

PRIME MINISTER

Parliamentary Boundary Commission Reports

(see my ^{earliest} note elsewhere wte box)

I have discovered a little more/about the present position in the Labour Party's court action on the English Boundary Commission's proposals. The writ against the Commission was issued on 4 August 1982 and sought to prevent the Commission from reporting to the Home Secretary on the basis of its most recent recommendations for a wide range of areas. The essence of their case was that the Commission had paid more attention to Rule 4 of the relevant schedule to the House of Commons (Redistribution of Seats) Act than to Rule 5, i.e. that it had given higher priority to keeping constituency boundaries co-terminus with local government boundaries than to equality of representation. NB This is the reverse of my initial understanding from the Home Office.

The Vacation Judge decided simply that the case was not urgent enough to consider during the vacation and it is now up to the Labour Party to decide whether to reinstate the case.

26 October 1982

Parliament
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md

PRIME MINISTER

PARLIAMENTARY BOUNDARY COMMISSIONS: HANDLING OF REPORTS

The attached H paper by the Home Secretary sets out his proposals for the handling of the Boundary Commissions Reports. The timetable he envisages is as follows:-

November 1982	Northern Ireland Commission reports
January/February 1983	English, Scottish and Welsh Commissions report
April/May 1983	Orders are laid before the House and approved
June/July 1983	Necessary administrative steps to implement the proposals are taken (e.g. designation of Returning Officers, preparation of electoral registers, etc.)

This would of course enable the new boundaries to be in force for any election in the autumn of 1983.

Three factors could prejudice this timetable:-

- (i) After the Reports are laid the Home Secretary is obliged to consider any modifications proposed before Orders are laid before the House. The Home Secretary proposes that the draft Orders should be laid as soon as possible after the receipt of the Reports. But in the interim he will of course have to reply to all such representations.
- (ii) Parliamentary consideration. In 1970 the then Government gave effect to the proposals of the Commissions by means of one Order each for England, Scotland, Wales and Northern Ireland. In 1954 the proposals were implemented by 52 Orders in Council. To follow the 1954 precedent would inevitably lengthen proceedings considerably. The Home Secretary therefore proposes to follow the 1970 precedent.

/(iii)

(iii) The Labour Party's possible legal challenge to the Commissions approach. The Commissions normally work on the basis that ~~equality of numbers~~ ^{local boundaries} in constituencies should take precedence over ~~community ties~~ ^{electoral equality} where these clash. Labour may argue that they have mis-directed themselves and that ~~community ties~~ ^{strict numerical equality} should take precedence. It is possible that this will prove inadmissible but should it be otherwise the whole timetable will be prejudiced.

JF.

21 October 1982

Boundary Commission for Wales

Sir Anthony Meyer asked the Secretary of State for the Home Department when the Boundary Commission for Wales intends to begin its general review of parliamentary constituencies in Wales.

Mr. Whitelaw: The commission has informed me that it intends to begin forthwith a general review of constituencies in Wales. The commission is required to report by May 1984, but I expect it to have completed its work well before that date.

TAKEN FROM HANSARD 25th February 1981 Vol 999 No 55

Column 364

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BOUNDARY COMMISSION FOR NORTHERN IRELAND

THIRD PERIODICAL REPORT

on

Parliamentary Constituencies

and

FIRST SUPPLEMENTARY REPORT

on

The Number of Members

to be returned to the Northern Ireland Assembly
by each of those constituencies

OCTOBER 1982

CONSTITUTION OF COMMISSION

In accordance with Part I of the First Schedule to the House of Commons (Redistribution of Seats) Act 1949, as amended by the House of Commons (Redistribution of Seats) Act 1958, and section 28(7) of the Northern Ireland Constitution Act 1973, the Commission was constituted as follows:

Members

The Speaker of the House of Commons, Chairman

The Hon Mr Justice Gibson (now Rt Hon Lord Justice Gibson)	from 1 January 1974 until 16 February 1976) Deputy Chairman) appointed by the
The Hon Mr Justice Murray	from 17 February 1976) Lord Chief Justice) of Northern Ireland
F C Hopkirk Esq LLB	from 31 July 1973 until 30 June 1978) Appointed by the) the Secretary of) State for
W T Ewing Esq MA LLB JP	from 31 July 1973) Northern
G P Duffy Esq FCCA FCMA ACIS	from 18 October 1978) Ireland

Assessors

Miss D Henderson MBE	until 30 June 1976)
E Boston Esq	from 1 July 1976 until 30 June 1981) Registrar General) for
R McMurray Esq LLB	from 1 July 1982) Northern Ireland)
J I Jones Esq OBE	until 11 March 1976)
R R Kerr Esq	from 12 March 1976 until 30 April 1980) Chief Electoral) Officer for) Northern Ireland
P A Bradley Esq BA	from 1 May 1980)
G T Farr Esq FRICS		Commissioner of Valuation for Northern Ireland

Secretaries

Miss T M Simmons	from 14 June 1974 until 22 June 1980) Appointed by the) Secretary of State) for Northern Ireland
R A H Miller Esq	from 23 June 1980)

OF
THE BOUNDARY COMMISSION FOR NORTHERN IRELAND
ON
PARLIAMENTARY CONSTITUENCIES

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FIRST SUPPLEMENTARY REPORT

on

The number of members to be returned to the Northern Ireland	51
Assembly by each parliamentary constituency	to 60

BOUNDARY COMMISSION FOR NORTHERN IRELAND

REPORT

ON

THIRD GENERAL REVIEW OF PARLIAMENTARY CONSTITUENCIES

UNDER THE HOUSE OF COMMONS (REDISTRIBUTION OF SEATS) ACTS 1949 TO 1979

To The Right Honourable James Prior MP, Her Majesty's Secretary of State for
Northern Ireland

CHAPTER 1: INTRODUCTION

Commission's functions

- 1.1 We, the Boundary Commission for Northern Ireland, are constituted under the House of Commons (Redistribution of Seats) Acts 1949 to 1979 to review continuously the distribution of seats for parliamentary elections in Northern Ireland. We are required to make periodical reports showing the constituencies into which we recommend that Northern Ireland should be divided in order to give effect to the Rules for Redistribution of Seats in the Second Schedule to the 1949 Act, as amended by the 1958 and the 1979 Acts. These amended rules, which are set out in Appendix 1, will be referred to as "the Rules" throughout this report.

Timing of third review

- 1.2 We are required by the legislation to submit such reports to the Secretary of State not less than 10 or more than 15 years from the submission of the last report. The Boundary Commission for Northern Ireland last reported in June 1969 and, accordingly, we are required to submit this third periodical report between June 1979 and June 1984. On 16 February 1976 we gave notice of our intention to commence forthwith a general review of all parliamentary constituencies in Northern Ireland. At that time the Rules provided that Northern Ireland should have 12 constituencies. However, on 23 March 1977 the then Prime Minister announced his intention of referring the question of Northern Ireland's representation at Westminster to a Speakers' Conference. In view of this we decided to suspend our review.

Statutory increase in number of Northern Ireland Constituencies

1.3 On 19 July 1977 Mr Speaker informed the House of Commons that he had agreed to preside over a Conference on Electoral Law to:-

"consider and make recommendations on the number of parliamentary constituencies that there should be in Northern Ireland".

The outcome, set out in a letter dated 13 February 1978* from Mr Speaker to the Prime Minister, was that the Conference agreed on the following matters:-

- "(a) that the number of constituencies in Northern Ireland should be increased to 17;
- (b) that the Boundary Commission should be given a degree of flexibility to overcome practical difficulties; and
- (c) that the final recommendation of the Conference should be in these words:-

"That the number of parliamentary constituencies in Northern Ireland should be seventeen but that the Boundary Commission should be given power to vary that number, subject to a minimum of sixteen and a maximum of eighteen"

The Government accepted this recommendation which was, inter alia, given statutory effect on 22 March 1979 by the House of Commons (Redistribution of Seats) Act 1979 (the "1979 Act").

Total number of seats

1.4 Thus for the first time since the establishment of the Commission under the House of Commons (Redistribution of Seats) Act 1949 we have the power to make recommendations not only as to the boundaries of Parliamentary constituencies in Northern Ireland but also as to the total number of such constituencies. The latter power is conferred by s.1(1) of the 1979 Act the effect of which is that the Commission are empowered to recommend a number which is "not greater than 18 or less than 16". However, subsection (2) of the same section immediately limits the Commission's power by providing that we must recommend 17 constituencies -

"..... unless it appears to the Commission that Northern Ireland shall be divided into 16 or (as the case may be) 18 constituencies."

We consider further in paragraph 3.3 this important matter of our power to recommend 18 or 16 seats instead of 17.

* Cmnd 7110

Initial representations

- 1.5 In 1976, at the start of this general review, we invited the general public and political parties to submit representations. A number of written and oral representations was received. Subsequently we also invited the main political parties to meet us and as a result we received a number of additional oral representations. Following the statutory changes in the total number of seats, political parties were again invited in June 1978 to submit further representations. In the event, however, representations were not received from all parties and we decided not to take into consideration any of these further representations. The reasoning behind our decision was this: the relevant legislation provides specifically for representations being invited when the Commission has provisionally determined to make recommendations and has published those recommendations, but it does not provide for such representations at the initial stage when the Commission are setting out upon their task of preparing their recommendations.

On a reconsideration of the matter we decided, in the words of the Boundary Commission for England "not to consider any ex parte suggestion sent to us prior to the publication of our provisional recommendations": Boundary Commission for England, Second Periodical Report,* ("the Second English Report")

Electorate and electoral quota

- 1.6 The Rules normally require a Boundary Commission to conduct their review on the basis of the parliamentary electorate existing at the time they announced their intention to do so. However, the 1979 Act made a number of special provisions as to the rules under which we were to frame this report. In effect the electorate we had to work on is defined as being those persons whose names appeared on the register at the passing of the 1979 Act, ie 22 March 1979, and the electoral quota is to be calculated by dividing this electorate (1,040,506 persons) by 17, *whether or not we recommend 17 as the total number of seats*: we were obliged to work on a quota figure ascertained in this way viz 61,206. This is a legal point which appears to have been missed by a number of people who made representations.

