

National Assembly for Wales

Future electoral arrangements for the Assembly

June 2012

This research paper summarises the options and proposals contained in the UK Government's Green Paper on changes to the electoral arrangements for the Assembly.

It also provides background information and initial reactions to those proposals and provides an overview of the situation in Scotland where UK and Scottish parliamentary boundaries have been decoupled since 2004.

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June 2012

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Future electoral arrangements for the Assembly

1. Introduction

On 21 May 2012, the Secretary of State for Wales, the Rt. Hon Cheryl Gillan MP (“the Secretary of State”), published a [Green Paper](#) consultation on future electoral arrangements for the Assembly. The Green Paper:

... sets out the Government’s options and proposals for changes to the make-up of the Assembly, including the number of Assembly constituencies, the length of Assembly terms, whether candidates can stand at the same election in an Assembly constituency and a region and whether Assembly Members should be able to sit simultaneously in the Westminster Parliament.¹

The proposals included in the Green Paper come as a consequence of changes introduced by the Conservative-Liberal Democrat coalition government since May 2010 as part of its programme of constitutional reform. These include:

- proposing to reduce the size of the House of Commons from 650 to 600; and
- establishing five-year, fixed-term parliaments, with the next UK General Election due to take place on 7 May 2015.

The Green Paper adds that “recent developments in Welsh devolution also provide a backcloth to this consultation exercise”.² It states that:

The Assembly now has law making powers in all twenty areas which are devolved to Wales following an affirmative vote in the referendum held in March 2011 ...

The review should help underpin the Welsh devolution settlement by making the devolved institutions in Wales - the Assembly and the Welsh Government - more accountable to the people they serve and identifying where the boundaries of the settlement can be made more straightforward.³

Although the UK Government has recently established a Commission on Devolution in Wales (“the Silk Commission”)⁴ to review the financial and constitutional arrangements in Wales, the Green Paper states that issues relating to the election of AMs do not form part of its remit⁵ and that they would need to be dealt with separately.

¹ Wales Office, [A Green Paper on future electoral arrangements for the National Assembly for Wales](#), May 2012, page 8

² Ibid, page 11

³ Ibid

⁴ Further information about the Silk Commission is available in the research paper [The Silk Commission](#) published by the Research Service in November 2011.

⁵ Ibid

Speaking after the announcement, the Secretary of State said:

I want to ensure that we have the right structures in place in Wales to deliver for our citizens and what this consultation does is give everyone the opportunity to contribute their views. We will carefully consider the results of this consultation before deciding on any changes necessary.

We will aim to announce the results of this consultation later in the year and will work closely with institutions in Wales in taking our proposals forward. Any changes that arise will be implemented at the earliest opportunity.⁶

The Green Paper includes the following 6 questions, with the consultation due to close on 13 August 2012:

1. Do you prefer Option 1: 40 Assembly constituencies, each containing a broadly equal number of electors and constituency boundaries periodically reviewed; or Option 2: reinstate the link between Assembly and Parliamentary constituencies by changing to an Assembly of 30 constituencies, with an equal number of constituency and regional members (30:30)?
2. Under the 30 constituency option, do you agree the Government's proposal that the number of Assembly regional seats could be increased or decreased to take account of any change in the number of Assembly constituencies?
3. How should Assembly electoral regions be structured under Option 1: 40 Assembly constituencies; and Option 2: 30 Assembly constituencies?
4. Do you think that elections to the National Assembly for Wales should be held every four or every five years? Why do you favour four or five year terms?
5. Do you agree that candidates should be able to stand in a constituency and a region in the same Assembly election?
6. Do you think that a Member of the National Assembly for Wales should not also be able to sit in the Westminster Parliament?

