

Status: Point in time view as at 25/07/2006.

Changes to legislation: Government of Wales Act 2006, SCHEDULE 1 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1 U.K.

Section 2

ALTERATION OF ASSEMBLY ELECTORAL REGIONS

Introduction

- 1 (1) This Schedule makes provision for alterations—
 - (a) in the Assembly electoral regions, and
 - (b) in the allocation of seats to the Assembly electoral regions.
- (2) It applies in relation to cases where—
 - (a) the Electoral Commission (“the Commission”) intend to consider making a report under section 3 of the Parliamentary Constituencies Act 1986 (c. 56) (“the 1986 Act”) with respect to Wales or any area comprised in Wales, and
 - (b) accordingly, the Boundary Committee for Wales (“the Committee”) are required to submit a report to the Commission under section 3A(2) of the 1986 Act containing the recommendations which the Committee propose should be included in the Commission's report.
- (3) In this paragraph “the Boundary Committee for Wales” means the Committee of that name established by the Commission under section 14 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

Commencement Information

- II** This provision in force immediately after “the 2007 election” by s. 161(1) (subject to s. 161(4)(5))

Assembly electoral region issue

- 2 (1) This paragraph applies if the Committee provisionally determine proposed recommendations which—
 - (a) they are minded to include in a report under section 3A(2) of the 1986 Act, and
 - (b) would involve any alterations in any parliamentary constituencies in Wales.
- (2) The Committee must consider the issue of whether, to give effect to the rules in paragraph 9, any alteration is required—
 - (a) in the Assembly electoral regions, or
 - (b) in the allocation of seats to the Assembly electoral regions.
- (3) In this Schedule that issue is referred to as “the Assembly electoral region issue”.

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Commencement Information

I2 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Notice of Committee's proposed recommendations

- 3 (1) If, having considered the Assembly electoral region issue, the Committee have provisionally determined to propose recommendations affecting any Assembly electoral region, they must publish a notice in at least one newspaper circulating in that region.
- (2) The notice must state—
- (a) the effect of the proposed recommendations,
 - (b) (except where the effect of the recommendations is that no alteration affecting the Assembly electoral region be made) that a copy of the 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 recommendations may be made to the Committee within one month after the publication of the notice.
- (3) The Committee must take into consideration any representations duly made in accordance with the notice.
- (4) If the Committee revise any proposed recommendations after publishing a notice of them under sub-paragraph (1), they must comply again with sub-paragraphs (1) to (3) in relation to the revised proposed recommendations as if no earlier notice had been published.
- (5) The Committee need not comply with sub-paragraph (1) or (4) if—
- (a) the proposed recommendations (or the revised proposed recommendations) are only for an alteration in the number of seats for the Assembly electoral region, and
 - (b) the proposed (or revised proposed) total number of seats for the Assembly electoral regions is exactly divisible by five.
- (6) If the Committee's proposed (or revised proposed) total number of seats for the Assembly electoral regions is not exactly divisible by five, a recommendation for an alteration in the number of seats for any Assembly electoral region is (for the purposes of this paragraph and paragraph 4) a recommendation which also affects all the other Assembly electoral regions.

Commencement Information

I3 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Local inquiries

- 4 (1) For the purposes of this Schedule the Committee may, if they think fit, cause a local inquiry to be held in respect of any Assembly electoral region or regions.

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- (2) Sub-paragraph (3) applies if, having published a notice under paragraph 3(1) of a proposed recommendation for an alteration affecting any Assembly electoral regions, the Committee receive any representations objecting to the proposed recommendation from—
 - (a) an interested local authority, or
 - (b) a body of electors numbering 500 or more.
- (3) The Committee may not proceed with the proposed recommendation unless, since the publication of the notice, a local inquiry has been held in respect of the Assembly electoral regions.
- (4) But sub-paragraph (3) does not apply if—
 - (a) a local inquiry was held in respect of the Assembly electoral regions before the publication of the notice, and
 - (b) the Committee think that a further local inquiry would not be justified, having regard to the matters discussed at the previous local inquiry, the nature of the representations received on the publication of the notice and any other relevant circumstances.
- (5) The Committee must take into consideration the findings of any local inquiry held under this paragraph.
- (6) Section 250(2) and (3) of the Local Government Act 1972 (c. 70) (witnesses at local inquiries) applies in relation to a local inquiry which the Committee cause to be held under this paragraph.
- (7) In this paragraph—

“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.