* Cmnd 4084, para 13

Factors taken into account

1.7 In framing recommendations we encountered the problems faced by all Boundary Commissions in endeavouring to reconcile all the relevant considerations which influence the redrawing of constituency boundaries. These problems were accentuated by the substantial increase in the number of seats, which necessitated a completely fresh approach to the Northern Ireland situation, and involved the creation of a high proportion of new constituencies. The size of the electorate was of course a very important factor and we adopted the established objective of having all constituencies within a tolerance of 10% (above or below) of the quota of 61,206. The Rules do not require us to take account of future population movements, and while we were prepared to consider substantial, imminent, changes we did not consider it appropriate to take account of speculative longer term projections. Another important factor which had to be balanced against equality of electorates was the territorial size and, to a slightly lesser extent, the shape of constituencies. The Rules do not make a distinction between the size of electorates for rural and urban constituencies and we endorse the view recorded at paragraph 37 of the Second English Report, that -

"... the arguments were evenly balanced and that there was no obvious case for deliberately seeking to create constituencies with smaller electorates in the rural areas".

Alongside all these quantitative factors we weighed significant social, historical and geographical ties between groups of electors and had regard to the provisions of section 2(2) of the House of Commons (Redistribution of Seats) Act 1958:-

"It shall not be the duty of a Boundary Commission, in discharging their functions under the said section two, [viz carrying out a general review of all constituencies in their area of the United Kingdom and reporting their recommendations to the Secretary of State] to aim at giving full effect in all circumstances to the rules set out in the Second Schedule to the principal Act, but they shall take account, so far as they reasonably can, of the inconveniences attendant on alterations of constituencies other than alterations made for the purposes of rule 4 of those rules, [ie the rule which seeks to avoid the splitting of a ward between two or more constituencies] and of any local ties which would be broken by such alterations; and references in that section to giving effect to those rules shall be construed accordingly."

With a 41% figure increase in the total number of constituencies and the

creation of a number of new constituencies it is inevitable that political parties and other interested persons will be put to some trouble or inconvenience in adapting their organisations to the new situation, but we believe that given adequate notice of whatever changes are in due course ordered by Parliament undue difficulties will not arise.

Splitting of local government areas

1.8 We also attached considerable importance to ensuring maximum compatibility between local government and parliamentary representation. To this end we sought to avoid splitting local government electoral units between two or more parliamentary constituencies. Since the Commission's last report local government in Northern Ireland has been completely reorganised. The Local Government (Boundaries) Act (Northern Ireland) 1971 provided for the division of Northern Ireland into 26 districts for the purposes of local government and for the division of each of these districts into district electoral divisions to be known as wards. In the following year the Local Government Act (Northern Ireland) 1972 provided for the election of a district council for each of the 26 districts whose boundaries and the boundaries of whose wards were defined by ministerial order under the 1971 Act. Those boundaries are shown in the map which is Appendix 9 to this report. The system is that a number of wards are grouped together to form district electoral areas (DEA) for which councillors are elected to the district councils. The district councils replaced the previous two-tiered structure of county and rural or urban councils but urban areas having charters as boroughs have been allowed to retain their charters. It was our aim that as far as possible we should avoid splitting district council areas between two or more constituencies but given that there are 26 councils and 17 parliamentary constituencies it was inevitable that some of the former be divided between two or more parliamentary constituencies. Where we found it necessary to divide a district council area we wished to avoid hiving off small areas into other constituencies and consequently our original intention was to split off 3 or more wards which might ultimately form a district electoral area. (We comment in paragraph 4.2 on the extent to which our final recommendations would split local government units.)

1.9 In line with practice in Great Britain the Commission considered that where constituencies are composed predominantly of urban areas they should be designated borough constituencies: where a constituency contains more than a token rural electorate it should be designated a county constituency.

Commission's Provisional Recommendations

- 2.1 On 8 January 1980 we published our Provisional Recommendations ("the Recommendations") which constituted an entirely fresh scheme of 17 constituencies to supercede the present 12. The proposed 17 constituencies are described in Appendix 2. Public notices inviting representations within one month were published in all Northern Ireland provincial weekly newspapers and in the three Belfast daily papers. In addition, copies of the notice, a public statement, a map, and electoral statistics were placed on display in all public libraries and district council offices. This same wide publication and display procedure was followed at all the later stages of our review and we are grateful to the education and library boards and district councils, and their staffs, for their help in making documents available for public inspection at the various stages of our work.
- 2.2 The Commission received written representations from the 39 organisations and individuals listed in Appendix 3. Three of these were from district councils objecting to the proposed alteration of an existing constituency which comprised the whole or part of their districts. In this situation we are prohibited by statute from recommending such an alteration to the Secretary of State unless a local inquiry has been held in respect of the constituency in question. There was no such legal requirement to hold an inquiry in respect of any of the other representations. However, in view of the fact that the Recommendations proposed for the future a wholly new set of constituencies for this part of the United Kingdom, and the further fact that many persons and bodies in Northern Ireland clearly had strong and conflicting views about the boundaries of the Parliamentary constituencies here, the Commission decided that, even if we were not bound by law to do so, we would arrange for the holding of as many local inquiries as were necessary to ensure that the whole scheme of new constituencies embodied in the Recommendations (and each part of it) might be scrutinised in detail by all interested parties. We took the view that such inquiries would also allow all relevant representations to be heard, examined and considered.

Local inquiries

- 2.3 The statutory procedure for the holding of a local inquiry is for an assistant commissioner - normally a practising barrister - to be appointed by the Secretary of State at the request of the

Commission; and for the assistant commissioner to hold the local inquiry, and in due course to report his or her findings to the Commission. Since as already explained wholly new constituencies were being proposed and since, accordingly, proposals to alter any one would have a 'knock-on' effect on one or more of the others, it might at first sight have seemed convenient that one assistant commissioner should conduct one inquiry into all the proposed new constituencies. The Commission however rejected this as being too cumbersome. Instead we decided to divide the proposed new constituencies into 4 groups for the purposes of the local inquiries and to arrange for the actual hearings to be conducted at a convenient venue in each of the 4 areas formed by the groups. Because of the 'knock-on' effect we decided to seek the appointment of 2 assistant commissioners only, and to ask each assistant commissioner to hold 2 of the 4 local inquiries. The Secretary of State duly appointed A R Hart Esq, BA, Barrister-at-Law and M W Stitt Esq, MA, LLB, Barrister-at-Law as assistant commissioners.

Public statement

- 2.4 As already mentioned, the Commission received many and varied representations in response to the Recommendations and presuming that these and the issues involved would be thoroughly considered at the inquiries we thought it would be helpful to all concerned if, before the event, we made our thinking on several matters clear. Accordingly, on 17 October 1980, along with the requisite notices announcing the inquiries, we issued the public statement - reproduced in Appendix 4 - which, inter alia, dealt with the total number of Northern Ireland seats (para 4) and with certain changes in the boundaries of the proposed Lagan/South Down and East Antrim/South Antrim constituencies, being changes which had been urged upon us by certain of the representations and which seemed to us to have merit (para 8).

Assistant commissioners' reports

- 2.5 Four local inquiries were held on the dates and at the places set out in Appendix 4. We duly received the assistant commissioners' reports in mid February 1981 and proceeded to consider their conclusions and recommendations which are reproduced in Appendix 5 to this report.

Introduction

3.1 We do not propose to comment on each written representation made in response to the Recommendations, and it would be impossible, without making this report unacceptably long, to discuss all the matters debated at each of the four local inquiries. However, to assist those who wish to pursue matters beyond this report, we have arranged for copies of all written representations, assistant commissioners' reports, transcripts of the inquiries, and our published documents to be available for inspection at the Public Record Office, 66 Balmoral Avenue, Belfast, BT9 6NY. In the following comments we refer to the main issues arising out of the Recommendations whether they arose as a result of written representations or of submissions at a local inquiry. These main issues fall into the 3 groups which we deal with in turn hereafter:-

- a. the total number of seats to be recommended (paragraphs 3.2 to 3.7);
- b. alternative comprehensive constituency schemes for the whole of the Province (paragraphs 3.9 to 3.19); and
- c. detailed or minor changes proposed in the Recommendations (paragraphs 3.20 to 3.33).

16, 17 or 18 seats

3.2 Much was said in the representations made to the Commission and at the public inquiries about the total number of seats to be recommended. The Ulster Democratic Unionist Party (DUP), the Ulster Unionist Council (UUC) and the United Ulster Unionist Party (UUUP) were all in favour of even greater representation than 18 seats and at each stage of the Commission's work reiterated arguments for at least 18 constituencies. In brief their arguments were based on the following grounds:-

- a. the remoteness of Northern Ireland from Westminster and its relative inaccessability;
- b. the density, distribution and increasing size of its electorate; and
- c. the requirement of parity of representation with other comparable parts of the United Kingdom.

In direct contrast the Social Democratic and Labour Party (SDLP) prefaced their representations in respect of the Commission's proposed 17 constituencies with an indication that they favoured retaining the present level of representation ie 12 constituencies. Of the other political parties, district councils and individuals who made representations, a few concurred with the views of the parties mentioned above but the majority directed their representations to the details of the Commission's proposals for the 17 constituencies.

3.3 This question as to the total number of seats to be recommended was therefore the first matter to be considered in the light of the assistant commissioners' reports. It is an issue which is fundamental to our whole inquiry and it is one which we most carefully considered and on which we wish to record in detail the reasons for our conclusion, namely, that there should be 17 constituencies. In doing so we begin by referring to the evidence upon which Mr Speaker's Conference reached the conclusions which are recorded in paragraph 1.3 above. Nine papers were received by the conference from political parties and other organisations and six from individuals. Most of these papers have now been published.* The Conference also heard oral evidence from the Registrar General of Births, Deaths and Marriages for Northern Ireland, the Deputy Chairman and the Secretary of the Boundary Commission for Northern Ireland and the Lord President of the Council. As we see it therefore the relevant facts and arguments based, inter alia on the three grounds specified at paragraph 3.2 above were clearly drawn to the attention of the Conference.

3.4 In connection with the last of these three grounds, namely the requirement of parity of representation with other comparable parts of the United Kingdom, we point out that in the course of his evidence our Deputy Chairman laid a document before the conference, which amongst other matters, contained the following table:-

* see the letter dated 13 February 1978 from Mr Speaker to the Prime Minister Cmnd 7110 and House of Commons paper 70-iii.

