

SCHEDULES

SCHEDULE 3

TRANSFER OF FUNCTIONS OF BOUNDARY COMMISSIONS

PART II

AMENDMENTS OF OTHER ACTS

Government of Wales Act 1998 (c. 38)

8 Schedule 1 to the Government of Wales Act 1998 (Assembly constituencies and
Assembly regions) shall be amended as follows.

9 For paragraph 4 there shall be substituted—

“4 (1) When the Boundary Committee for Wales (“the Committee”) provisionally determine (in pursuance of the 1986 Act) proposed recommendations which they are minded to include in a report under section 3A(2) of that Act and which would involve any alterations in any parliamentary constituencies in Wales, the Committee shall consider whether any alteration—

(a) in the Assembly electoral regions, or

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

would be required in order to give effect to the rules set out in paragraph 8.

(2) Any such report by the Committee as is mentioned in sub-paragraph (1) shall contain, in addition, the recommendations which, in the light of their consideration of the question mentioned in that sub-paragraph, the Committee propose should be included in the Electoral Commission’s section 3 report in pursuance of paragraph 7.

(3) In section 3A of the 1986 Act—

(a) subsection (3) shall apply with any necessary modifications in relation to any such proposed recommendations as they apply in relation to any proposed recommendations of a Boundary Committee under section 3A(2) of that Act; and

(b) in subsection (4), the first reference to that Act shall include a reference to this Schedule, and the reference to the rules set out as there mentioned shall include a reference to the rules set out in paragraph 8.

(4) In this paragraph—

“the Boundary Committee for Wales” means the Committee of that name established by the Electoral Commission under

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section 14 of the Political Parties, Elections and Referendums Act 2000;

“the Electoral Commission’s section 3 report” means the report of the Electoral Commission under section 3 of the 1986 Act for the purposes of which the proposed recommendations mentioned in sub-paragraph (1) would be made.”

- 10 (1) Paragraph 5 (notices of proposed recommendations) shall be amended as follows.
- (2) In sub-paragraph (1), for “paragraph 4, the Commission have provisionally determined to make” there shall be substituted “paragraph 4(1), the Committee have provisionally determined to propose (in pursuance of paragraph 4(2))”.
- (3) In sub-paragraph (2)—
- (a) for “the Commission propose to recommend” there shall be substituted “their effect is”; and
- (b) for “to the Commission” there shall be substituted “to the Committee”.
- (4) In sub-paragraphs (3) to (5), for “the Commission”, wherever occurring, there shall be substituted “the Committee”.
- (5) After sub-paragraph (5) there shall be inserted—
- “(5A) Where the Electoral Commission are minded to exercise in relation to the Committee’s proposed recommendations any of the powers conferred by section 3A(3)(b) or (c) of the 1986 Act (as applied by paragraph 4(3) above) they shall have regard to—
- (a) any representations duly made with respect to the recommendations in accordance with any notice published under sub-paragraph (1); or
- (b) (where they are minded to exercise any of those powers in relation to part only of the Assembly electoral region) any representations so made with respect to the recommendations so far as relating to that part of the region.
- (5B) Where the Committee’s proposed recommendations have been modified by the Electoral Commission under section 3A(3)(b) of the 1986 Act (as applied by paragraph 4(3) above), the Committee shall publish in at least one newspaper circulating in the Assembly electoral region a notice stating the effect of those recommendations as so modified.”
- 11 (1) Paragraph 6 (local inquiries) shall be amended as follows.
- (2) In sub-paragraph (1) for “The Commission” there shall be substituted “For the purposes of this Schedule the Committee”.
- (3) In sub-paragraph (2)—
- (a) for “the Commission”, wherever occurring, there shall be substituted “the Committee”; and
- (b) for “make the recommendation” there shall be substituted “proceed with the proposed recommendation”.
- (4) In sub-paragraphs (3) and (5), for “the Commission”, wherever occurring, there shall be substituted “the Committee”.
- (5) After sub-paragraph (5) there shall be added—