A paper summarising the responses to the consultation will be published within three months of the consultation's closing date on the Wales Office's website.⁷

This research paper summarises the options and proposals contained in the UK Government's Green Paper on changes to the electoral arrangements for the Assembly. It also provides background information and initial reactions to those

⁶ Wales Office, [News Release: Secretary of State for Wales, Cheryl Gillan publishes Green Paper on future electoral arrangements for the National Assembly for Wales](#), 21 May 2012

⁷ Wales Office, [A Green Paper on future electoral arrangements for the National Assembly for Wales](#), May 2012, page 34

proposals; and provides an overview of the situation in Scotland where UK and Scottish parliamentary boundaries have been decoupled since 2004.

2. Proposals relating to changing Assembly constituencies

The *Parliamentary Voting System and Constituencies Act 2011*⁸ (“the PVSC Act 2011”) includes provisions to reduce the size of the House of Commons from 650 to 600 MPs by the time of the next UK General Election, which will take place on 7 May 2015. The Boundary Commission for Wales is currently conducting a review of the parliamentary constituencies in Wales which will result in a reduction of Welsh parliamentary seats from 40 to 30.⁹

The 2011 Act also provides for the decoupling of the parliamentary and Assembly constituencies. Section 13(1) of that Act states that:

The Assembly constituencies are the constituencies specified in the *Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006* (S.I. 2006/1041)¹⁰ as amended by—

the *Parliamentary Constituencies and Assembly Electoral Regions (Wales) (Amendment) Order 2008* (S.I. 2008/1791)^{11, 12}

Although the 2011 Act provides that no further changes are required to the Assembly’s 40 constituencies ahead of the next Assembly elections in May 2016, there is currently no mechanism to review and modify those boundaries thereafter. The Green Paper states that “These developments mean that we need to change the present arrangements for Assembly constituencies” and as a result the “government is minded to take forward one of two options”.¹³ Both options are summarised below.

Although the Green Paper acknowledges that “Some commentators have suggested other options”, it clearly states that “We have no plans to bring forward changes which would reduce the current level of proportionality in the Assembly”.¹⁴

2.1. Option 1: Continue with 40 Assembly constituencies

The first option put forward in the Green Paper would involve continuing with the 40 Assembly constituencies but would require the introduction of a new system of boundary reviews to be put in place to allow Assembly constituencies to be made more equal in size.

⁸ *Parliamentary Voting System and Constituencies Act 2011* (Chapter 1)

⁹ Further information about this process is available in the research paper *The review of parliamentary constituencies in Wales* which was published by the Research Service in September 2011.

¹⁰ *Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006* (S.I. 2006/1041)

¹¹ *Parliamentary Constituencies and Assembly Electoral Regions (Wales) (Amendment) Order 2008* (S.I. 2008/1791)

¹² *Parliamentary Voting Systems and Constituencies Act 2011 (c.1), Section 13(1)*

¹³ Wales Office, *A Green Paper on future electoral arrangements for the National Assembly for Wales*, May 2012, paragraph 1.3

¹⁴ *Ibid*, paragraph 1.4

According to the Green Paper, this would involve setting a new set of rules for the distribution of Assembly seats that would mirror those rules set out for parliamentary boundaries in the PVSC Act 2011. These new rules would set the number of Assembly constituencies at 40 and would ensure that the electorate of each constituency would have to be within 95 per cent to 105 per cent of the Assembly's electoral quota. This currently stands at 58,053 registered voters.

In the event of 40 constituencies being retained, the UK Government would “not propose to alter the number of Assembly electoral regions”.¹⁵ The Green Paper adds that “the regions should continue to comprise groups of between seven and nine Assembly constituencies” but that “the boundaries of the five regions would change periodically, reflecting the periodic changes to the boundaries of the 40 constituencies that make up the regions”.¹⁶

The Green Paper states that should this option be favoured, “the Government would seek to legislate at the first available opportunity to put in place the mechanism described”.¹⁷

2.2. Option 2: Re-establish the link between Assembly and parliamentary constituencies

The second option would re-establish the link between Assembly and parliamentary constituencies, by changing to an Assembly consisting of 30 constituency and 30 regional Assembly Members.

