Government Boundary Commission for Scotland (in this section referred to as “the Scottish Commission”).
- (2) An order under subsection (1) may make provision for—
 - (a) transferring (to any extent) any relevant function of the Scottish Ministers to the Commission;

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- (b) terminating (to any extent) any relevant function of the Scottish Ministers or the Scottish Commission without transferring it to the Commission or the Boundary Committee for Scotland;
 - (c) modifying (to any extent) any relevant function of the Scottish Ministers;
 - (d) preventing the Scottish Ministers from exercising any relevant function (including one so modified) unless they have sought and obtained such advice of the Commission as may be prescribed by the order, or authorising them to seek such advice in connection with the exercise of any such function;
 - (e) modifying any function transferred by such an order so far as it is to be exercisable by the Commission or the Boundary Committee for Scotland.
- (3) In subsection (2) “relevant function” means (subject to subsection (4)) a function under any of sections 13 to 21 of, and Schedule 5 and paragraph 1(2) of Schedule 6 to, the Local Government (Scotland) Act 1973.
- (4) Nothing in subsection (2)(a) authorises the transfer to the Commission of any power of the Scottish Ministers to make orders under any of the provisions mentioned in subsection (3).
- (5) The provision made by order under subsection (1) as respects the distribution of functions between the Commission and the Boundary Committee for Scotland shall broadly correspond to that made by Part I of Schedule 3 as respects the distribution of functions between those bodies.
- (6) The Scottish Commission shall cease to exist at such time as the Scottish Ministers, being satisfied that the Scottish Commission have no further functions, by order direct.
- (7) An order under subsection (1) or (6) may include provision for the transfer to the Commission—
- (a) of the staff of the Scottish Commission, and
 - (b) of any property (including rights and interests of any description) and liabilities to which the Scottish Commission are entitled or subject;
- and an order which contains provision such as is mentioned in paragraph (b) may in particular provide for the order to have effect despite any provision (of whatever nature) which would prevent or restrict the transfer of the property or liabilities otherwise than by the order.
- (8) An order under subsection (6) may include provision for the abolition of any duty in compliance with which the Scottish Commission were established or constituted.
- (9) Section 156(5) shall apply to an order made by the Scottish Ministers under this section as it applies to an order made by the Secretary of State under this Act and the reference in that section to enactments shall include a reference to any enactment comprised in or in an instrument made under an Act of the Scottish Parliament.
- (10) Any power of the Scottish Ministers to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (11) The Scottish Ministers shall reimburse the Commission for any expenditure incurred by them which is attributable to the exercise of any functions in consequence of an order made under subsection (1).

20 Transfer of functions of Local Government Boundary Commission for Wales

- (1) The National Assembly for Wales may by order make provision for and in connection with transferring (to any extent) to—
- (a) the Commission, or
 - (b) the Boundary Committee for Wales,
- any of the functions of the Local Government Boundary Commission for Wales (in this section referred to as “the Welsh Commission”).
- (2) An order under subsection (1) may make provision for—
- (a) transferring (to any extent) any relevant function of the National Assembly for Wales (“the Assembly”) to the Commission;
 - (b) terminating (to any extent) any relevant function of the Assembly or the Welsh Commission without transferring it to the Commission or the Boundary Committee for Wales;
 - (c) modifying (to any extent) any relevant function of the Assembly;
 - (d) preventing the Assembly from exercising any relevant function (including one so modified) unless the Assembly has sought and obtained such advice of the Commission as may be prescribed by the order, or authorising the Assembly to seek such advice in connection with the exercise of any such function;
 - (e) modifying any relevant or other function transferred by an order under subsection (1) so far as it is to be exercisable by the Commission or the Boundary Committee for Wales.
- (3) In subsection (2) “relevant function” means (subject to subsection (4)) a function under—
- (a) section 30(3) or (4) or 31(3) of the Local Government Act 1972 (restriction on community applications during and after reviews), or
 - (b) any of sections 54 to 60, 69 and 71 of, or paragraph 1A of Schedule 11 to, that Act (local government changes in Wales).
- (4) Nothing in subsection (2) authorises the transfer to the Commission of any power of the Assembly under any of the provisions mentioned in subsection (3)(b) to make orders other than those effecting alterations in electoral arrangements within the meaning of Part IV of the Local Government Act 1972; but, subject to that, the functions which may be transferred by virtue of subsection (2) include functions with respect to the making of orders by statutory instrument.
- (5) The provision made by order under subsection (1) as respects the distribution of functions between the Commission and the Boundary Committee for Wales shall broadly correspond to that made by Part I of Schedule 3 as respects the distribution of functions between those bodies.
- (6) The Welsh Commission shall cease to exist at such time as the National Assembly for Wales, being satisfied that they have no further functions to perform, by order directs.
- (7) An order under subsection (1) or (6) may include provision for the transfer to the Commission—
- (a) of the staff of the Welsh Commission, and
 - (b) of any property, rights and liabilities to which the Welsh Commission are entitled or subject;

and an order which contains provision such as is mentioned in paragraph (b) may in particular provide for the order to have effect despite any provision (of whatever

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nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by the order.

- (8) An order under subsection (6) may include provision for the abolition of any duty in compliance with which the Welsh Commission were established or constituted.
- (9) An order under this section may contain any appropriate consequential, incidental, supplementary or transitional provisions or savings (including provisions amending, repealing or revoking enactments).
- (10) Nothing in this section shall be read as affecting the generality of subsection (9).
- (11) Any power of the National Assembly for Wales to make an order under this section shall be exercisable by statutory instrument.
- (12) The expenditure of the Commission, so far as attributable to the exercise of any functions in consequence of an order under subsection (1), shall be met by the National Assembly for Wales.

Supplementary

21 Interpretation of Part I

In this Part “financial year”, in relation to the Commission, means a period of 12 months ending with 31st March; but the first financial year of the Commission is the period beginning with the date of the establishment of the Commission and ending with the next 31st March.