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- “(6) Where the Committee have caused a local inquiry to be held in pursuance of this paragraph, the Committee shall take into consideration the findings of the inquiry.
- (7) Where the Committee have caused a local inquiry to be held in pursuance of this paragraph and the Electoral Commission are minded to exercise in relation to the Committee’s proposed recommendations any of the powers conferred by section 3A(3)(b) or (c) of the 1986 Act (as applied by paragraph 4(3) above), the Electoral Commission shall have regard to—
- (a) the findings of the inquiry; or
 - (b) (where, in the case of any Assembly electoral region in respect of which the inquiry was held, they are minded to exercise any of those powers in relation to part only of the region) the findings of the inquiry so far as relating to that part of the region.”
- 12 In paragraph 7 (reports)—
- (a) for “the Commission”, wherever occurring, there shall be substituted “the Electoral Commission”;
 - (b) in sub-paragraph (1)(a), after “constituencies” there shall be inserted “in Wales”; and
 - (c) in sub-paragraph (1)(b), at the end there shall be added “relating to any constituency or constituencies in Wales.”
- 13 In paragraph 8 (the rules), for “Commission”, wherever occurring, there shall be substituted “Electoral Commission or (as the case may be) the Committee”.
- 14 In paragraph 9(1) (Orders in Council), for the words from “, with or without modifications,” to “the Commission” there shall be substituted “to the recommendations contained in a report of the Electoral Commission”.
- 15 In paragraph 10 (interpretation)—
- (a) for “the Commission”, wherever occurring, there shall be substituted “the Electoral Commission”; and
 - (b) at the end there shall be added—
 - “(3) Sub-paragraphs (1) and (2) also apply for construing references to the regional electorate for an Assembly electoral region in relation to any report of the Committee made for the purposes of any such report of the Electoral Commission.”
- 16 In paragraph 11 (definitions)—
- (a) for the definition of “the Commission” there shall be substituted—
 - ““the Committee” means the Boundary Committee for Wales (as defined by paragraph 4(4));”;
 - (b) after that definition there shall be added—
 - ““recommendations” includes (unless the context otherwise requires) a recommendation that no alteration is required.”
- Scotland Act 1998 (c. 46)*
- 17 Schedule 1 to the Scotland Act 1998 (constituencies, regions and regional members) shall be amended as follows.

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- 18 In paragraph 3 (reports of Boundary Commission for Scotland), for sub-paragraph (1) and the cross-heading preceding it there shall be substituted—

“Reports of Electoral Commission

- 3 (1) This paragraph applies where the Electoral Commission (“the Commission”) submit a report to the Secretary of State under section 3(1) or (3) of the 1986 Act recommending any alteration in any parliamentary constituencies in Scotland.”

- 19 After paragraph 4 there shall be inserted—

“Proposed recommendations by Boundary Committee for Scotland

- 4A (1) When the Boundary Committee for Scotland provisionally determine (in pursuance of the 1986 Act) proposed recommendations which they are minded to include in a report under section 3A(2) of that Act and which would involve any alteration in any parliamentary constituencies in Scotland, the Committee shall consider whether any alteration within paragraph 3(2) would be required to be made in order to give effect to the rules in paragraph 7.

- (2) Any such report by the Committee as is mentioned in sub-paragraph (1) shall contain, in addition, the recommendations which the Committee propose should be included in the Electoral Commission’s section 3 report in the light of the Committee’s consideration of the question mentioned in that sub-paragraph.

- (3) In section 3A of the 1986 Act—

- (a) subsection (3) shall apply with any necessary modifications in relation to any such proposed recommendations as they apply in relation to any proposed recommendations of a Boundary Committee under section 3A(2) of that Act; and
- (b) in subsection (4), the first reference to that Act shall include a reference to this Schedule, and the reference to the rules set out as there mentioned shall include a reference to the rules set out in paragraph 7.