The Green Paper states that this is the favoured approach of the UK Government because:

Common boundaries for both sets of constituencies would make it easier, and more cost effective, to review those boundaries to ensure electorates remain broadly equal in size, and would facilitate local democracy by making the local organisation of political parties and networks less complicated.¹⁸

This reflects comments made separately by the Secretary of State that moving to having the same number of constituency and regional members would be “the most elegant and simple solution”.¹⁹ The Green Paper however also stresses that this “preference is not ... set in stone, and we would welcome the views of organisations and individuals with an interest in these proposals to help inform our decision”.²⁰

¹⁵ Wales Office, [A Green Paper on future electoral arrangements for the National Assembly for Wales](#), May 2012, paragraph 1.35

¹⁶ Ibid, paragraph 1.36

¹⁷ Ibid, paragraph 1.21

¹⁸ Wales Office, [A Green Paper on future electoral arrangements for the National Assembly for Wales](#), May 2012, paragraph 1.24

¹⁹ Wales Online, [Cheryl Gillan suggests that number of AMs could be reduced](#), 21 May 2012

²⁰ Ibid, paragraph 1.31

By re-establishing the link between the Assembly and parliamentary constituencies, the boundaries for Assembly constituencies under this option would be reviewed on the same basis as parliamentary ones under rules set out in the PCVS Act 2011 (i.e. periodically every five years). Future changes in the number of parliamentary constituencies in Wales therefore would also apply automatically to Assembly constituencies. The Green Paper acknowledges that taking forward this option as a result would require a “mechanism ... to ensure that changes in the number of constituencies do not result in smaller or larger number of Assembly Members overall”.²¹ It also states that:

The Government proposes that, in the event of a future change in the number of Assembly constituencies, the difference is made up by increasing or decreasing the number of Assembly regional members.²²

Under this option, the Green Paper states that the UK Government would be minded to retain five electoral regions, each made up of six constituencies with each region returning six Assembly Members each.²³

In circumstances where the number of constituencies is other than 30, the UK Government proposes that the Boundary Commission:

... would draw up five regions, which would not necessarily contain an equal number of constituencies or elect an equal number of Assembly Members. Fairness in the weight of the vote would be maintained by allocating seats to the five regions using the Sainte-League²⁴ method.²⁵

Although the Green Paper acknowledges that there are alternative ways of addressing a change in the number of constituencies, none of the alternatives are favoured by the UK Government.²⁶

One alternative includes replacing the electoral regions with a single all-Wales list, which the UK Government opposes on the basis that “a national list would put more distance between regional members and their constituents”.²⁷ Other alternatives rejected include fixing the boundaries of regions regardless of future changes to constituency boundaries, and relinquishing the principle of linking parliamentary and Assembly constituencies in the event of future changes to the parliamentary boundaries in Wales.

²¹ Wales Office, *A Green Paper on future electoral arrangements for the National Assembly for Wales*, May 2012, paragraph 1.28

²² Ibid

²³ Ibid, paragraphs 1.37-1.38

²⁴ The Saint League formula broadly operates as follows: The formula (electorate/((2 x number of seats already allocated) +1) is applied to each region. After each seat is allocated, the formula is reapplied – the next seat is allocated to the region that then has the greatest electorate. The process continues until all the seats are allocated.

²⁵ Ibid, paragraph 1.40(ii)

²⁶ Ibid, paragraph 1.41

²⁷ Ibid, paragraph 1.43

3. Other proposals included in the Green Paper

3.1. *Length of Assembly terms*

As a result of the *Fixed-term Parliaments Act 2011* (“the FTP Act 2011”),²⁸ the next UK General Election will be held on 7 May 2015, with general elections held every five years thereafter.

Section 3 of the *Government of Wales Act 2006*²⁹ (“the 2006 Act”) provides that Assembly terms run on a fixed-term four year basis. However as this would have meant that the next Assembly elections would be held on the same day as the UK General Election, the FTP Act 2011 included provisions which deferred the next scheduled elections to the Assembly by one year, to 5 May 2016. Following that election however, Assembly terms will revert to four year terms meaning that the next scheduled set of elections after 2016 will take place in May 2020; the same day as the UK General Election.