UNITED KINGDOM ELECTORAL QUOTAS - 1977

County	Electorate	Seats	Quota
England	34,084.869	516	66,056
Wales	2,055.172	36	57,088
Scotland	3,786.851	71	53,336
Northern Ireland	1,032.914	12	86,086
Total for UK	40,959.806	635	64,504

On the basis of this table the Deputy Chairman commented that if the English quota of 66,056 were taken as a guide, Northern Ireland would have 16 seats, on the Welsh quota 18 seats, on the Scottish quota 19 seats and on the quota for Great Britain as a whole 16 seats. It clearly appears therefore that the Conference had before it the basic facts and arguments relevant to a decision on the fair and proper number of parliamentary seats for Northern Ireland. It came down in favour of 17 as being the right number and not any of the higher numbers suggested in some of the representations made to it. However, to give the Commission "flexibility to overcome any practical difficulties" the Conference recommended that we should have power to recommend 18 or even 16 seats. While the form of words used in the 1979 Act giving this "flexibility" does not expressly confine its use to overcoming "practical difficulties", it seems clear from the debates on the Bill that Parliament's intention was to implement the recommendations of the Conference.

- 3.5 In the result, we concluded that it would be improper for us to embark upon an inquiry which would cover the same ground as the Speaker's Conference. The conclusions of the Conference had been endorsed by Parliament and if we had re-opened the matter we would in effect have been entertaining an appeal from the verdict of Parliament. Our view is that the proper use - ie the use intended by Parliament - of our newly acquired flexibility is to overcome any practical difficulties which may appear within Northern Ireland itself in the settling of the new total number of constituencies.

3.6 When we prepared the Recommendations we saw no particular difficulties which called for the exercise of our discretion to recommend 18 or 16 instead of 17 seats and our view on this important matter was confirmed by the reports from the assistant commissioners after the four local inquiries. The decision on the adequacy of Northern Ireland's representation as compared with other parts of the United Kingdom is a matter for Parliament itself and not the Commission.

3.7 We make one final comment on the objections to the Commission's attitude on this matter. Some objectors have relied strongly on the wording of the 1979 Act which (they argue) allows the Commission to recommend 18 seats for any reason, including a 'parity' or 'remoteness' reason, which seems good to the Commission. The Commission accept that if this matter had to be decided solely as one of juristic statutory interpretation there would be much to be said for this view. However, the decision of the English Court of Appeal in Harper v. Secretary of State for the Home Department [1955] Ch 238 indicates that a Boundary Commission's powers are not to be ascertained in this way, and that the proper interpretation and application of the statutory rules governing the redistribution of seats are matters between the Commission and Parliament and not for the courts. In his judgment the learned Master of the Rolls (Sir Raymond Evershed) said:-

"My reading of these rules [ie the rules in Schedule 2 to the 1949 Act] and of the whole Act is that it was quite clearly intended that, in so far as the matter was not within the discretion of the commission, it was certainly to be a matter for Parliament to determine. I find it impossible to suppose that Parliament contemplated that, on any of these occasions when reports were presented, it would be competent for the court to determine and pronounce on whether a particular line which had commended itself to the commission was one which the court thought the best line or the right line - whether one thing rather than another was to be regarded as practicable, and so on. If it were competent for the courts to pass judgments of that kind on the reports, I am at a loss to see where the process would end and what the function of Parliament would then turn out to be."

It seems to us that the Commission is the agent of Parliament to do the detailed work of boundary review and to make recommendations to Parliament. Those recommendations have no legal effect whatever unless and until implemented by an Order in Council the draft of which has been approved by Parliament, ie an order giving effect to the recommendations with or without modification under section 3(4) of the House of Commons (Redistribution of Seats) Act 1949. In the circumstances we took the view that the intention of Parliament in this matter is clear from the

events which happened at Mr Speaker's Conference and subsequently in Parliament itself, viz that we are to have only a strictly limited power to recommend a number of seats other than 17, and that against this background an argument based simply on a strict interpretation of the statutory words in the 1979 Act carries little weight.

- 3.8 Having determined our final recommendation on the total number of constituencies, namely 17, we then turned our attention to those representations which advocated alternative schemes for the distribution of that number of constituencies. Three different comprehensive schemes for the whole Province were proposed as alternatives to the scheme embodied in the Recommendations. These are referred to in turn below.

Ulster Unionist Council Scheme

Banbridge District Council Area

- 3.9 The Ulster Unionist Council (UUC) advocated a 17-seat scheme which departed considerably from the Commission's proposals for the east of the Province. Their 17 constituencies split 10 district council areas, as opposed to our total of 7. In particular the Assistant Commissioner, Mr Hart, noted in his report of the Banbridge Inquiry (the "First Report") that the UUC proposals split Downpatrick down the centre of the town between their proposed constituencies of 'Strangford' and 'Mourne'. On the other hand their proposed 'Armagh and Banbridge' seat preserved the integrity of the Banbridge District and therefore satisfied the local Council's strong objections to our proposed 3-way split of their territory. However, we endorse Mr Hart's view reported in para 65 of the First Report:-

"The unanimous view of a District Council is certainly entitled to considerable weight, representing as it does the views of the electorate within that area. However, it is not a decisive factor because one has to also consider the implication of that view upon the surrounding constituencies also."

- 3.10 Mr Hart goes on in para 66 of the First Report to reject this aspect of the UUC proposal because:-

"..... the geographical features in this area would tend to support the view that there is a fairly distinct geographical division between Armagh and Banbridge District Council areas. In addition, the proposed constituency cannot be justified if the constituencies which would surround it are not drawn in the way in which the UUC proposes. Since, therefore, this proposed constituency cannot be looked at in isolation and I have already concluded that those constituencies should not be adopted, it follows that this proposed constituency should be rejected"

- 3.11 The Commission reluctantly endorse this conclusion that Banbridge must be one of the local government districts to be split between parliamentary constituencies.

Lisburn and Castlereagh Boroughs

- 3.12 There was some common ground between the UUC and DUP proposals in linking the urban parts of Lisburn and Castlereagh Borough Councils to form one constituency with the rural parts of each borough being split off into adjacent seats, but, like Mr Hart, we do not see that there is a sufficiently close tie or connection between these areas to outweigh the considerable adverse consequences of the resulting increased split of local government areas.

Carrickfergus Borough

- 3.13 This problem of splitting between parliamentary constituencies the urban and rural parts of one district council area came up again at the Ballymena Inquiry. That part of the UUC proposals falling within this Inquiry's remit envisaged the linking of the whole of Carrickfergus Borough with the 3 urban district electoral areas of Newtownabbey Borough. Prima facie, this "Antrim South East" constituency was an attractive alternative to the Commission's proposals for the area and it was one which we considered most carefully. Having regard, however, to the Assistant Commissioner's Report on the Ballymena Inquiry ("the Second Report") we rejected the proposal because of the knock-on effect on the surrounding area, and the totality of the scheme of representation for the whole of that portion of the Province. (See paras 20, 21 and 34 of the Second Report).

Portrush area

- 3.14 In presenting their proposals at the Ballymena Inquiry the UUC representatives laid particular stress on the Party's submission that, for historical, social and other reasons, the wards of Dunluce, Portrush and Dhu Varren should be included in North Antrim and not East Londonderry. Mr Hart deals with this in the Second Report (paras 31 to 33) and comes to the conclusion that these wards should remain in the same constituency as the remainder of Coleraine Borough, of which they are part. In the Report on the Omagh Inquiry ("the Third Report") the other Assistant Commissioner, Mr Stitt, also took the view that these wards should be included in East Londonderry. We endorse this view.

New Lodge, Shankill and Woodvale

- 3.15 Mr Stitt also presided over the Belfast Inquiry which, inter alia, considered and rejected the UUC submission that the ward of New Lodge should be transferred to West Belfast, and that the wards of Shankill and Woodvale belonged together and should remain within one constituency, preferably Belfast North: see paras 71 and 72 of the Report on the Belfast Inquiry ("the Fourth Report"). We agree with Mr Stitt's view.

Scheme of Mr Frank Maguire MP

- 3.16 The late Mr Frank Maguire, the then member of Parliament for Fermanagh and South Tyrone, was the one individual who put forward a comprehensive alternative to our overall scheme. In his letter objecting to the Recommendations Mr Maguire suggested that we had ignored or misrepresented the Rules by paying insufficient attention to the size of constituency electorates. In drawing his proposals for 17 seats Mr Maguire appears to have concentrated on producing mathematical equality at the price of increased division of local government units. On this latter ground alone we consider his scheme to be an unsatisfactory counter-proposal.

Fermanagh and South Tyrone

- 3.17 In para 1.7 above we refer to the need to balance electorate size with other considerations, but special comment is, we believe, called for in relation to our proposal for Fermanagh and South Tyrone. The existing constituency consists of the district council areas of Fermanagh and Dungannon plus a number of complete and incomplete rural wards from the southern part of Omagh District. The Recommendations provided for a revised boundary incorporating only Fermanagh and

Dungannon Districts, the electorate being 66,129, ie 8% above quota. The SDLP and other argued that large rural constituencies such as this should preferably be under, rather than over, the quota, and in particular were in favour of the removal of part or all of the ward of Killyman from the Fermanagh and South Tyrone constituency to either the Upper Bann or Newry and Armagh constituencies. It was correctly pointed out by Mr M Cunningham, (Mr Maguire's representative at the Omagh Inquiry) that the electorate of the existing Fermanagh and South Tyrone constituency was rising, whereas the Recommendations stated that the electorate was not expected to increase. The figures do in fact reveal a very small upward trend which the Commission considered together with the assistant commissioner's recommendation. On balance, however, and having regard to all relevant factors we reaffirm our view, which is supported by the Assistant Commissioner's Report, that for the present and foreseeable future the best arrangement is for the 2 complete district council areas to form the proposed new Fermanagh and South Tyrone constituency.