- (4) In this paragraph—

“the Boundary Committee for Scotland” means the Committee of that name established by the Electoral Commission under section 14 of the Political Parties, Elections and Referendums Act 2000;

“the Electoral Commission’s section 3 report” means the report of the Electoral Commission under section 3 of the 1986 Act for the purposes of which the proposed recommendations mentioned in sub-paragraph (1) would be made.”

- 20 (1) Paragraph 5 (notices of proposed recommendations) shall be amended as follows.

- (2) In sub-paragraph (1)—

- (a) for “the Commission have provisionally determined to make” there shall be substituted “the Committee have provisionally determined to propose (in pursuance of paragraph 4A(2))”;

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- (b) for “they propose to recommend” there shall be substituted “their effect is”;
and
 - (c) for “to the Commission” and “the Commission shall” there shall be substituted “to the Committee” and “the Committee shall” respectively.
- (3) In sub-paragraph (2), for “the Commission”, wherever occurring, there shall be substituted “the Committee”.
- (4) After sub-paragraph (2) there shall be inserted—
- “(3) Where the Electoral Commission are minded to exercise in relation to the Committee’s proposed recommendations any of the powers conferred by section 3A(3)(b) or (c) of the 1986 Act (as applied by paragraph 4A(3) above) they shall have regard to—
 - (a) any representations duly made with respect to the recommendations in accordance with any notice published under sub-paragraph (1); or
 - (b) (where they are minded to exercise any of those powers in relation to part only of the region) any representations so made with respect to the recommendations so far as relating to that part of the region.
 - (4) Where the Committee’s proposed recommendations have been modified by the Electoral Commission under section 3A(3)(b) of the 1986 Act (as applied by paragraph 4A(3) above), the Committee shall publish in at least one newspaper circulating in the region a notice stating the effect of those recommendations as so modified.”
- 21 (1) Paragraph 6 (local inquiries) shall be amended as follows.
- (2) In sub-paragraph (1) for “The Commission” there shall be substituted “For the purposes of this Schedule the Committee”.
- (3) In sub-paragraph (2)—
- (a) for “the Commission”, wherever occurring, there shall be substituted “the Committee”; and
 - (b) for “make the recommendation” there shall be substituted “proceed with the proposed recommendation”.
- (4) In sub-paragraph (3), for “the Commission” there shall be substituted “the Committee”.
- (5) After sub-paragraph (5) there shall be added—
- “(6) Where the Committee have caused a local inquiry to be held in pursuance of this paragraph, the Committee shall take into consideration the findings of the inquiry.
 - (7) Where the Committee have caused a local inquiry to be held in pursuance of this paragraph and the Electoral Commission are minded to exercise in relation to the Committee’s proposed recommendations any of the powers conferred by section 3A(3)(b) or (c) of the 1986 Act (as applied by paragraph 4(3) above), the Electoral Commission shall have regard to—
 - (a) the findings of the inquiry; or

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- (b) (where, in the case of any region in respect of which the inquiry was held, they are minded to exercise any of those powers in relation to part only of the region) the findings of the inquiry so far as relating to that part of the region.”

22 In paragraph 7 (the rules), for “Commission”, wherever occurring, there shall be substituted “Electoral Commission or (as the case may be) the Committee”.

23 In paragraph 8 (meaning of regional electorate)—

- (a) in sub-paragraph (1), for “the Commission” there shall be substituted “the Electoral Commission”; and
 (b) at the end there shall be added—

“(3) Sub-paragraphs (1) and (2) also apply for construing references to the regional electorate in relation to any report of the Committee made for the purposes of any such report of the Electoral Commission.”

24 After paragraph 8 there shall be added—

“Interpretation

9 In this Schedule—

“the 1986 Act” means the Parliamentary Constituencies Act 1986;

“the Committee” means the Boundary Committee for Scotland (as defined by paragraph 4A(4));

“recommendations” includes (unless the context otherwise requires) a recommendation that no alteration is required.”