

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## PARLIAMENTARY CONSTITUENCIES (AMENDMENT) BILL

*Thirty Second Sitting*

*Wednesday 10 July 2019*

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Adjourned till Wednesday 16 October at Ten o'clock.

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**Sunday 14 July 2019**

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**The Committee consisted of the following Members:***Chairs:* MS NADINE DORRIES, † ALBERT OWEN

Allan, Lucy ( <i>Telford</i> ) (Con)	Mills, Nigel ( <i>Amber Valley</i> ) (Con)
Bone, Mr Peter ( <i>Wellingborough</i> ) (Con)	Norris, Alex ( <i>Nottingham North</i> ) (Lab/Co-op)
Charalambous, Bambos ( <i>Enfield, Southgate</i> ) (Lab)	Paisley, Ian ( <i>North Antrim</i> ) (DUP)
Fletcher, Colleen ( <i>Coventry North East</i> ) (Lab)	Smith, Chloe ( <i>Parliamentary Secretary, Cabinet Office</i> )
† Foster, Kevin ( <i>Torbay</i> ) (Con)	† Stewart, Bob ( <i>Beckenham</i> ) (Con)
† Harper, Mr Mark ( <i>Forest of Dean</i> ) (Con)	Wiggin, Bill ( <i>North Herefordshire</i> ) (Con)
† Khan, Afzal ( <i>Manchester, Gorton</i> ) (Lab)	
Lee, Karen ( <i>Lincoln</i> ) (Lab)	Adam Mellows-Facer, <i>Committee Clerk</i>
Linden, David ( <i>Glasgow East</i> ) (SNP)	
† Matheson, Christian ( <i>City of Chester</i> ) (Lab)	† <b>attended the Committee</b>

## Public Bill Committee

Wednesday 10 July 2019

[ALBERT OWEN *in the Chair*]

### Parliamentary Constituencies (Amendment) Bill

10.1 am

**The Chair:** I remind hon. Members to switch their mobile devices to silent mode. As the Committee cannot consider the clauses of the Bill until the House has agreed the money resolution, I call Afzal Khan to move that the Committee do now adjourn.

**Afzal Khan** (Manchester, Gorton) (Lab): I beg to move, That the Committee do now adjourn.

It is always a pleasure to serve under your chairmanship, Mr Owen. I thank Committee members for being here once again. They may be interested to know that this is the 32nd sitting of our Committee; it is also our last meeting before the summer recess.

I will not go into detail about the sheer disappointment that I have felt at the lack of progress over the past two years. However, I think it is important at this stage to reflect and review. It has been my aim from the outset to enhance our democratic process. By maintaining the number of MPs at 650 and ensuring that boundaries have a more equal number of voters in each seat, we will guarantee free and fair elections—and given the current political climate, an election could be imminent.

As it stands, the boundary review is completely undemocratic and seeks to reinforce the power of the Executive at the expense of Back Benchers. With a new Prime Minister on the horizon, I urge the Government to bring these proposals forward, so that the House can make a decision and we can finally make much-needed progress.

After 32 sittings, it is evident that the Government have run out of excuses. There is simply no reason why the necessary orders should not have been drafted. I am fully aware that my Bill has cross-party support, and I hope that the summer recess will provide an opportunity for the Minister and the Government to seriously consider the Bill's proposals. On that note, does the Minister care to provide any updates?

I wish hon. Members a great recess and look forward to seeing them all in October.

**Mr Mark Harper** (Forest of Dean) (Con): I congratulate the hon. Member for Manchester, Gorton on persevering with his Bill through our Committee sittings. I reinforce what I have said previously, which is that I think that there will be a time to consider his Bill, but it is not now; it will be when the House has had a chance to consider the orders.

I join the hon. Gentleman in asking the Minister for an update, although I am a little more cautious about the timetable. I remember that in an earlier sitting the Minister—I cannot remember whether it was the present Minister or his predecessor, my hon. Friend the Member for Norwich North—set out some historical precedents for how long previous Governments, of other parties,

had taken to get some orders drafted. I seem to remember that when Labour was in power, a set of orders took up to 10 months to be drafted. It would be interesting to know what progress we have made, but even if we were proceeding apace, it would not be unreasonable not to have concluded the process. When the orders are drafted and put before the House, that will be the time for the Government to consider whether they wish to bring forward a money resolution, so that we will have a chance to consider the Bill.

I congratulate the hon. Member for Manchester, Gorton on his perseverance, and look forward to hearing from the hon. Member for City of Chester as Opposition spokesman, and from the Minister.