Ulster Democratic Unionist Party's Scheme

- 3.18 The Ulster Democratic Unionist Party (DUP) made written representations in response to the Recommendations. These criticised not only the total number of seats proposed but also made certain points about the boundaries of our proposed constituencies. Moreover, at all four local inquiries the Party's representatives expanded upon their case that we should recommend a total of 18 seats and advanced the details of their proposals for such a scheme almost to the exclusion of comment upon our proposals. Their firm attitude in favour of 18 seats caused practical difficulties for the assistant commissioners because inter alia, the DUP had prepared their scheme on the basis of a quota obtained by dividing the electorate by 18. Moreover, the difficulties so caused were compounded by their use of the 1980 electorate figures instead of the 1979 figures. By the 1979 Act the Commission (and of course the assistant commissioners) were compelled to ascertain the quota by dividing the relevant electorate by 17 (not 18) and to take as the relevant electorate that which existed on 22 March 1979 (the date of passing of the 1979 Act). Accordingly the DUP was making submissions upon a mathematical basis which was contrary to statute law. This actica created practical difficulties for Mr Hart but nevertheless he investigated the DUP scheme thoroughly and we select three passages from the First Report to demonstrate this point:-

"I have approached the submissions of the DUP upon the basis of the Commission's view as set out at pages 3 and 4 of the statement of 17 October 1980, but I have considered each of the proposed 13 Constituencies suggested by the DUP to see whether, despite their being drawn on the basis of a quota which assumes 18 Constituencies, any of these proposals would result in Constituencies which could be said to be of such a nature as to command a greater degree of acceptance than the present proposals, although Reverend Beattie declined to make any detailed proposals upon the 17 seats proposed by the Commission as he said it would undermine the position adopted by the DUP." (para 26)

The other two extracts from the First Report to which we wish to refer deal with two particular proposed constituencies namely Loughside (now proposed to be called 'North Down') and a constituency which the DUP proposed to call "Mourne" and which involved Mr Hart in a detailed consideration of the Commission's proposed constituencies of South Down and Newry and Armagh.

"28. Loughside

This would be made up [ie under the DUP Scheme] of the entire North Down Borough Council area containing 45,072 electors together with the Belfast City Council wards of Sydenham and Belmont containing 11,228 electors, making a total electorate of 56,300, 8% below quota. This compares with the Commission's proposed Loughside Constituency which would have an electorate of 59,563. 2.7% below quota.

29. The Reverend Beattie accepted that a Constituency should be based upon the North Down Borough Council area, and that there were real practical difficulties in extending such a Constituency into the Donaghadee area because that in turn would create difficulties in fitting the remainder of the Ards Borough Council area into a suitable Constituency. He contended that the large urban wards of Sydenham and Belmont form a compact and identifiable unit which has good and appropriate geographical, social and historical ties with the North Down area.
30. This proposal would create a Constituency which would stretch from Bangor on the one hand deep into East Belfast, including the Aircraft Factory of Short Brothers and Harland as well as those parts of Belfast generally referred to as the Hollywood Arches, Strandtown and Belmont, comprising densely populated urban areas. In my opinion these areas have no significant connection with the North Down Borough Council area. They are almost without exception long established industrial, commercial and residential areas which have always been and are completely intricately into every aspect of the industrial, commercial, social and educational fabric of the City of Belfast. To detach these areas from the remainder of Belfast would be to completely disregard those ties. For that reason, and because the proposed Constituency would in any event be substantially below the quota (although within the 10% tolerance which the Commission accepts) I am of the opinion that this proposed Constituency should be rejected and I so recommend."

"40. Mourne

This would consist [ie under the DUP scheme] of the whole of the Newry and Mourne District Council area, together with the wards of Tollymore, Donard, Shimna, Dundrum and Castlewellan from the Down District Council area with a total electorate of 58,331, 4.5% below quota.

41. Such a Constituency would therefore consist of a substantial part of County Armagh, the town of Newry, Warrenpoint, the Mourne Mountains, as well as Newcastle and the surrounding area. Geographically it would be a relatively compact Constituency.
42. However, the argument put forward by the DUP in support of such a Constituency was two-fold. First of all, it was alleged that Newry and Mourne District Council has a unity based upon geographical, social and historical ties and that the Commission's proposals for the Constituencies of Newry and Armagh on the one hand and South Down on the other hand, which would place the town of Newry itself in Newry and Armagh but its eastern hinterland in South Down, in the words of Reverend Beattie defies "..... any approach based on plain commonsense." Secondly, it was alleged by Reverend Beattie that such a division must have a political motive as the following extract from his submission makes clear.

'The blatant way in which Newry and Mourne has been divided, in defiance of all logic and commonsense, has driven the DUP to the reluctant conclusion that behind this there is a definite political motive.

The predominant anti-unionist persuasion of Newry and Mourne is well known and the consequence of its equal division is that it will effectively influence the outcome in two Constituencies, instead of one, in the interests of the anti-Unionist cause. Clearly the high concentration of anti-Unionist voters in Newry and Mourne means that as a Constituency it would undoubtedly return an anti-Unionist MP and no-one would seek to deny these voters that right, but it is a source of grave disquiet and resentment that the Commission by its proposition has effectively rendered Newry and Armagh and the new South Down anti-Unionist seats. Considering the large number of Unionist voters in the north of both of these proposed Constituencies, it is most unjust that they should be denied representation in this way.'

(page 39 of the transcript).

43. So far as the first of these arguments is concerned, it completely ignores that the existing parliamentary constituencies which have existed for many years, also divide much of the town of Newry from its eastern hinterland for the obvious reason that these constituencies followed in this area the historic division between County Armagh and County Down. Prior to the re-organisation of local government in Northern Ireland which came into effect in 1973, the administrative structure of each County

was such that services were provided by County and Rural District or Urban District Councils and the boundary between County Down and County Armagh ran through the town of Newry. The present grouping of Newry town within the same local government unit as both its western and eastern hinterlands is therefore less than 10 years old.

44. The Commission's proposed constituencies would result in only slight changes in the boundaries of the existing Constituencies in the Newry area, because all of the Newry town wards would now be in the Constituency of Newry and Armagh, instead of being divided between Armagh and South Down as they are at present. The only other alteration of the existing boundaries within the Newry and Mourne District Council area proposed by the Commission is that the existing division of the Tullyhappy ward is removed, the Constituency boundary being moved eastwards to coincide with the boundary between the Tullyhappy and Donaghmore wards. Therefore, should the Commission's proposed Constituencies of Newry and Armagh and South Down be adopted, the bulk of the electorate which for local government purposes is within the Newry and Mourne District Council area will continue to vote in Constituencies whose boundaries in their area are largely unaltered. Whilst local government areas are clearly of great importance in deciding the boundaries of Parliamentary Constituencies, this is not the only consideration.
45. The second argument put forward by the DUP against the Commission's proposals for these Constituencies is that these Constituencies would thereby be allegedly rendered anti-Unionist seats with a consequent denial of representation to what are stated to be large numbers of Unionist voters in the north of each of these Constituencies. The clear implication of this argument is, in my opinion, that these Constituency boundaries should be drawn in such a manner as to maximise the prospects of election of candidates of a particular political viewpoint. Such considerations have no part to play in the deliberations of the Boundary Commission and I therefore emphatically reject this argument.
46. The Reverend Beattie made it clear that some at least of the DUP proposals in relation to other Constituencies within the scope of this Inquiry were based upon the undesirability of dividing up the Newry and Mourne District Council area and therefore that his party's proposals for Constituencies of Mid-Down (proposal No 4 to which I have already referred), Armagh (proposal No 6 to which I shall refer later) and East Tyrone (proposal No 7 to which I shall refer later) followed from and were dependent upon the Newry and Mourne proposal. See in particular pages 40, 48, 49 and 50 of the transcript.
47. It is therefore necessary, as in the case of every proposal, to look not only at each individual Constituency but at the other Constituencies surrounding it to see how the overall pattern of Constituencies avoids wherever possible breaking up homogenous areas and results in an acceptable overall scheme for that part of the Province.

48. So far as the proposed DUP Constituency of Mourne is concerned, it must therefore be considered within an overall pattern of suggested Constituencies, each of which is not in itself acceptable, because it leads not only to a Mid-Down Constituency which I have already recommended should be rejected, but also to the proposed Constituencies of Armagh and East Tyrone which, as will appear later in this Report, I also recommend should be rejected. I therefore recommend that the proposed Mourne Constituency should be rejected."

3.19 We endorse completely the cogent reasoning set forth by Mr Hart in these passages of his report and we see no case for departing from our own proposals in favour of the DUP proposals in relation to the remainder of their proposed constituencies.

Detailed changes proposed in Commission's Provisional Recommendations

3.20 The vast majority of objectors did not advance comprehensive alternatives to the Commission's proposals, but rather confined their comments to detailed aspects of our scheme. The majority were simply concerned with the boundaries of particular constituencies.

Lagan Valley and North Down

3.21 Nomenclature gave rise to criticism in the constituencies originally proposed as Lagan and Loughside. In both cases we felt that sound arguments had been advanced for their respective renaming as "Lagan Valley" and "North Down". This renaming was supported by Mr Hart and accepted by the Commission.

Quilly, Dromore and Skeagh

3.22 In our public statement of 17 October 1980 we noted the fact that we had been favourably impressed by representations suggesting that the wards of Quilly, Dromore and Skeagh be included in the South Down constituency and that the wards of Saintfield, Market and Ballymaglave be included in Lagan. Upon hearing oral representations from representatives of the Banbridge District Council and various unionist groupings the Assistant Commissioner, Mr Hart, was convinced of the desirability of including Quilly, Dromore and Skeagh in the South Down Constituency. In the First Report he comments:-

"I am satisfied that historically, administratively and geographically the links between Quilly, Dromore and Skeagh and the South Down Constituency are stronger than the links of these wards to the Lagan Constituency"

However, Mr Hart came down firmly against movement of the wards of Saintfield, Market and Ballymaglave into the Lagan Constituency. In doing so he was reflecting the vigorous opposition the suggested move had met at the inquiry from Down District Council supported by the UUC, SDLP and the Lisburn Borough Council. Having heard all the representations, Mr Hart inspected the area in question and in the First Report states:-

"I am satisfied that there is a substantial and widely based degree of support for the retention of the wards of Saintfield, Market and Ballymaglave with the remaining District Council Wards in South Down"

We accept his view.

Lisburn Borough

- 3.23 This view led Mr Hart to consider whether there was a basis upon which the boundaries of the Lagan [Valley] Constituency could be amended to bring the electorate closer to the quota. Lisburn Borough Council presented their views on the expected expansion of the population within their area and referred to their plans to provide services for a population expanding from 83,000 in 1980 to 100,000 by 1990. In his report Mr Hart said:

"From the submissions made to me it is clear that the population of Lisburn Borough Council is increasing rapidly and will continue to increase for some time to come"

- 3.24 The electorate of the Lisburn Borough however, did not come close enough to the quota to justify its becoming a constituency in itself without some addition, and Mr Hart proceeded to look at the many possibilities for adding to the electorate. In the end he decided to recommend that the ward of Carryduff from the Castlereagh Borough should be added to that of Lisburn in the Lagan Valley constituency and he added the comment that Carryduff is a largely rural ward with some urban areas centred on Carryduff village and adjoins the Lisburn Borough Council ward of Drumbo. We endorse his solution to the problem.