As a result of this, the Green Paper states that the UK Government is considering the implications of UK and Welsh General Elections coinciding in the future. It adds that:

The Government does not have a fixed view on whether the devolved legislatures should have four or five year terms. We will consider carefully the responses to the consultations, and recognise that the consultations may produce different outcomes. In the event that the Government decides in favour of five year terms for any, or all, of the devolved legislatures, we will seek to make legislative provision as soon as Parliamentary time permits.³⁰

Separate consultations will take place in relation to the length of terms for the Scottish Parliament and the Northern Ireland Assembly.³¹

3.2. *Dual candidacy*

Section 7(5) of the 2006 Act prohibits candidates from standing simultaneously in a constituency and on a regional party list in Assembly elections (also known as a ban on “dual candidacy”). The Green Paper however states that the UK Government favours lifting this ban for future elections and provides the following reasons to support its view:

It impacts disproportionately on smaller parties, who would understandably not wish to risk their smaller pool of candidates in a constituency election when there may be a better chance they could be elected from the regional list. Likewise, if a party does better than

²⁸ *Fixed-term Parliaments Act 2011* (Chapter 14)

²⁹ *Government of Wales Act 2006* (Chapter 32)

³⁰ Wales Office, *A Green Paper on future electoral arrangements for the National Assembly for Wales*, May 2012, paragraphs 2.7 and 2.8

³¹ *Ibid*, paragraph 2.7

expected in constituency elections, candidates on that party's regional list are unlikely to be elected.³²

The Green Paper also references the [Arbuthnott Commission's 2006 report](#) which found that dual candidacy was “an unnecessary restriction on the democratic rights of potential candidates, parties and local electors”³³ in addition to a 2006 report by the Electoral Commission on public attitudes towards Assembly elections in Wales which stated that “dual candidacy had little effect in deterring people from voting”.³⁴

As a result, the Green Paper states that the UK Government “intends to change the law to remove this prohibition, allowing candidates to stand in both a constituency and a region at Assembly elections”.³⁵

3.3. Multiple mandates

There are currently no rules which prohibit Assembly Members from also sitting as a Member of the House of Commons or House of Lords (also known as “dual mandates” or “double jobbing”). As a result, the Green Paper states that it is seeking views on bringing an end to this practice which “could be achieved simply by agreement between the political parties but the Government will also consider legislating to ensure that a prohibition is enduring”.³⁶

³² Wales Office, [A Green Paper on future electoral arrangements for the National Assembly for Wales](#), May 2012, paragraph 3.6

³³ Commission on Boundary Differences and Voting Systems, [Putting Citizen's First: Boundaries, Voting and Representation in Scotland](#), January 2006, page 44

³⁴ Electoral Commission, [Wales-poll position: Public attitudes towards Assembly elections](#), 2006, page 44

³⁵ Wales Office, [A Green Paper on future electoral arrangements for the National Assembly for Wales](#), May 2012,, paragraph 3.7

³⁶ Ibid, paragraph 4.5

4. Reactions³⁷

In response to the publication of the Green Paper on **21 May**, the First Minister, the Rt. Hon Carwyn Jones AM, said that:

There is no mandate for this. The electoral system for the assembly is a matter for the people of Wales and no one else. The Prime Minister has assured me that there would be no change to future electoral arrangements without the agreement of the assembly.³⁸

In a plenary debate on the Queen's speech on **23 May 2012**, the following exchange in relation to the proposed boundary changes included in the Green Paper took place between the leader of Plaid Cymru, Leanne Wood AM, and the Secretary of State:

Leanne Wood: I turn to your Green Paper, announced earlier this week, on reforming elections to the Assembly ... I would argue that since such matters have to be decided, the electoral system for the National Assembly for Wales should be decided in Wales and not by a Secretary of State who cannot even vote in those elections. Plaid Cymru has long argued for the single transferrable vote as the fairest and most representative of electoral systems. Our position is supported by the recommendations of the Richard commission ... if you received evidence arguing for the implementation of the recommendations of the Richard commission, would you be prepared at least to remain open to that?

