

Boundary Commission for Wales (The Commission)

1. The Boundary Commission for Wales is one of four Parliamentary boundary commissions, covering each part of the United Kingdom, first established by the House of Commons (Redistribution of Seats) Act 1944 and is independent of Government.
2. The Boundary Commission for Wales operates under the Parliamentary Constituencies Act 1986 which, as amended by the Boundary Commissions Act 1992, the Parliamentary Voting System and Constituencies Act 2011 and the Parliamentary Constituencies Act 2020, requires all four Commissions to keep parliamentary constituencies under review. The 2023 Review will be the last review carried out under the five year cycle, following reviews will be based on an eight year cycle.
3. The Chair of the Commission is the Speaker of the House of Commons, but by convention he or she does not participate in the conduct of boundary reviews or formulation of the Commission's recommendations.
4. The Deputy Chair therefore leads the Commission in its work. The Deputy Chair must be a serving Judge of the High Court and is appointed by the Lord Chancellor. The Deputy Chair is supported by two other Members, whose appointments are made by the Minister for the Cabinet Office.
5. The Boundary Commission for Wales is supported by a small secretariat that also supports the Local Democracy and Boundary Commission for Wales (LDBCW). This is made up of public officials and led by the Secretary to the Commission. The Secretariat's role includes the preparation of initial proposals for consideration by the Commission.

The Criteria and Process of a Parliamentary Review

6. In preparing for the review the Commission is required to obtain the base data it needs. The Act provides that the electorate figures that are to be used for a review are those that in the electoral register as at the 'review date'. The review date is defined by the Act, currently, as the date two years and ten months before the Commission is required to report on the review to the Government. This information is published by the Commission.

Any legislation relating to the review of Senedd constituencies should have clarity on which version of the Senedd electoral register should be used.

7. The Act states that the Commission may have regard to 'local government boundaries' in developing its proposals. The Act defines such boundaries in Wales as the boundaries of counties, county boroughs, electoral wards, and communities as they were in force on the most recent ordinary day of election of councillors before the review date. The Commission utilises the electoral ward as the building blocks of constituencies and create constituencies from electoral wards that are adjacent to each other, from whole communities; and, do not contain 'detached parts', i.e. where the only physical connection between one part of the constituency and the remainder would require passage through a different constituency. The Commission would break electoral wards but not communities if necessary, in order to achieve UKEQ (see 11 ii)
8. The Commission does not take into consideration the impact of its proposals on future election results, nor of changes to local government boundaries and changes to the electorate after the review date.

LDBCW has completed its review of all 22 local authorities in Wales and new Orders are in place for the 2022 Local Government elections. Any legislation

relating to the review of Senedd constituencies should clarify the building blocks of its constituencies e.g. electoral wards, and communities.

It should also take into consideration that LDBCW will resume its normal ten-year review cycle in mid 2023 and a Senedd constituency review should have a cycle that will not be impacted by changes to electoral boundaries in mid-cycle. Alternatively the legislation should provide clear rules on whether prospective local government boundaries should be used.

9. In making its recommendations, the Commission is also required by the Act to specify a name and designation for each proposed constituency.

It is important that the legislation establishes clear rules on the naming of constituencies especially with regard to the use of Welsh and English.

10. The Commission must apply the provisions of the Parliamentary Constituencies Act 1986, as amended (principally by the Parliamentary Constituencies Act 2020).

11. The key criteria in the review of Parliamentary constituencies are:

- i) The number of constituencies
- ii) Statutory electorate range: The Act, as amended, sets a number of Rules which are relevant to the detailed development of proposals for individual constituencies. Apart from five specified exceptions (just Ynys Mon in Wales) – every constituency must have an electorate (as at the ‘review date’ as defined in the Act) that is no less than 95% and no more than 105% of the ‘UK electoral quota’ (“UKEQ”). The UKEQ for the 2023 Review is, to the nearest whole number 73,393. Accordingly, every constituency in Wales must have an electorate as at the review date that is no smaller than 69,724 and no larger than 77,062 (the statutory electorate range).
- iii) Other statutory factors: Other factors that the Commission may take into account in determining their recommendations for constituencies in the 2023 Review, specifically:
 - 1. Special geographical considerations, including, in particular, the size, shape and accessibility of a constituency;
 - 2. local government boundaries as defined in the Act as they existed or were prospective on 1 December 2020;
 - 3. Boundaries of existing constituencies; and,
 - 4. Any local ties that would be broken by changes in constituencies.
 - 5. The Inconveniences attendant on such changes.

12. In accordance with the provisions of the Act, the Commission had to devise proposals for 32 constituencies in place of the existing 40 falling within the statutory electoral range. As a result, the Commission's ability to take account of the special factors listed in Rule 5 was limited; alternative options were found not to be viable because they could not be accommodated as to size of electorate or because of their consequential effects on other proposed constituencies. The Commission's approach was to recommend constituencies which reflected the statutory criteria overall.