Newtownabbey Borough

- 3.25 At the Ballymena Inquiry, Mr Hart heard submissions from the Newtownabbey Alliance Association and Newtownabbey Borough Council to the effect that it would be undesirable to divide the Newtownabbey Borough between the proposed constituencies of South

Antrim and East Antrim as provided for in the Recommendations. This view was shared by the Newtownabbey Unionist Association and the Borough was proposed as the basis for a single constituency in its own right. Such a move, however, would have resulted in the proposed constituency having an electorate of 17.1% below quota - an unacceptable figure - and also being of a most unusual shape. Moreover, the knock-on effect of the changes would have been considerable. Mr Hart in the Second report states:-

"..... it would result in a severe and in my view unjustifiable distortion of the shapes of adjoining constituencies." [para 9]

3.26 The Newtownabbey Alliance Association went on to suggest a constituency adjoining Newtownabbey and consisting entirely of the district council areas of Antrim, Larne and Carrickfergus. This proposal would produce a constituency of two separate areas because the district council areas of Antrim and Larne do not touch at any point, they being separated by the Newtownabbey ward of Ballyeaston.

3.27 To remedy this it was proposed that a corridor linking the Larne and Antrim District Council areas be created in the Ballyeaston Ward, but on this proposal Mr Hart commented:-

"Such a totally artificial creation is, in my opinion, quite unsustainable and the resulting constituency equally so." [para 9]

We entirely agree with this view.

Rathcoole Housing Estate

3.28 The division of Newtownabbey District Council area as proposed in the Recommendations resulted in the division of the very large housing estate of Rathcoole lying near the Antrim shore of Belfast Lough. The whole estate comprises the 4 wards of Coole, Dunaney, Braden and Hopefield and Mr Hart having inspected the area said in the Second Report:-

"..... it is undoubtedly a distinct and homogenous entity having its own shops, schools, churches and I think it is most undesirable that a recognisably distinct and homogenous area should be divided between 2 constituencies unless this is absolutely unavoidable." [para 37]

3.29 Even before the local inquiry the Commission in their public statement of 17 October 1980 referred to the objections to splitting the Rathcoole estate between two constituencies. Mr Hart dealt with the point as follows in para 38 of the Second Report:-

"38. The Commission recognised the force of these objections in the Statement of the 17th October 1980, in that it suggested that the wards of Rostulla, Monkstown, Whiteabbey, Coole, Hopefield, Whitehouse, Bradan, Dunanney and Cloughfern be included in East Antrim and the remaining Newtownabbey wards in South Antrim. This would resolve the difficulty because the boundary between the 2 Constituencies would then follow the line of the M2 motorway that rises northwards towards Glengormley, then it would turn north-east along the boundary of the Carnmoney and Cloughfern wards. This boundary would therefore follow the clearly visible boundary to which I have already referred between the lower and the higher ground and in my opinion is the most logical point at which to have a boundary in this area. It would also result in the Rathcoole Estate being contained in one Constituency only, namely East Antrim."

In our final recommendations we adopt this solution to the problem.

Castlereagh Borough

- 3.30 In the North Down area the Castlereagh Alliance Association proposed a wholly new scheme to consist of two constituencies named North Down and Castlereagh.
- 3.31 The North Down Constituency would in broad terms consist of the Ards Peninsula, Donaghadee, Bangor and Craigavad and the Castlereagh Constituency would be made up of the town of Newtownards with the rural areas stretching along the shore of Strangford Lough added to most of the Castlereagh Borough.
- 3.32 In brief, these proposals would result in the splitting of 3 district council areas as opposed to our splitting of only one and Mr Hart comments on this in the First Report. He also took into consideration local government ties and geographical aspects before reaching the conclusion - which we endorse - that the Castlereagh Alliance Association's proposals would not result in any improvement on our proposals.

Shankill, Woodvale and Ballygomartin

3.35 At the Belfast Inquiry, Mr Stitt considered a written submission by the Alliance Party which favoured the move of the wards of Shankill and Woodvale to Belfast West and Ballygomartin and Central to Belfast North. Mr Stitt noted that the geographical distribution of electors in each of these wards favoured the Commission's proposals and did not recommend any changes from them.

Revised Recommendations

- 4.1 Having carefully considered all the representations and the assistant commissioners' reports, we published, on 27 August 1981, our Revised Recommendations ("the Revised Recommendations") giving effect to the conclusions referred to in earlier paragraphs of this report. These gave effect to all the recommendations made by the assistant commissioners and did not contain any other changes. The nett result amounted to changes in 6 of the 17 new constituencies originally proposed in the Recommendations. These changes are set out in Appendix 6.
- 4.2 Leaving aside the district council area of Belfast, which at present comprises 4 constituencies, the Revised Recommendations involved the splitting of 6 district council areas. This has understandably attracted criticism from the areas involved but it seems to us to represent the best compromise upon the relevant considerations - indeed many of the alternative schemes put to the Commission would have involved much greater splitting eg: the DUP scheme involved the splitting of ten district council areas. In only one case did we reluctantly decide to recommend that a single ward from one district council area should be part of a parliamentary constituency thus leaving the remainder of the wards from the area in an adjoining constituency or constituencies. In no case would recommendations split a ward between constituencies.
- 4.3 Copies of a newspaper notice about the Revised Recommendations, a public statement, and an accompanying map were given the same wide distribution as the Recommendations. In addition, copies of the assistant commissioners' four reports were made available for inspection at the following locations:-
- (1) The offices of Banbridge District Council, Avonmore House, Banbridge.
 - (2) The offices of Ballymena Borough Council, "Ardeevin", 80 Galgorm Road, Ballymena.
 - (3) The offices of Omagh District Council, The Grange, Mountjoy Road, Omagh
 - (4) The Information Office, Belfast City Hall.
- A period of one month was allowed for representations.

4.4 In response to the Revised Recommendations we received 16 representations from the individuals and bodies listed in Appendix 7. The majority of these further representations contained restatements of views advanced by the individuals or bodies in response to the Recommendations. The UUC and SDLP were among those who expressed dismay that their counter proposals had not been accepted and others, who had been content with our original proposals, expressed opposition to our proposed changes.

4.5 We looked carefully at all these representations and concluded that they contained nothing which would justify either an amendment of the Revised Recommendations or any further local inquiry.

Final Recommendations

4.6 In the result, after considering carefully all these views we decided to make no further changes in our proposals. Accordingly we recommend the adoption of the Recommendations as modified in the Revised Recommendations. These Final Recommendations are set out in Appendix 8 and the Map at Appendix 9. Appendix 10 sets out the numbers of electors and deviation from the quota for each of the proposed new constituencies.

Concluding Comments

4.7 The Speaker of the House of Commons at Westminster is the Chairman of the Boundary Commission for Northern Ireland, but in accordance with established practice all the Commission's meetings have been presided over by the Deputy Chairman. Throughout this general review, however, Mr Speaker has been kept informed of the progress of the review.

4.8 We wish to record our gratitude to our Assessors, the Registrar-General for Northern Ireland, the Chief Electoral Officer for Northern Ireland and the Commissioner of Valuation for Northern Ireland for all the valuable research and advisory work which they carried out.

4.9 We also wish to record our gratitude to the Secretary to the Commission, Mr Richard Miller, who took over from Miss T M Simmons in June 1980 when Miss Simmons was promoted to other duties. At all times Mr Miller has worked with conspicuous ability and expedition

on behalf of the Commission and has been ably assisted by his colleague, Mr George Cleland. During her spell of duty with us Miss Simmons was a most competent and helpful secretary and we record also our gratitude to her and to her assistant, Miss Pauline Cinnamond, for their work for the Commission.

4.10 Finally, it is with deep regret that we record that in June 1978 Mr Frank Hopkirk LLB, who had given many years of most valuable service as a member of the Commission, was forced to retire through illness and shortly thereafter died. His place on the Commission was taken by Mr G P Duffy FCCA, FCMA, ACIS.

Donald Murray
Deputy Chairman

Richard Miller

Secretary

G P Duffy

Date 27 October 1982

W T

RULES FOR REDISTRIBUTION OF SEATS
(HOUSE OF COMMONS (REDISTRIBUTION OF SEATS) ACT 1949 AS
AMENDED AND APPLICABLE TO NORTHERN IRELAND)

"1. The number of Constituencies in the several parts of the United Kingdom set out in the first column of the following table shall be as stated respectively in the second column of that table:-

Part of the United Kingdom	No. of Constituencies
.....
.....
.....
Northern Ireland	Not greater than 18 or less than 16

2. Every Constituency shall return a single number.

3.

4. (1) So far as is practicable having regard to the foregoing rules

(a)

(b)

(c) in Northern Ireland no ward shall be included partly in one constituency and partly in another

(2)

.....

5. The electorate of any constituency shall be as near the electoral quota as is practicable having regard to the foregoing rules, and a Boundary Commission may depart from the strict application of the last foregoing rule if it appears to them that a departure is desirable to avoid an excessive disparity between the electorate of any constituency and the electoral quota, or between the electorate thereof and that of neighbouring constituencies in the part of the United Kingdom with which they are concerned.

6. A Boundary Commission may depart from the strict application of the last two foregoing rules if special geographical considerations, including in particular the size, shape and accessibility of a constituency, appear to them to render a departure desirable.

7. In the application of these rules to each of the several parts of the United Kingdom for which there is a Boundary Commission:-

- (a) the expression "electoral quota" means a number obtained by dividing the electorate for that part of the United Kingdom by the number of constituencies in it existing on the enumeration date
- (b) the expression "electorate" means:-
 - (1) in relation to a constituency, the number of persons whose names appear on the register of parliamentary electors in force on the enumeration date under the Representation of the People Acts for the constituency.
 - (11) in relation to the part of the United Kingdom, the aggregate electorate as hereinbefore defined of all the constituencies therein;
- (c) the expression "enumeration date" means, in relation to any report of a Boundary Commission under this Act, the date on which the notice with respect to that report is published in accordance with section two of this Act."