Cheryl Gillan: ... The Green Paper that I have put out on the electoral system for the Assembly is just that: it is a Green Paper. There is a 12-week consultation period. I am not telling anyone what to do; I am asking for people's opinions, and I want to hear from each and every one of you. You are quite right; there is an element of self-interest from all politicians on this. I do not just want to hear from politicians; I want to hear from people outside the Assembly. A Green Paper is a paper that is put up for discussion. I made it very clear in all of my interviews on Monday that I have expressed a preference, but that does not mean to say that I have a closed mind ...

However, it is not something that can stay in tablets of concrete. There was no mechanism under the settlement for reviewing the boundaries of Assembly seats, and that is something that will constantly have to be reviewed, as with all other electoral boundaries. I look forward to hearing from each and every one of you as to what your suggestions will be. I am also asking the people of Wales. This Green Paper is aimed not just at Assembly Members, but at the people of Wales, and I want to hear what people think.³⁹

Assembly Members also debated a Welsh Government motion on the proposals contained in the Green Paper **in plenary on 12 June 2012**. In his opening remarks, the First Minister outlined the reasons behind holding such a debate:

³⁷ A summary of earlier debates on whether the number of Assembly constituencies should be subject to a corresponding reduction is available in Chapter 3.1 of the research paper [The review of parliamentary constituencies in Wales](#) which was published by the Research Service in September 2011.

³⁸ BBC News, [Welsh Assembly voting: Cheryl Gillan proposes new seats for 2016 election](#), 21 May 2012

³⁹ National Assembly for Wales, [RoP: Plenary](#), 23 May 2012

The motion invites the Assembly to agree that no change to its current electoral arrangements should be made without the Assembly's consent. This is the fundamental constitutional principle that I invite Members to agree with. It is a necessary consequence of a constitution based upon the principle of devolution.

If we look at the case of the Scotland Act 2012, conferring new powers on the Scottish Parliament, the legislative process was only taken through to its conclusion once the Scottish Parliament had formally given its consent to the proposals. The same principle ought surely to apply to proposed changes to a devolved legislature's electoral arrangements.⁴⁰

In relation to the proposals contained in the Green Paper, the First Minister stated that:

The Green Paper asserts that it is not the UK Government's intention to give advantage to any political party. That is commendable if it is correct, but it is entirely unclear whether the specific proposal endorsed by the UK Government for an Assembly of 30 constituency Members and 30 regional Members reflects that intention. No modelling has been offered based, for example, on previous electoral data to show that it represents political neutrality. In fact, the suspicion will always linger that the change is being proposed for certain advantage ...

I note that the option rejected by the Secretary of State for Assembly constituency boundaries to be different from the boundaries of parliamentary constituencies already exists in Scotland. Given that the Secretary of State does not favour such an arrangement, we might have expected that conclusion to be based on evidence from an analysis of the Scottish experience. However, the Green Paper does not offer any such analysis. The reality is that the UK Government would not impose such a change on the people of Scotland but it is being suggested for the people of Wales. That is of huge regret.⁴¹

Lord Dafydd Elis-Thomas AM and the First Minister also informed the Assembly of assurances received by the Prime Minister that there would be no changes to the Assembly's boundaries as a result of the revised Westminster boundaries:

Lord Elis-Thomas: Would it surprise the First Minister to know that, when I was Presiding Officer in a previous life, I received assurances from the Prime Minister of the United Kingdom and the same Secretary of State that there would be no change in our boundaries to coincide with Westminster boundaries?