**Christian Matheson** (City of Chester) (Lab): I pay tribute to my hon. Friend the Member for Manchester, Gorton, whose resilience and persistence in this matter is an object lesson to us all.

This could well be the Committee's final sitting. My hon. Friend reminded us that this is our last meeting before the summer recess; the memory of the last meeting before last year's summer recess only enhances our frustration on the Opposition Benches. If certain hon. Members—not on the Committee, I hasten to add, but in the Government party—get their way and Parliament is prorogued, this will indeed be our last sitting, and my hon. Friend's Bill will fall. However, that will not take away the need to bring the proposals before the House, as the right hon. Member for Forest of Dean notes. The sooner we get those, so that the House can make a decision, the better. It is not acceptable that the Committee has taken this long to achieve absolutely nothing; the sooner we get this matter dealt with, the better.

I will leave it at that. I wish all Committee members a pleasant recess. As always, I shall be working in my constituency, and I am sure that they will be doing the same.

**The Parliamentary Secretary, Cabinet Office (Kevin Foster):** It is a pleasure to serve under your chairmanship, Mr Owen. The Committee may find it helpful, in deciding whether to adjourn, if I update it on the judicial review against the Boundary Commission for Northern Ireland. I am sure that Committee members are aware of those proceedings, but I stress that the BCNI is independent of the Government, and that the Cabinet Office was not party to the original proceedings.

The High Court of Northern Ireland has now issued its judgment in relation to the judicial review. It has concluded that the Boundary Commission for Northern Ireland erred in law procedurally, and fettered its discretion by setting a high threshold for making changes at the last of the three statutory stages of consultation that it had followed. The Court had indicated that it was considering ordering the Minister for the Cabinet Office to attach a declaration to the boundary order, when it is brought forward, stating that the Boundary Commission's consultation contained an error of law. To be clear, the Court has not struck down the order; it has merely made that statement.

We made submissions to the Court to argue that that was not an appropriate remedy, given the separation of powers between the Court and Parliament. The Court listened to our concerns, and its final order states that it

has accepted our position, and has agreed not to order the declaration to be attached to the boundary order. The Court has made it absolutely clear that the Boundary Commission for Northern Ireland took all the steps that it was required to take by statute; it has not quashed the Boundary Commission for Northern Ireland's report.

As Committee members would expect, the Government have closely followed the judicial review. We are also conscious that both the applicant and the Boundary Commission for Northern Ireland have six weeks to decide whether to appeal the Court's judgment, which will obviously have implications for the timetable of the boundary order.

I wished to update the Committee on the matter. I hope that hon. Members will be content with that explanation.

**Mr Harper:** Before the Minister sits down, I have two questions. First, am I right in thinking that until the appeal period is concluded, the Government cannot continue drafting the orders, or bring them before the House? Secondly, once the appeal period has concluded, or an appeal is heard and decided on, assuming that the Court does not quash and overturn the work of the Boundary Commission for Northern Ireland, will the Government be in a position to make further progress, albeit with the constraints set out by the hon. Member for City of Chester about the potential end of the parliamentary Session?

**Kevin Foster** *rose—*

**The Chair:** If the Minister is unable to give a full response, he can write to the Committee.

**Kevin Foster:** That is possible, but I can briefly respond to my right hon. Friend's points. To be clear, the Court has not quashed the order, so we would be able to bring

it forward, but I think that most hon. Members would feel it more appropriate for the judicial proceedings to reach their conclusion before Parliament is invited to take its decision. Even if the judgment stands, the order will not have been quashed, so it could be brought forward, but when the House is making its decision, hon. Members can debate the Court's judgment.

On what happens at the conclusion of the judicial process, I do not think that it is right for me to get into what-iffery about what might happen in particular circumstances, but clearly the Government will then take a view on what implications it has had, if any, and on what any final judgment states, in line with our legal obligations in relation to the wider order and the process of bringing it forward for a decision by the House. As I say, I do not want to get into speculation about where that process may end, particularly given the sensitivity of some of the issues involved.

**The Chair:** I appreciate the Minister giving us that information. If he feels that he needs to give us more information, he can do so in written form.

**Kevin Foster:** On a point of order, Mr Owen. I have already written to the Chairs of the Select Committees on Public Administration and Constitutional Affairs, and on Northern Ireland Affairs, to confirm that information, for their interest.

**The Chair:** I am grateful. If copies could be made available to the Committee, it would be very useful.

*Question put and agreed to.*

10.11 am

*Adjourned accordingly till Wednesday 16 October at Ten o'clock.*