PROVISIONAL RECOMMENDATIONS

Proposed Constituency	1979 Electorate	% above or below quota
1. Loughside	59,563	-2.7
2. Strangford	61,903	+1.1
3. South Down	60,405	-1
4. Lagan	57,906	-5.4
5. Upper Bann	59,613	-2.6
6. Newry and Armagh	61,463	+0.4
7. Fermanagh and South Tyrone	66,129	+8
8. Mid Ulster	62,628	+2
9. Foyle	63,486	+4
10. East Londonderry	64,596	+5
11. North Antrim	62,505	+2
12. East Antrim	56,890	-7
13. South Antrim	59,372	-3
14. Belfast North	65,723	+7
15. Belfast West	61,179	-0.04
16. Belfast South	57,938	-5.3
17. Belfast East	59,207	-3.3
	1,040,506	

Composition:-

1. Loughside

All the wards in North Down local government district and the 6 Castlereagh wards of Dundonald, Carrowreagh, Enler, Ballyhanwood, Tullycarnet and Gilnahirk.

2. Strangford

All the wards of Ards local government district and the 9 Castlereagh wards of Upper Braniel, Lower Braniel, Hillfoot, Fourwinds, Carryduff, Moneyreagh, Beechill, Minnowburn and Newtownbreda.

3. South Down

The complete local government district of Down the 5 Banbridge wards of Croob, Ballyoolymore, Annaclone, Drumadonnell and Garran and the 13 Newry and Mourne wards of Donaghmore, Drumgath, Rathfriland, Spelga, Seaview, Rostrevor, Lisnacree, Cranfield, Kilkeel, Binnian, Annalong, Ballycrossan and Clonallan.

4. Lagan

All the wards in the Lisburn local government district and the 3 Banbridge wards of Dromore, Quilly and Skeagh.

5. Upper Bann

The complete local government district of Craigavon and the 7 Banbridge wards of Seapatrick, Ballydown, Central, Edenderry, Lawrencetown, Gilford and Loughbrickland.

6. Newry and Armagh

The whole of Armagh local government district and the 17 Newry and Mourne wards of Windsor Hill, St Patrick's, St Mary's, Drumalane, Daisy Hill, Ballybot, Drumgullion, Fathom, Derrymore, Bessbrook, Tullyhappy, Belleek, Camlough, Forkhill, Creggan, Crossmaglen and Newtownhamilton.

7. Fermanagh and South Tyrone

The 2 complete local government districts of Fermanagh and Dungannon.

8. Mid Ulster

The whole of Omagh and Cookstown districts, the 8 Strabane wards of Glenderg, Clare, Newtownstewart, Castlederg, Plumbridge, Victoria Bridge, Sion Mills and Finn and the 3 Magherafelt wards of Draperstown, Lecumpher and Ballymaguigan.

9. Foyle

The complete Londonderry local government district and the 7 Strabane wards of Dunnamanagh, Slievekirk, Artigarvan, North, West, East and South.

10. East Londonderry

The complete local government districts of Limavady and Coleraine and the 12 Magherafelt wards of Swatragh, Lower Glenshane, Maghera, Tobermore, Upperlands, Valley, Gulladuff, Knockcloughrim, Bellaghy, Castledawson, Town Parks West and Town Parks East.

11. North Antrim

The local government districts of Moyle, Ballymoney and Ballymena.

12. East Antrim

The 2 complete local government districts of Larne and Carrickfergus and the 8 Newtownabbey wards of Jordanstown, Rostulia Monkstown, Whiteabbey, Coole, Hopefield, Whitehouse and Ballynure.

13. South Antrim

The complete local government district of Antrim and the 13 Newtownabbey wards of Bradan, Dunanney, Cloughfern, Whitewell Glengormley, Mossgrove, Ballyhenry, Mossley, Carnmoney, Mallusk, Doagh, Ballyeaston and Ballyclare.

14. Belfast North

The following 14 Belfast wards - Woodvale, Legoniel, Ardoyne, Ballysillan, Crumlin, New Lodge, Shankill, Cliftonville, Cavehill, Castleview, Fortwilliam, Grove, Duncairn and Bellevue.

15. Belfast North

The 14 Belfast wards of Ladybrook, Suffolk, Andersonstown, Milltown, St Jame's, Whiterock, Highfield, Ballygomartin, Clonard, Grosvenor, Falls, North Howard, Court and Central.

16. Belfast South

The 13 Belfast wards of Willowfield, Rosetta, Ballynafeigh, Ormeau, Finaghy, Upper Malone, Stranmillis, Malone, University, Windsor, Donegall, St George's and Cromac.

17. Belfast East

The 10 Belfast wards of Orangefield, The Mount, Ballymacarrett, Island, Sydenham, Bloomfield, Shandon, Belmont, Stormont and Ballyhackamore and the 4 Castlereagh wards of Wynchurch, Cregagh, Downshire and Lisnasharragh.

LIST OF THOSE WHO MADE WRITTEN
REPRESENTATIONS ON THE
PROVISIONAL RECOMMENDATIONS

1. Mr G B Adams
2. Councillor R Caul
3. Mr D Bell
4. Mr S McAteer
5. Mr D Tombe
6. Mr J Donnelly
7. J Kilfedder Esq MP
8. Banbridge District Council
9. Ulster Unionist Council
10. Holywood Residents Association
11. North Down Borough Council
12. United Labour Party
13. Mr J Flanagan
14. Alliance Party (Castlereagh Association)
15. Castlereagh Borough Council
16. Lisburn Borough Council
17. Newtownabbey Unionist Association
18. Unionist Party of Northern Ireland
19. Newtownabbey Borough Council
20. Ulster Unionist Council
21. Unionist Party of Northern Ireland (North Down Association)
22. Ards Borough Council
23. Ulster Democratic Unionist Party (Co Armagh Association)
24. South Down Unionist Association
25. Larne Borough Council
26. Councillor Niblock
27. Ulster Democratic Unionist Party
28. Belfast City Council
29. Craigavon Borough Council
30. Workers' Party - Republican Clubs
31. Press Association
32. Carrickfergus Borough Council
33. Social Democratic and Labour Party
34. Alliance Party
35. Down District Council
36. Ballymena Borough Council
37. Newtownabbey Alliance Party
38. Ballymoney Borough Council
39. Frank Maguire Esq MP
40. Bangor and District Standing Conference of Women's Organisations

BOUNDARY COMMISSION FOR NORTHERN IRELAND

Constituencies in Northern Ireland:Provisional Recommendations (8 January 1980)Local Inquiries

PUBLIC STATEMENT

Background

1. On 8 January 1980 the Boundary Commission for Northern Ireland published their Provisional Recommendations ("the Recommendations") showing the constituencies into which they recommend Northern Ireland should be divided for the purposes of elections to the United Kingdom Parliament. Since the number of constituencies is, in the words of the relevant Act of Parliament, to be "not greater than 18 or less than 16" as compared with the present fixed number of 12 constituencies, the Commission decided to make an entirely fresh approach to the matter and not merely to adjust the boundaries of the existing 12 constituencies to fit in 5 more. In the result, the proposed new constituencies are intended to supersede the present 12 constituencies. It follows, of course, that the Recommendations affect each and every one of the existing 12 constituencies, since, if the Recommendations are accepted by the Government and Parliament and made law, the present 12 constituencies will be replaced entirely by the proposed new ones.
2. The Commission received numerous representations about all the Recommendations from the political parties, local authorities, and other interested persons or bodies. As respects certain of these, eg a representation from a district council objecting to the proposed alteration of an existing constituency which comprises the whole or part of the council's district, the Commission are prohibited by statute from recommending the alteration to the Government unless a local inquiry has been held in respect of the constituency in question. As regards many of the other representations received there is no such requirement to hold a local inquiry. However, in view of the fact that the Recommendations propose for the future a wholly new set of constituencies for this part of the United Kingdom, and the further fact that many persons and bodies in Northern Ireland clearly have strong views about the boundaries of the Parliamentary constituencies here, the Commission have decided that, even if they are not bound by law to do so, they will, in the exercise of their discretion, arrange for the holding of as many local inquiries as are necessary to ensure that the whole scheme of new constituencies embodied in the Recommendations, and each part of it, may be scrutinised in detail by all

interested parties. Such inquiries will also allow all relevant representations - against the scheme, for it, or otherwise - to be heard, examined and fully considered before the Commission submit their final recommendations to the Secretary of State for presentation to Parliament. The procedure laid down by statute in this matter is for an "Assistant Commissioner" - normally a practising barrister - to be appointed by the Secretary of State at the request of the Commission and for the Assistant Commissioner to hold a local inquiry and to report his or her findings to the Commission in due course. Since, as already explained, wholly new constituencies are proposed and, since accordingly, proposals to alter any one will have a 'knock-on' effect on one or more of the others, it might at first sight be thought convenient that one Assistant Commissioner should conduct one inquiry into all the proposed new constituencies. The Commission have, however, rejected this solution on a number of grounds. Instead they have decided to divide the proposed new constituencies into 4 groups for the purposes of the local inquiries and to arrange for the actual hearings to be conducted in a convenient venue in each of the 4 areas formed by the groups. Because of the 'knock-on' effect of changes proposed in any one area the Commission felt that to have 4 different Assistant Commissioners, viz one for each group of constituencies, could lead to confusion and practical difficulties at a later stage, and so they have decided to seek the appointment of 2 Assistant Commissioners only, and to ask each such Assistant Commissioner to hold 2 of the 4 local inquiries.

The details of the proposed Local Inquiries are as follows:-

<u>Group No</u>	<u>Proposed Constituencies</u>	<u>Venue</u>	<u>Assistant Commissioner</u>	<u>Time and date of Hearing</u>	<u>Place of hearing</u>
1	Loughside, Strangford, South Down, Lagan, Upper Bann, Newry and Armagh	Banbridge	A R Hart Esq BA Barrister-at-Law	10.00 am 24.11.80	Council Offices, Avonmore House
2	North Antrim, East Antrim and South Antrim	Ballymena	A R Hart Esq BA Barrister-at-Law	10.00 am 1.12.80	Council Offices, Ardeevin, 80 Galgorm Road

<u>Group No</u>	<u>Proposed Constituencies</u>	<u>Venue</u>	<u>Assistant Commissioner</u>	<u>Time and date of hearing</u>	<u>Place of hearing</u>
3	Fermanagh and South Tyrone, Mid Ulster, Foyle and East Londonderry	Omagh	M W Stitt Esq MA LLB Barrister-at-Law	10.00 am 8.12.80	Town Hall, High Street
4	Belfast North, Belfast West, Belfast South and Belfast East	Belfast	M W Stitt Esq MA LLB Barrister-at-Law	10.00 am 15.12.80	City Hall

Any person who wishes to be heard at any of the inquiries should give notice in writing to the Secretary of the Commission at least 14 days before the date of the hearing of the inquiry.

