

Status: Point in time view as at 01/04/2007.

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SCHEDULES

SCHEDULE 1

Section 2.

ASSEMBLY CONSTITUENCIES AND ASSEMBLY ELECTORAL REGIONS

Commencement Information

II Sch. 1 in force at 1.12.1998 by S.I. 1998/2789, art. 2

General

- 1 The Assembly constituencies shall be the parliamentary constituencies in Wales.
- 2
 - (1) There shall be five Assembly electoral regions.
 - (2) The Assembly electoral regions shall be the five European Parliamentary constituencies in Wales provided for by the ^{M1}European Parliamentary Constituencies (Wales) Order 1994.
 - (3) There shall be four Assembly seats for each Assembly electoral region.

Marginal Citations

M1 S.I. 1994/428.

- 3 Paragraphs 1 and 2(2) and (3) are subject to any Order in Council under the ^{M2}Parliamentary Constituencies Act 1986 (“the 1986 Act”), as that Act has effect as extended by this Schedule.

Marginal Citations

M2 1986 c. 56.

Consideration of, and of number of seats for, Assembly electoral regions

- 4 When the Boundary Commission for Wales (“the Commission”) provisionally determine (in pursuance of the 1986 Act) to recommend the making of alterations affecting any parliamentary constituencies, the Commission shall consider whether any alteration—

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- (a) in the Assembly electoral regions, or
 - (b) in the allocation of seats to the Assembly electoral regions,
- will be required in order to give effect to the rules set out in paragraph 8.

Notices of proposed recommendations affecting Assembly electoral regions

- 5 (1) Where, after the consideration required by paragraph 4, the Commission have provisionally determined to make recommendations affecting any Assembly electoral region, they shall publish a notice in at least one newspaper circulating in the Assembly electoral region.
- (2) The notice shall state—
- (a) the effect of the proposed recommendations,
 - (b) (except where the Commission propose to recommend that no alteration affecting the Assembly electoral region be made) that a copy of the proposed recommendations is open to inspection at one or more specified places within each Assembly constituency included in the Assembly electoral region, and
 - (c) that representations with respect to the proposed recommendations may be made to the Commission within one month after the publication of the notice.
- (3) The Commission shall take into consideration any representations duly made in accordance with any notice published under sub-paragraph (1).
- (4) Where the Commission revise any proposed recommendations after publishing a notice of them under sub-paragraph (1), the Commission shall comply again with that sub-paragraph in relation to the revised proposed recommendations, as if no earlier notice had been published.
- (5) The Commission is not required to comply with sub-paragraph (1) or (4) if the proposed recommendations (or the revised proposed recommendations)—
- (a) are only for an alteration in the number of Assembly seats for the Assembly electoral region, and
 - (b) the proposed (or the revised proposed) total number of Assembly seats for the Assembly electoral regions is exactly divisible by five.
- (6) Where the proposed (or the revised proposed) total number of Assembly seats for the Assembly electoral regions is not exactly divisible by five, a recommendation for an alteration in the number of Assembly seats for any Assembly electoral region shall be taken (for the purposes of this paragraph and paragraph 6) to be one which also affects all the other Assembly electoral regions.

Local inquiries in respect of Assembly electoral regions

- 6 (1) The Commission may, if they think fit, cause a local inquiry to be held in respect of any Assembly electoral region or regions.
- (2) Where, on the publication of the notice under paragraph 5(1) of a proposed recommendation of the Commission for an alteration affecting any Assembly

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electoral regions, the Commission receive any representations objecting to the proposed recommendation from—

- (a) an interested local authority, or
- (b) a body of electors numbering 500 or more,

the Commission shall not make the recommendation unless, since the publication of the notice, a local inquiry has been held in respect of those Assembly electoral regions.

(3) Where a local inquiry was held in respect of those Assembly electoral regions before the publication of notice mentioned in sub-paragraph (2), that sub-paragraph shall not apply if the Commission, after considering—

- (a) the matters discussed at the local inquiry,
- (b) the nature of the representations received on the publication of the notice, and
- (c) any other relevant circumstances,

are of opinion that a further local inquiry would not be justified.