The First Minister: I received an assurance on two occasions from the Prime Minister that there would be no change without the consent of the Assembly, and I am on record as saying that. I took that assurance in good faith and I expect it to be adhered to.⁴²

The First Minister was less critical of other proposals included in the Green Paper however, particularly those in relation to increasing Assembly terms from four to five years:

⁴⁰ National Assembly for Wales, *RoP: Plenary*, 12 June 2012

⁴¹ Ibid

⁴² Ibid

I do not want to be wholly negative about the Green Paper. I welcome, for example, the consultation on whether the Assembly should have five-year terms. It is a widely held view in the Chamber that clashes with UK general elections are to be avoided.⁴³

In response to the First Minister's remarks the leader of the Conservative Group in the Assembly, Andrew R.T. Davies AM made the following comments:

I take the First Minister's point on Scotland and the Scotland Act. As an individual, I think that the Assembly should determine its own boundaries. As a primary legislature, that is an important point to discuss in the future. I hope that there will be consensus in the Chamber to achieve that ability.

However, at the moment, that ability does not exist in the Assembly. Electoral change is being undertaken across the United Kingdom, via the constituencies and boundaries Bill that is going through Westminster at the moment and the boundary commission review. Therefore, I think that the Green Paper is opportune. Like the First Minister, I welcome the options on re-linking constituency and regional Members. I welcome the discussion on the five-year or 10-year period of this institution so that its elections do not clash with Westminster's. It is important that there be a clear distinction between an Assembly election and a general election.⁴⁴

The leader of the Welsh Liberal Democrats, Kirsty Williams AM, welcomed the boundary proposals contained in the Green Paper:

... our guiding principle is to increase the proportional element in the National Assembly for Wales. We believe that having 30 regional Members and 30 constituency seats would be the best way of achieving that ... We also believe that the 30/30 split would be simpler and cheaper. It would be simpler because, if the boundary changes go ahead for parliamentary constituencies, the National Assembly could have the same boundaries. I note what the First Minister has said today about his lack of concern about differing constituency boundaries, but, as Peter Hain so eloquently said, that would create

'a great deal of confusion for voters, for parties and for the wider public'.

I am sure that the First Minister would agree with me, and Peter Hain, that we must avoid that at all costs. A 30/30 split would also be cheaper, because of the avoidable cost of some £1.7 million in the first instance, ahead of the next elections, to carry out a boundary review, if Wales were to have the same constituencies as those currently being considered for Westminster by the boundary commission.⁴⁵

She was also critical of some of the First Minister's comments:

... I have noted a certain lack of consistency in the First Minister's arguments here this afternoon. First, he says that we should have no changes to the electoral arrangements for this place without recourse to the public in Wales. I do not remember us doing that last year when we and Westminster agreed to extend this Assembly term to five years. He goes on to welcome certain aspects of the Green Paper, which I would regard as a change to the electoral arrangements of this place.

⁴³ National Assembly for Wales, *RoP: Plenary*, 12 June 2012

⁴⁴ *Ibid*

⁴⁵ *Ibid*

Some of us will remember that it was a Labour Secretary of State that drafted the Government of Wales Act 2006, in which elections to the National Assembly for Wales were reserved as a matter for Westminster. It was never disputed by anyone on the Labour benches then. At that time, the Labour Party had no interest in giving Wales a say on how the Assembly was elected, otherwise it would have devolved the powers at that point. You may also remember, Carwyn, that, in 2006, the Westminster Labour Government put a stop to dual candidacy in the Assembly elections. The UK Labour Government did not get the Assembly's consent at that time, and I wonder what has caused this recent conversion to the cause of the Assembly by the Labour Party.⁴⁶

Ieuan Wyn Jones AM raised the following issues:

I agree with everyone who has spoken today that deciding electoral arrangements is an issue for the National Assembly for Wales. We all agree on that. Secondly ... any change to arrangements should go further along the road to proportionality rather than going back to the first-past-the-post system.⁴⁷

He added that while the Assembly was the most appropriate place to make decisions about the Assembly's electoral arrangements:

... the First Minister has to accept that the Labour Party is the largest party in the National Assembly for Wales and that, therefore, we need greater consensus if we are to change the arrangements. In my opinion, we need at least two thirds of the vote of the National Assembly in order to make changes to the electoral arrangements. Otherwise, one vote in favour of such fundamental change would not be sufficient. That relationship would need to be established. I think that that would mean that the people of Wales would be far more willing to accept any change. It is a truism that the priority in this case should be the interests of the people of Wales, not those of any party or parties.⁴⁸