3. Representations on the Recommendations

As mentioned above, the representations received by the Commission on the Recommendations are numerous and varied and cover all the proposed new constituencies. At this stage the Commission do not propose to reply to, or comment on, the representations except to explain their thinking on several matters mentioned below. As regards these particular matters the Commission feel that it will be helpful to everyone concerned - and particularly to those who will be participating in one or more of the local inquiries - if the Commission's thinking on these matters is now made clear.

Total number of Northern Ireland seats

4. Since the passing of the House of Commons (Redistribution of Seats) Act 1979 on 22 March 1979 the powers of the Commission have been altered in a significant respect, namely, that instead of having to make recommendations to the Government about the boundaries of the constituencies in Northern Ireland on the fixed basis of 12 constituencies - no more and no less - the Commission now have a limited discretion in the matter and can recommend a number of constituencies which is 'not greater than 18 or less than 16'. However, s.1(2) of the 1979 Act directs the Commission to treat 17 as the required number:-

"... unless it appears to the Commission that Northern Ireland should for the time being be divided into 16 or (as the case may be) into 18 constituencies".

From the recommendations of the Speaker's Conference - which the 1979 Act implemented it seems clear that in giving the Commission authority to recommend 18 (or 16) constituencies instead of 17 it was the wish of Parliament that the Commission should have -

"... a degree of flexibility to overcome practical difficulties".

(Letter of 13 February 1978 from Mr Speaker to the Prime Minister.)

In the light of this Parliamentary history the Commission have taken the view that it would not be in accordance with the wishes of Parliament if they were to embark upon a comparison of representation in Northern Ireland and in other parts of the United Kingdom in order to determine whether, on this wide ground, the higher figure of 18 constituencies for Northern Ireland should be recommended rather than 17. Such a course has been urged upon the Commission by many people who have made representations about the Recommendations; but in arriving at the Recommendations the Commission thought, and they still think, that if they treat the flexibility they now have as usable in the way, and for the purpose referred to, in Mr Speaker's letter, ie "to overcome practical difficulties", they will be acting in accordance with the wishes of Parliament. On this basis and on the information presently before them, the Commission do not feel able to say that a recommendation of 18 seats is required to overcome any of the practical difficulties they met in preparing the Recommendations, and accordingly they have recommended a total of 17 new constituencies.

Quota

5. In applying the statutory rule that the electorate of any constituency is to be "as near the electoral quota as is practicable" having regard to other statutory rules governing their work, the Commission have followed the established practice of regarding a tolerance of 10% above or below the quota figure (viz 61,206) as being acceptable.

Constituency Names

6. Some of the proposed constituency names have attracted criticism and many people have suggested names which are the same as the names of existing district

councils, eg 'North Down' or 'Ards'. When choosing constituency names the Commission decided not to use district council names since this could lead to considerable confusion - especially if district council and Parliamentary elections were held about the same time. The Commission also decided to follow the established practice throughout the United Kingdom by suffixing the terms 'North', 'South', etc to borough constituencies, eg Belfast North, and prefixing these terms to county constituencies, eg South Down. The Commission feel that there is much to be said for uniformity throughout the United Kingdom in this matter. The Commission tried to choose a name which readily identified the whole area of the constituency in question rather than one particular part of it, but admittedly they did not succeed in doing this in their choice of 'Loughside' - a name which is open to criticism and has been criticised on this ground. The Commission await with interest any helpful alternative names for this area, which they have found difficult to name.

Splitting of district council areas

7. The splitting of a number of district council areas between constituencies has understandably attracted criticism from the areas concerned. Given, however, that there are 26 district councils and only 17 constituencies, it is inevitable that some district council areas will be divided between 2 or more constituencies. Because of its size the splitting of the Belfast district council area cannot be avoided, but of the other 25 council areas the Recommendations involve the splitting of only 6, viz Castlereagh, Newtownabbey, Newry and Mourne, Banbridge, Magherafelt and Strabane. On the other hand several persons or bodies have submitted proposals for new constituencies for the whole of Northern Ireland which would involve the splitting of a greater number of district council areas. On this important matter the Recommendations seem to the Commission to represent the best overall scheme for Northern Ireland.

Boundaries of Lagan/South Down and East Antrim/South Antrim constituencies

8. The Commission have been favourably impressed by representations they have received affecting the boundaries of the proposed Lagan/South Down and East Antrim/South Antrim constituencies. As matters now stand, and subject, of course, to the recommendations of the Assistant Commissioners in due

course, the Commission see merit in a proposal that the Banbridge wards of Quilly, Dromore and Skeagh be included in South Down, and that the Down wards of Saintfield, Market and Ballymaglave be included in Lagan. The electorate of the 2 constituencies would then be Lagan 59,568 (2.7% below quota) and South Down 58,743 (4% below quota). Again, in view of certain representations received on the East Antrim and South Antrim constituencies, the Commission see merit in changing the proposed boundary between them, so as to include in the East Antrim constituency the 9 Newtownabbey wards of Rostulla, Monkstown, Whiteabbey, Coole, Hopefield, Whitehouse, Braden, Dunanney and Cloughfern, and to include the remaining Newtownabbey wards in the South Antrim constituency. This would mean East Antrim's electorate would be 58,985 (3.6% under quota) and South Antrim's would be 57,277 (6.4% under quota). Inter alia, this would meet some strong objections received by the Commission to the splitting of the Rathcoole area in Newtownabbey between 2 constituencies - a result which would follow from the Recommendations as they stand.

Richard Miller
Secretary to the Boundary Commission for
Northern Ireland

17 October 1980

ASSISTANT COMMISSIONERS' RECOMMENDATIONS

FIRST REPORT

PROPOSED CONSTITUENCIES OF LOUGHSIDE, STRANGFORD, SOUTH DOWN, LAGAN,
UPPER BANN AND NEWRY AND ARMAGH

At paragraph 117 of Mr Hart's report he summarises his recommendations as follows:-

- "(1) That the proposed Constituency referred to as Loughside be renamed North Down but otherwise adhered to.
- (11) That the proposed Constituency referred to as Strangford be adhered to save that the ward of Carryduff be transferred to the Constituency defined at (111) below.
- (111) That there should be a Constituency to be known as Lagan Valley comprising the entire Lisburn Borough Council area together with the ward of Carryduff.
- (1V) That the proposed Constituency of South Down as defined in the Provisional Recommendations of the 8th January, 1980, have added to it the wards of Quilly, Dromore and Skeagh, but be otherwise adhered to.
- (V) That should the proposals contained at (11), (111) and (1V) above not prove acceptable to the Commission, that the Constituencies referred to in the Commissioner's Provisional Recommendations of 8th January 1980 as Strangford and South Down be adhered to without any changes, and that the proposed Constituency referred to in those recommendations as Lagan be named Lagan Valley but otherwise adhered to.
- (V1) That the proposed Constituencies of Upper Bann and Newry and Armagh be adhered to.
- (V11) That each of the Constituencies referred to above be classed as County Constituencies."

SECOND REPORT

PROPOSED CONSTITUENCIES OF NORTH ANTRIM, EAST ANTRIM, AND SOUTH ANTRIM

At paragraph 49 of Mr Hart's report he states:-

"I therefore recommend that the Commission adheres to its Provisional Recommendations of the 8th January 1980 for these constituencies as modified by the suggestions put forward in its public statement of 17th October 1980."

THIRD REPORT

PROPOSED CONSTITUENCIES OF FERMANAGH AND SOUTH TYRONE, MID-ULSTER, FOYLE
AND EAST LONDONDERRY

At paragraph 52 of Mr Stitt's report he states:-

"I do not recommend that the Commission departs from the provisional
recommendations made on 8th January, 1980 but that they should be
adhered to."

FOURTH REPORT

PROPOSED CONSTITUENCIES OF BELFAST NORTH, BELFAST WEST, BELFAST SOUTH AND
BELFAST EAST

At paragraph 77 of Mr Stitt's report he states:-

"I do not recommend the Boundary Commission to depart from their
provisional proposals in any of the respects contended for, but
that they should be adhered to."

Proposed Constituency

Revised Recommendations

1. Loughside

Name to be "North Down"

2. Lagan

(i) Name to be "Lagan Valley"

(ii) The 3 wards of Quilly, Dromore and Skeagh to be excluded from this proposed constituency.

(iii) The Carryduff ward to be included in this proposed constituency and excluded from the proposed Strangford constituency.

3. South Down

The 3 wards of Quilly, Dromore and Skeagh to be included in this proposed constituency.

4. Strangford

The Carryduff ward to be excluded from this proposed constituency.

5. East Antrim

(i) The 3 wards of Braden, Dunanney and Cloughfern to be included in this proposed constituency and excluded from the proposed South Antrim Constituency.

(ii) The 2 wards of Jordanstown and Ballynure to be excluded from this proposed constituency.

6. South Antrim

(i) The 3 wards of Braden, Dunanney and Cloughfern to be excluded from this proposed constituency.

(ii) The 2 wards of Jordanstown and Ballynure to be included in this proposed constituency.

NOTE

Our Provisional Recommendations were not revised except in the manner and to the extent expressly stated above.

LIST OF THOSE WHO MADE
REPRESENTATIONS ON THE
REVISED RECOMMENDATIONS

1. Mr L F Quigg
2. Carrickfergus Borough Council
3. Down District Council
4. Craigavon Borough Council
5. Mr D Bustard
6. Newtownabbey Borough Council
7. Councillor J Curry - Down District Council
8. Councillor P O'Donoghue
9. Social Democratic and Labour Party
10. Councillor E G O'Neill - Down District Council
11. E K McGrady Esq
12. Ulster Unionist Council
13. Coleraine Borough Council
14. J Donnelly Esq
15. N Devon Esq
16. Castlereagh Borough Council

FINAL RECOMMENDATIONS
COMPOSITION OF CONSTITUENCIES

The composition and designation of each constituency is set out in the following paragraphs and the boundaries of each such constituency are shown on a map at Appendix 9.

1. North Down (County Constituency)

All the wards in North Down local government district and the 6 Castlereagh wards of Dundonald, Carrowreagh, Enler, Ballyanwood, Tullycarnet and Gilnahirk.