Any legislation relating to the review of Senedd constituencies should include the key criteria for reviewing constituencies including voting system, the number of constituencies etc. In particular, the review may want to consider whether establishing constituencies of similar electorate size is desirable.

Proposals and Consultations

13. In considering the procedures for a review, the Commission consults the major stakeholders and the qualifying Parliamentary political parties on broad issues of policy ahead of the review.

14. The review process is heavily informed by public consultation. The Commission develops and publishes initial proposals for constituencies across Wales. Representations from the public about these proposals are then taken both in writing and at public hearings in Wales.

Any legislation relating to the review of Senedd constituencies should specify mandatory Consultees.

15. Unlike the process with the electoral reviews carried out by LDBCW, the Commission does not carry out an initial consultation period in order to formulate its initial proposals. The Commission exercises its own judgement and does not consult the qualifying Parliamentary political parties, local authorities or any other interested groups or individuals. Once the proposals are published, the statutory procedures allow for a public consultation of 8 weeks where political parties and others can then make their views on the proposed boundaries known to the Commission.

To publicise the initial proposals, the Commission undertakes an advertising campaign focused on bringing the proposals and length of consultation. The Commission also sends copies of its proposals to all interested parties (for example, principal councils and MPs). Principal councils and the House of Commons library also receive copies of the detailed maps of the proposed constituencies. Once the initial consultation period is closed the Commission publishes all the written representations received. Shortly after the closing of the first consultation period, the Commission will then run a second consultation period that lasts for 6 weeks. This consultation period will also include running public hearings around Wales.

16. The Commission relies on a combination of written representations and oral representations at public hearings. These hearings are not inquiries, public meetings or debates, but are there to provide an opportunity both for the Commission to explain its initial proposals and for the public to give their views on those proposals. The public hearings are strictly limited to last for no more than two days each and a minimum of two and maximum of five public hearings are held across Wales. The Commission attaches just as much significance to representations made in writing as to those made orally at public hearings.
17. The hearings are chaired by an independent Assistant Commissioner who is put forward by the Commission and appointed by the Minister for Cabinet Office, who controls proceedings and may ask – or allow to be asked – questions of an individual giving a representation. Questions are generally asked through the Chair and aims to seek clarification rather than a ‘cross-examination’ of the speaker on their views.
18. Assistant Commissioners, will consider all the written representations received and oral representations made at the public hearings in the initial and secondary consultation periods. A report will then be prepared for the Commission, summarising and considering the representations and recommending whether – and, if so, how – the initial proposals should be revised in the light of those representations. The Commission then considers the report and determines whether and to what extent revisions should be made to its initial proposals.
19. The Commission then publishes a notice and a revised proposals report, as it did for the initial proposals. If there are no revisions, a report would still be published and an

explanation provided as to why no changes have been made. The Act provides for a further period of four weeks for written representations to be made to the Commission on the revised proposals. There are no public hearings at this stage; nor is there a repeat of the six-week period for commenting on the representations of others.

20. The Commission publishes all the written representations received during the four-week consultation on revised proposals at the same time as publication of the Final Recommendations report. In making its recommendations, the Commission is also required by the Act to specify a name and designation for each proposed constituency. The Act contains little guidance on these points.
21. The submission of the formal final report will conclude the Commission's role in the review process. The procedure for implementing recommended constituencies is the responsibility of the United Kingdom Government and Parliament.
22. After the Speaker has received the Commission's final report, he or she must lay it before Parliament. Once reports from all 4 UK Boundary Commissions have been laid before Parliament, the Secretary of State or the Minister for the Cabinet Office must submit to Her Majesty in Council a draft of an Order in Council for giving effect to the recommendations in the reports.
23. In preparing that draft, the Government may not modify the recommendations of any of the Parliamentary Boundary Commissions, unless it has been expressly requested to do so (in writing and with reasons) by the relevant Parliamentary Boundary Commission.
24. After the Order in Council has been made, the new constituencies will take effect at the next general election. Any by-elections held in the meantime must be held on the basis of the old (existing) constituencies.

Any legislation relating to the review of Senedd constituencies should outline the consultation process i.e. clarifying if there is an initial consultation period, the various consultation stages, the statutory consultation periods, the process for submitting representations, the use of Assistant Commissioners, Naming standards, how the recommendations will be implemented etc. It should also clarify the implementation arrangements i.e. automaticity or via Senedd approval.

During the review period, Cabinet Office provides the financial resources to BCW. This ranges between £1million to £1.2million per annum for approximately two and a half years. This allows the Commission to pay for publicity costs, the online portal for submissions, Secretariat salaries and Commissioners fees. In its submission LDBCW will provide information relating to the operational arrangements for the Secretariat.