(4) In sub-paragraph (2)—

“interested local authority” means the council of a county or county borough whose area is wholly or partly included in the Assembly electoral regions affected by the proposed recommendation, and

“elector” means a person who, at the time when the representations are made, is registered in the register of local government electors at an address within any of the Assembly constituencies included in any of those Assembly electoral regions.

(5) Section 250(2) and (3) of the ^{M3}Local Government Act 1972 (witnesses at local inquiries) shall apply in relation to any local inquiry which the Commission may cause to be held in pursuance of this paragraph.

Marginal Citations

M3 1972 c. 70.

Reports to show any alterations affecting Assembly electoral regions

7 (1) This paragraph applies where the Commission submit to the Secretary of State—

- (a) a report under subsection (1) of section 3 of the 1986 Act recommending alterations in parliamentary constituencies, or
- (b) a report under subsection (3) of that section.

(2) The report shall show any alteration—

- (a) in the Assembly electoral regions, or
- (b) in the allocation of seats to the Assembly electoral regions,

which the Commission recommend in order to give effect to the rules set out in paragraph 8.

(3) If, in the opinion of the Commission, no alteration is required for that purpose, they shall state that in the report.

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- (4) If the report recommends any alteration in any Assembly electoral regions, it shall state the name (in English and in Welsh) by which the Commission recommend that the Assembly electoral regions (as proposed to be altered) should be known.
- (5) The Commission shall send a copy of the report to the Assembly.

The rules

- 8 (1) The rules referred to in paragraphs 4 and 7(2) are—
- (1) Each Assembly constituency shall be wholly included in one Assembly electoral region.
- (2) The regional electorate for an Assembly electoral region shall be as near the regional electorate for each other Assembly electoral region as is reasonably practicable, having regard (where appropriate) to special geographical considerations.
- (3) The total number of Assembly seats for the Assembly electoral regions shall be—
- (a) one half of the total number of the Assembly constituencies, or
 - (b) (if that total number is not exactly divisible by two) one half of the number produced by adding one to that total number.
- (4) The number of Assembly seats for the Assembly electoral regions shall be—
- (a) one fifth of the total number of Assembly seats for the electoral Assembly regions, or
 - (b) (if that total number is not exactly divisible by five) either one fifth of the highest number which is less than that total number and exactly divisible by five or the number produced by adding one to one fifth of that highest number (as provided by sub-paragraphs (2) to (4)).
- (2) If the total number of Assembly seats for the electoral Assembly regions is not exactly divisible by five, the Commission shall calculate the difference between—
- (a) the total number of seats for the Assembly electoral regions, and
 - (b) the highest number which is less than that total number and exactly divisible by five,
- and that is the number of residual seats to be allocated by the Commission.
- (3) The Commission shall not allocate more than one residual seat to an Assembly electoral region.
- (4) The Commission shall divide the regional electorate for each Assembly electoral region by the aggregate of—
- (a) the number of Assembly constituencies in the Assembly electoral region, and
 - (b) one fifth of the highest number which is less than the total number of seats for the electoral Assembly regions and exactly divisible by five,
- and, in allocating the residual seat or seats to an Assembly electoral region or Assembly electoral regions, shall have regard to the desirability of allocating the residual seat or seats to the Assembly electoral region or regions for which that calculation produces the highest number or numbers.

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Orders in Council giving effect to reports of Commission

- 9 (1) An Order in Council under the 1986 Act for giving effect, with or without modifications, to the recommendations contained in a report of the Commission may specify different dates for its coming into force—
- (a) for the purposes of elections to the House of Commons, and
 - (b) for the purposes of the return of Assembly members.
- (2) The coming into force of an Order in Council under the 1986 Act shall not affect the operation of section 8 or 9, or the constitution of the Assembly, at any time before the next ordinary election.

Interpretation

- 10 (1) For the purposes of any report of the Commission the regional electorate for an Assembly electoral region is the number of persons who, on the enumeration date, are registered in the register of local government electors at addresses within any of the Assembly constituencies included in the Assembly electoral region.
- (2) In sub-paragraph (1) “the enumeration date” means the date on which notice that the Commission intended to consider making the report was published in accordance with section 5(1) of the 1986 Act.
- 11 In this Schedule—
- “the 1986 Act” means the ^{M4}Parliamentary Constituencies Act 1986, and
 - “the Commission” means the Boundary Commission for Wales.

Marginal Citations

M4 1986 c. 56.

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