Commencement Information

I4 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Committee's report

- 5 (1) The Committee's report under section 3A(2) of the 1986 Act must contain the recommendations which, in the light of—
 - (a) their consideration of the Assembly electoral region issue,
 - (b) any representations duly made with respect to the recommendations in accordance with any notice published under paragraph 3, and
 - (c) the findings of any inquiry held under paragraph 4 in respect of the Assembly electoral regions affected by the recommendations,they propose should be included in the Commission's section 3 report in pursuance of paragraph 8.

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- (2) In sub-paragraph (1) “the Commission's section 3 report” means the report of the Commission under section 3 of the 1986 Act for the purposes of which the Committee's proposed recommendations are made.

Commencement Information

I5 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Consideration of Committee's report by Commission

- 6 (1) Section 3A(3) of the 1986 Act (powers of the Commission in relation to the Committee's proposed recommendations) applies (with any necessary modifications) in relation to the Committee's proposed recommendations under paragraph 5(1) as it applies in relation to any proposed recommendations of the Committee under section 3A(2) of the 1986 Act.
- (2) Sub-paragraphs (3) and (4) apply if the Commission are minded to exercise any of the powers conferred by section 3A(3)(b) and (c) of the 1986 Act in relation to the Committee's proposed recommendations under paragraph 5(1).
- (3) The Commission must have regard to—
- (a) any representations duly made with respect to the recommendations in accordance with any notice published under paragraph 3, or
 - (b) (where they are minded to exercise any of the powers mentioned in sub-paragraph (2) in relation to part only of an Assembly electoral region) any representations so made with respect to the recommendations so far as relating to that part of the region.
- (4) The Commission must have regard to—
- (a) the findings of any inquiry held under paragraph 4 in respect of the Assembly electoral regions affected by the recommendations, or
 - (b) (where, in the case of an Assembly electoral region in respect of which any such inquiry was held, they are minded to exercise any of the powers mentioned in sub-paragraph (2) in relation to part only of the region) the findings of the inquiry so far as relating to that part of the region.
- (5) If the Committee's proposed recommendations under paragraph 5(1) are modified by the Commission under section 3A(3)(b) of the 1986 Act, the Committee must publish in at least one newspaper circulating in the Assembly electoral region affected by the recommendations a notice stating their effect as so modified.

Commencement Information

I6 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Directions by Commission to Committee

- 7 In section 3A(4) of the 1986 Act (directions by the Commission to the Committee)
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- (a) the first reference to that Act includes a reference to this Schedule, and

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- (b) the reference to the rules mentioned in that subsection includes a reference to the rules in paragraph 9.

Commencement Information

I7 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Commission's report

- 8 (1) This paragraph applies if 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 in Wales, or
 - (b) a report under subsection (3) of that section relating to any constituency or constituencies in Wales.
- (2) The report must 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 9.
- (3) If in the opinion of the Commission no alteration is required for that purpose, they must state that in the report.
- (4) If the report recommends any alteration in any Assembly electoral regions, it must 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 must lay a copy of the report before the Assembly.

Commencement Information

I8 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Rules

- 9 (1) The rules are—
- (1) Each Assembly constituency must be wholly included in one Assembly electoral region.
 - (2) The regional electorate for an Assembly electoral region must 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 seats for the Assembly electoral regions must 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 seats for an Assembly electoral region must be—
 - (a) one fifth of the total number of seats for the Assembly electoral regions, or

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- (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 (6).
- (2) If the total number of seats for the Assembly electoral regions is not exactly divisible by five, there is to be calculated 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.
- (3) That difference is the number of residual seats.
- (4) No more than one residual seat may be allocated to an Assembly electoral region.
- (5) The regional electorate for each Assembly electoral region is to be divided 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 Assembly electoral regions and exactly divisible by five.
- (6) In allocating the residual seat or seats to an Assembly electoral region or regions, regard must be had to the desirability of allocating the residual seat or seats to the Assembly electoral region or regions for which the calculation in sub-paragraph (5) produces the highest number or numbers.

Commencement Information

I9 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Orders in Council giving effect to Commission reports

- 10 (1) An Order in Council under the 1986 Act for giving effect 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 does not affect the operation of section 10 or 11, or the constitution of the Assembly, at any time before the next general election.

Commencement Information

I10 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Interpretation: the regional electorate

- 11 (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,

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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.
- (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 Commission.

Commencement Information

I11 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Interpretation: general

- 12 In this Schedule—
- “the 1986 Act” has the meaning given by paragraph 1(2)(a),
 - “the Assembly electoral region issue” has the meaning given by paragraph 2(3),
 - “the Commission” has the meaning given by paragraph 1(2)(a),
 - “the Committee” has the meaning given by paragraph 1(2)(b), and
 - “recommendations” includes (unless the context otherwise requires) a recommendation that no alteration is required.

Commencement Information

I12 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

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