

Boundary Commission for Northern Ireland

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5 May 2006

The Committee on Standards in Public Life
35 Great Smith Street
LONDON
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Eleventh Inquiry: The Electoral Commission

This Commission have considered the Issues and Questions paper published by the Committee earlier this year in regard to their Inquiry affecting the Electoral Commission.

The Commission are grateful for the opportunity to submit their views which are contained in the attached submission.

A copy of this letter and the submission are being sent to the Rt. Hon. Michael Martin MP, Speaker of the House of Commons and Chairman of the Commission, the Rt. Hon. Peter Hain MP, Secretary of State for Northern Ireland and to the Deputy Chairmen of the Boundary Commissions for England, for Scotland and for Wales.



The Hon Mr Justice Coghlin
Deputy Chairman
Boundary Commission for Northern Ireland

JF/287

Review of the Electoral Commission

The Boundary Commission for Northern Ireland are a permanent body constituted under the Parliamentary Constituencies Act 1986, as amended by the Boundary Commissions Act 1992. The Commission keep under continuous review the number, names and boundaries of the parliamentary constituencies into which Northern Ireland is divided, and make recommendations to the Secretary of State for Northern Ireland. The Commission are also required to undertake general periodical reviews and to report with recommendations every eight to twelve years. The Commission are in the process of conducting their Fifth Periodical Review.

This Commission have considered the Issues and Questions Paper published by the Committee on Standards in Public Life inviting views in the matter of its Review of the Electoral Commission. This Commission place on record that they recognise the research undertaken by the Electoral Commission in the area of electoral reform and particularly its work in regard to improvements to the system of registration of electors in Northern Ireland, and the changes it has sought to bring about in electoral administration generally.

Section 16 of the Political Parties, Elections and Referendums Act 2000 provides at a time to be determined by Order, for the transfer of the functions of this Commission to the Electoral Commission and to a Boundary Committee of the Electoral Commission to be established under section 14 of the Act. This Commission were not consulted prior to or during the passage of the legislation through Parliament. As a consequence they are unaware of the considerations which informed decisions affecting the legislation.

The relationship between the Electoral Commission and the Boundary Committee for England is governed by protocols. This Commission take the view that the working relationship between the Electoral Commission and the

Boundary Committee for Northern Ireland would benefit from a less prescriptive and more flexible approach as illustrated in the Memorandum of Understanding which formed part of recent proposals put forward to the Electoral Commission. The proposals are referred to again below.

This Commission are unclear why Northern Ireland is to be treated differently to the rest of the United Kingdom in the matter of the review of local government boundaries, and that the degree of co-ordination of reviews of parliamentary, regional and local government boundaries which is to be possible under the proposed arrangements in Great Britain may not be achieved in Northern Ireland. The present lack of co-ordination in Northern Ireland is a matter upon which this Commission have received adverse comment from a number of sources and about which in turn this Commission have made representations to the Secretary of State. This Commission note in this context that the report of the Commission on Boundary Differences and Voting Systems ('the Arbuthnott Report') refers in it's Summary recommendations¹:

“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. “

This Commission have sought to establish a progressively closer working relationship with the Electoral Commission and attach importance to the need to ensure that the loss of expertise and skills or technical support and cost effectiveness as a result of the transfer of functions should be kept to an absolute minimum. As part of that process and together with the other Boundary Commissions for England, for Scotland and for Wales they agreed to examine

¹ *Putting Citizens First: Boundaries, Voting and Representation in Scotland. Commission on Boundary Differences and Voting Systems. Summary and Recommendations* p.6, para.4.

present procedures for reviewing parliamentary constituency boundaries and put forward proposals to the Chairman of the Electoral Commission for changes to be made to the 2000 Act and to the Parliamentary Constituencies Act 1986 and the Boundary Commissions Act 1992. Section 6(1)(c) and (g) of the 2000 Act provides for the Electoral Commission to keep under review and submit reports to the Secretary of State on these matters. The Commission are anxious that their proposals relevant to Northern Ireland receive early consideration.

If the transfer of functions is to proceed as suggested, the Commission are concerned that the future Chairman of the Boundary Committee for Northern Ireland will be drawn from a membership of the Electoral Commission which at present does not adequately reflect the interests of Northern Ireland, a situation which in the view of this Commission should be urgently remedied. This Commission have derived enormous benefit from a consideration of the views of local representatives expressed at Local Inquiries which have reflected the importance of specific local conditions in this jurisdiction. The particular circumstances of Northern Ireland and the considerations they give rise to need equally to be fully taken into account by the Electoral Commission and be seen to be so in its wider United Kingdom composition. This Commission are in no doubt that an appointment can be made to the Electoral Commission under the provisions of section 3 (and section 15 in the case of Deputy Electoral Commissioners) of the 2000 Act of a suitably qualified person who has not participated in or been involved with party politics in Northern Ireland and who would be seen to be independent and enjoy the confidence of all sections of the community. Such appointments have been possible in the membership of this Commission, as with other holders of public office in Northern Ireland who have needed to be seen to be impartial.

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