In response to this point, the First Minister stated that:

Better that than no vote at all. Better that than that the Assembly should express an opinion without that opinion being taken into account in any way by the UK Government. I think that that is something that should be considered in the future and that it is something that is crucial and fundamental in terms of the Assembly.⁴⁹

Julie Morgan AM reiterated comments that any changes to the Assembly's electoral systems should be considered by the Assembly and that the UK Government's proposals lacked a mandate:

I echo the First Minister's view that there is no mandate for this proposal for change put forward by the Secretary of State. In fact, it is amazing that the Secretary of State has come forward with this Green Paper at this particular time, especially in view of the fact that the First Minister has told us that he had the assurances of the Prime Minister that this would not happen. We have learnt this afternoon that the former Presiding Officer also had assurances that this would not happen. It seems an amazing breach of trust that this is happening, and I would be interested to know whether the First Minister has had any personal communication

⁴⁶ National Assembly for Wales, [RoP: Plenary](#), 12 June 2012

⁴⁷ Ibid

⁴⁸ Ibid

⁴⁹ Ibid

from David Cameron explaining this change in his views. Otherwise, this is acting in a cavalier way ...

Any important constitutional change like this should be in a manifesto before an election or should be voted for in a referendum ... this Green Paper shows fundamental disrespect for the Assembly and its wishes.⁵⁰

Similar feelings were also expressed by Rebecca Evans AM

The bottom line is that no changes should be made to the electoral system without the expressed consent of the National Assembly for Wales and the support of the Welsh people through an election where changes are clear manifesto pledges or through a referendum. A Green Paper is absolutely not sufficient. In the interests of democracy, changes of this significance must be subject to wide public awareness raising, a two-way discussion and mature debate. A 12-week consultation does not fit that bill.⁵¹

Mick Antoniw AM was critical of the Green Paper's proposals:

It is an unusual Green Paper because it sets out preferences and intentions, rather than solely seeking views and opinions on principles and issues. It also comes at a time that I would say is inappropriate. I say this because we have the Silk commission undertaking important work with regard to fiscal powers, as is referred to in chapter 2 of the Green Paper and again with regard to Silk 2. The Green Paper also makes unnecessary and unfortunate premature commitments in respect of the size of the Assembly, something that desperately needs to be addressed in the near future.⁵²

The consultation on the Green Paper is on-going and will close on **13 August 2012**.

⁵⁰ National Assembly for Wales, *RoP: Plenary*, 12 June 2012

⁵¹ Ibid

⁵² Ibid

5. Decoupling of constituencies in Scotland⁵³

Scottish parliamentary constituencies and UK parliamentary constituencies have been decoupled since the 2005 UK General Election. This was as a result of *The Scottish Parliament (Constituencies) Act 2004*⁵⁴ (“the 2004 Act”) which removed the statutory link between the constituencies for the Scottish Parliament and those for the House of Commons included in the *Scotland Act 1998*.⁵⁵ The 2004 Act also ensured that the total number of MSPs would remain at 129.

In response to a UK Government consultation paper which preceded the *Scottish Parliament (Constituencies) Bill*’s introduction in the UK Parliament, concerns were raised about the effect of having different boundaries for Westminster and Scottish parliamentary constituencies.⁵⁶ The then Secretary of State for Scotland, the Rt. Hon Helen Liddell MP, made a statement on the outcome of this consultation exercise on 18 December 2002 and acknowledged the concerns about the operation of different boundaries for Westminster and Holyrood. In response she proposed that an independent commission should be established “to examine and make recommendations on issues caused by different boundaries”.⁵⁷

The creation of a *Commission on Boundary Differences and Voting Systems* was announced by the then Secretary of State for Scotland, the Rt. Hon Alastair Darling MP, during the second reading debate on the *Scottish Parliament (Constituencies) Bill* on 9 February 2004. Its terms of reference would be to:

... examine the consequences of having four different voting systems in Scotland, and different boundaries between Westminster and Holyrood. It will consider the implications for voter participation, the relationship between public bodies and authorities in Scotland and MPs and MSPs, and the representation of constituents by different tiers of elected members. It will be asked to make representations on whether the consequences require action to be taken in respect of arrangements between elected representatives, to ensure that constituents and organisations receive the best possible service; the pattern of electoral boundaries in Scotland; the relationship with other public bodies and authorities in Scotland; and the method of voting in Scottish parliamentary elections.⁵⁸

The Commission was formally set up in July 2004 under the chairmanship of Professor Sir John Arbuthnott (“the Arbuthnott Commission”) and held its first meeting on 9 September 2004. It published its [report](#) on 19 January 2006. In relation to boundaries, the report made the following recommendations:

⁵³ A version of this chapter first appeared in the research paper [The review of parliamentary constituencies in Wales](#) which was published by the Research Service in September 2011.

⁵⁴ [Scottish Parliament \(Constituencies\) Act 2004 \(c.13\)](#)

⁵⁵ [Scotland Act 1998 \(c.46\)](#)

⁵⁶ House of Commons Library, [Standard Note: The Arbuthnott report and Scottish elections SN/PC/03918](#), 21 May 2007, page 3

⁵⁷ HL Debates 18 December 2002 c859

⁵⁸ HC Deb 9 February 2004 c1151

- Having the same constituencies for the Scottish Parliament and Westminster is desirable but not essential and should not drive change to the electoral system for the Scottish Parliament.
- The boundaries for Scottish Parliamentary constituencies should be within and respect local authority areas rather than Westminster constituencies.
- Scottish Parliament regions should be revised to reflect natural local communities and identity and should be built on local authority areas.
- The functions of the Boundary Commission for Scotland and the Local Government Boundary Commission for Scotland should be combined to enable the constituencies and regions for the Scottish Parliament and local authorities to be reviewed together. Consideration should also be given to integrating the review of Westminster constituencies in Scotland into this process.⁵⁹

In addition, the Commission found that individuals interviewed in its focus groups showed little interest in the location of boundaries and indicated that this was not an issue which would dissuade them from voting. The Electoral Commission had also advised that there was no evidence in Scotland to suggest that boundary issues had an impact on turnout at elections. This was also indicated by international evidence which showed that non-coterminosity was normal in most countries which have multi-level government.⁶⁰ In response, the UK Government was:

... pleased to note that the Commission was able to confirm that having different boundaries between the constituencies of the House of Commons and those of the Scottish Parliament is not a matter which requires further action and should not drive change to the electoral system for the Scottish Parliament.⁶¹

A report commissioned by the authors of the Commission found however that the vast majority of Scottish MPs were opposed to the ending of coterminosity. According to the report, the main reasons for their opposition were the following:

- Organisation of local parties.
- Political party campaigning.
- Lack of clarity for constituents.
- Logistical difficulties for members in organising local constituency services.
- Logistical difficulties for local groups.
- Added risks of competition between elected members.⁶²

⁵⁹ Commission on Boundary Differences and Voting Systems, *Putting Citizen's First: Boundaries, Voting and Representation in Scotland*, January 2006, page 21

⁶⁰ House of Commons Library, *Standard Note: The Arbuthnott report and Scottish elections SN/PC/03918*, 21 May 2007, page 5

⁶¹ The Scotland Office, *Response by the Secretary of State for Scotland to the Report of the Commission on Boundary Differences and Voting Systems (Arbuthnott Commission)*, 23 January 2007

⁶² Bradbury, J and Russell, M (2005) *The Local Work of Scottish MPs and MSPs: Effects of Non-coterminous Boundaries and AMS, Report to the Commission on Boundary Differences and Voting Systems*. UCL Constitution Unit and University of Wales Swansea, pages 27 – 28