

## **Parliamentary Voting System & Constituencies Bill - update**

*Note: At the time of writing this paper, the Bill remains at a stage where there remains uncertainty about its final form, and the situation is changing daily concerning prospective amendments and their detail. Accordingly, an oral update will be provided at the meeting in order to bring Members as up to date as possible at that time.*

1. When Members last met on 20 December 2010, the Parliamentary Voting System and Constituencies Bill ('the Bill') was in the House of Lords at Committee stage. At the time of writing this paper, the Bill has only just concluded that stage, having undergone a record number of days of debate in Committee on the floor of the House.
2. As Members will probably have noted from the media coverage in the interim, the Government view the delay as 'filibustering' on the part of the Opposition, to the extent that there have been allegations that the Lords are going beyond their legitimate scrutiny role and actively blocking the will of the elected Government, and frustrated Government Peers have – on occasion – forced an amendment to be put to a vote rather than have debate on it continue for longer. The Government has also regularly scheduled additional dates in the timetable for Committee scrutiny, but has stopped short of attempting to impose a timetabling 'programme' for the Bill in the Lords, which would be unprecedented in that House.
3. Although there has therefore been very lengthy and detailed debate at the Lords Committee stage, there have been very few amendments actually agreed to be made to the Bill as a result. At the time of writing this paper, those amendments that have been made in the House of Lords Committee (and are relevant to this Commission and the prospective review) are as follows:
  - a) Provision that any constituency containing part of the Isle of Wight must be wholly contained within the Isle of Wight, and may be exempted from the 'electorate parity' restriction of Rule 2. The amendment does not make the Isle of Wight a 'preserved constituency' like the Scottish islands, i.e. it does not specify that the Isle of Wight should remain one constituency, and does not remove the Isle of Wight and its electorate from the UK electoral quota calculations;
  - b) Addition of "boundaries of existing constituencies" to the factors a Boundary Commission "may take into account"; and
  - c) Provision that where there is a tie for who should receive a seat under the Sainte-Laguë allocation between the nations of the UK, that seat should be allocated to that nation involved in the tie that has the smallest actual electorate.
4. Members will also wish to be aware of the following commitments made by the Government during the debates:

- a) That a four-week period for ‘counter-representations’ would be added into the statutory requirements relating to consultation on Boundary Commission provisional – and possibly also revised – recommendations. This would require the Commission to publish all the representations it had received, then allow four weeks for representations to be made about those initial representations. Accordingly, this does not add just the four weeks into the timetable (twice over if also required at revised recommendations stage), but also the amount of time it will take to prepare and publish the initial representations before the four-week period can begin.
  - b) That some form of oral ‘public hearing’ process will be re-introduced. Exactly what the nature of that will be, and at exactly what stage in the process it should be undertaken remains to be clarified at the time of writing this paper, although it is very likely that it will be required to take place during the 12-week consultation period on the provisional recommendations. There will be resource (money and time) implications to such a re-introduction of public oral sessions, although the extent of these is not possible to define until we know the detailed requirements.
5. Due to an external timing requirement driven by the non-constituency elements of the Bill (i.e. the proposed date of 5 May 2011 for a referendum on switching to an Alternative Vote system for Parliamentary elections), the Government need to secure Royal Assent to the Bill by 16 February. However, there are a number of stages for the Bill still to go through at the time of writing this paper: Report (scheduled for 7-9 February) and Third Reading (scheduled for 14 February) in the Lords; and Commons Consideration of Lords Amendments (no date yet scheduled), plus any potential ‘ping pong’ between the Houses if they cannot agree on any amendment.