2. Strangford (County Constituency)

All the wards in Ards local government district and the 8 Castlereagh wards of Upper Braniel, Lower Braniel, Hillfoot, Fourwinds, Moneyreagh, Beechill, Minnowburn and Newtownbreda.

3. South Down (County Constituency)

All the wards in Down local government district, the 8 Banbridge wards of Croob, Quilly, Dromore, Skeagh, Ballyoolymore, Annaclone, Drumadonnell and Garran and the 13 Newry and Mourne wards of Donaghmore, Drumgath, Rathfriland, Spelga, Seaview, Rostrevor, Lisnacree, Cranfield, Kilkeel, Binnian, Annalong, Ballycrossan and Clonallan.

4. Lagan Valley (County Constituency)

All the wards in the Lisburn local government district and the Castlereagh Ward of Carryduff.

5. Upper Bann (County Constituency)

All the wards in the Craigavon local government district and the 7 Banbridge wards of Seapatrick, Ballydown, Central, Edenderry, Lawrencetown, Gilford and Loughbrickland.

6. Newry and Armagh (County Constituency)

All the wards in the Armagh local government district and the 17 Newry and Mourne wards of Windsor Hill, St Patrick's, St Mary's, Drumalane, Daisy Hill, Ballybot, Drumgullion, Fathom, Derrymore, Bessbrook, Tullyhappy, Belleek, Camlough, Forkhill, Creggan, Crossmaglen and Newtownhamilton.

7. Fermanagh and South Tyrone (County Constituency)

All the wards in the Fermanagh and Dungannon local government districts.

8. Mid-Ulster (County Constituency)

All the wards in the Omagh and Cookstown local government districts, the 8 Strabane wards of Glenderg, Clare, Newtownstewart, Castlederg, Plumbridge, Victoria Bridge, Sion Mills and Finn and the 3 Magherafelt wards of Draperstown, Lecumpher and Ballymaguigan.

9. Foyle (County Constituency)

All the wards in the Londonderry local government district and the 7 Strabane wards of Dunnamanagh, Slievekirk, Artigarvan, North, West, East and South.

10. East Londonderry (County Constituency)

All the wards in the Limavady and Coleraine local government districts and the 12 Magherafelt wards of Swatragh, Lower Glenshane, Maghera, Tobermore, Upperlands, Valley, Gulladuff, Knockcloughrim, Bellaghy, Castledawson, Town Parks West and Town Parks East.

11. North Antrim (County Constituency)

All the wards in the Moyle, Ballymoney and Ballymena local government districts.

12. East Antrim (County Constituency)

All the wards in the Larne and Carrickfergus local government districts and the 9 Newtownabbey wards of Rostulla, Monkstown, Whiteabbey, Coole, Hopefield, Whitehouse, Braden, Dunaney and Cloughfern.

13. South Antrim (County Constituency)

All the wards in Antrim local government district and the 12 Newtownabbey wards of Jordanstown, Ballynure, Whitewell, Glengormley, Mossgrove, Ballyhenry, Mossley, Carnmoney, Mallusk, Doagh, Ballyeaston and Ballyclare.

14. Belfast North (Borough Constituency)

The following 14 Belfast wards - Woodvale, Legoniel, Ardoyne, Ballysillan, Crumlin, New Lodge, Shankill, Cliftonville, Cavehill, Castleview, Fortwilliam, Grove, Duncairn and Bellevue.

15. Belfast West (Borough Constituency)

The 14 Belfast wards of Ladybrook, Suffolk, Andersonstown, Milltown, St James, Whiterock, Highfield, Ballygomartin, Clonard, Grosvenor, Falls, North Howard, Court and Central.

16. Belfast South (Borough Constituency)

The 13 Belfast wards of Willowfield, Rosetta, Ballynafeigh, Ormeau, Finaghy, Upper Malone, Stranmillis, Malone, University, Windsor, Donegall, St George's and Cromac.

17. Belfast East (Borough Constituency)

The 10 Belfast wards of Orangefield, The Mount, Ballymacarrett, Island, Sydenham, Bloomfield, Shandon, Belmont, Stormont and Ballyhackamore and the 4 Castlereagh wards of Wynchurch, Cregagh, Downshire and Lisnasharragh.

ELECTORATE OF PROPOSED CONSTITUENCIES

Proposed Constituency (1)	Electorate at 22 March 1979 (2)	Percentage +/- Quota of 61,206 (3)
North Down	59,563	-2.7
Strangford	58,996	-3.6
South Down	64,349	+5.1
Lagan Valley	56,869	-7.1
Upper Bann	59,613	-2.6
Newry and Armagh	61,463	+0.4
Fermanagh and South Tyrone	66,129	+8.0
Mid Ulster	62,628	+2.3
Foyle	63,486	+3.7
East Londonderry	64,596	+5.5
North Antrim	62,505	+2.1
East Antrim	58,985	-3.6
South Antrim	57,277	-6.4
Belfast North	65,723	+7.4
Belfast West	61,179	-0.1
Belfast South	57,938	-5.3
Belfast East	59,207	-3.3

Total Electorate 1,040,506

FIRST SUPPLEMENTARY REPORT
ON
THE NUMBER OF MEMBERS TO BE RETURNED
TO THE NORTHERN IRELAND ASSEMBLY
BY EACH PARLIAMENTARY CONSTITUENCY

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BOUNDARY COMMISSION FOR NORTHERN IRELAND

FIRST SUPPLEMENTARY REPORT

on

The number of members to be returned to the Northern Ireland Assembly
by each Parliamentary Constituency

To the Right Honourable James Prior MP, Her Majesty's Secretary of State for
Northern Ireland.

Introduction

1. In addition to submitting to the Secretary of State the foregoing Third Periodical Report ("the Main Report") showing the parliamentary constituencies into which we, the Boundary Commission for Northern Ireland, recommend that the whole of Northern Ireland should be divided, we are required by section 28(2) of the Northern Ireland Constitution Act 1973 ("the Constitution Act") to submit therewith a supplementary report showing the number of members which we recommend should be returned to the Northern Ireland Assembly by each of these proposed constituencies.
2. This is the first such Supplementary Report under the Constitution Act.
3. Details of the Commission's constitution will be found on page 2 of the Main Report.
4. During the course of our review of the distribution of Assembly seats there was no Northern Ireland Assembly in existence. The first, elected in 1973, had been dissolved on 28 March 1975 and no further election of members had taken place. Just as we were concluding our work, however the Northern Ireland Act 1982 was passed and this provides for fresh elections. This constitutional development has not in any way affected our statutory task which remains as provided by Parliament in the Constitution Act.

5. The starting point for our work on Assembly seats was our final recommendations in the Main Report on the parliamentary constituencies. These recommendations are described in appendices 8 and 9 to the main report.

Commission's functions

6. In relation to the Assembly the basic rule laid down by statute - section 1(2) of the Northern Ireland Assembly Act 1973 ("the Assembly Act") - is that the constituencies from time to time fixed for elections in Northern Ireland to the Westminster Parliament are also to be used for elections to the Assembly; and the only tasks to be performed by the Commission in relation to the Assembly are to review, and make recommendations upon -
- (a) the total number of members to be elected to the Assembly from those constituencies; and
 - (b) the distribution of that number of members amongst those constituencies.

The number of members in the first Assembly was 78 and by the Assembly Act they were distributed over the then existing 12 parliamentary constituencies as follows:-

<u>Constituency</u>	<u>Number of Members to be returned</u>
Belfast East	6
Belfast North	6
Belfast South	6
Belfast West	6
North Antrim	7
South Antrim	8
Armagh	7
North Down	7
South Down	7
Fermanagh and South Tyrone	5
Londonderry	7
Mid Ulster	6

7. We have power to recommend that the number of members in the Assembly should be altered but that power is subject to the limitation that the Commission are not to make a recommendation whose effect would be "substantially to alter" the number of members specified in the Assembly Act, viz 78 (see s.28(3) of the Constitution Act).

As regards the Commission's power to make recommendations on the distribution of the total number of Assembly members among the parliamentary constituencies, the relevant statutory provision requires the Commission's recommendations to be "such as to secure, so far as practicable, that the ratio of the electorate of each constituency to the number of members to be returned by that constituency is the same in every constituency": (see s.28(3) of the Constitution Act).

Provisional Recommendations

9. Having regard to the statutory background just described we provisionally determined to recommend that there be no alteration in the total number of Assembly members and that that number (78) be distributed among the proposed 17 constituencies in the manner set out in the following table. Column (4) of the table shows the effect of the recommendations in relation to the statutory ratio requirement explained above.

(1)	(2)	(3)	(4)
<u>Proposed UK Parliamentary Constituency</u>	<u>County or Borough Constituency</u>	<u>Proposed number of members to be returned to the Northern Ireland Assembly by the Constituency</u>	<u>Ratio of electors to each member in the Constituency</u>
1. North Down	<u>County</u>	4	14,827
2. Strangford	"	4	14,717
3. South Down	"	5	12,822
4. Lagan Valley	"	4	14,163
5. Upper Bann	"	5	11,884
6. Newry and Armagh	"	5	12,234
7. Fermanagh & South Tyrone	"	5	13,108
8. Mid Ulster	"	5	12,590
9. Foyle	"	5	12,536
10. East Londonderry	"	5	12,871
11. North Antrim	"	5	12,481
12. East Antrim	"	4	14,716
13. South Antrim	"	4	14,293
14. Belfast North	<u>Borough</u>	5	13,114
15. Belfast West	"	5	12,212
16. Belfast South	"	4	14,423
17. Belfast East	"	4	14,776

78 members

10. In the course of our work we discovered what appears to be a "lacuna" or gap in the law. The electorate for the purposes of the first election to the Assembly in 1973 was the electorate which would then have been entitled to vote at a general election to the Parliament of Northern Ireland if such an election had then been held; but provision was made for the electorate for any subsequent Assembly election to be defined by order of the Secretary of State under section 29(2) of the Constitution Act. However, no such order has been made and, accordingly, the Commission was left in doubt as to the electorate on which we should base our calculations. The practical possibilities, as we saw them, were that we could use -

(a) the electorate for local government (ie district council) elections in Northern Ireland - this being the electorate which corresponds to the electorate for the 1973 Assembly elections and to the electorate for elections to the former Northern Ireland Parliament or, alternatively

(b) the electorate for elections in Northern Ireland to the Westminster Parliament.

At the relevant date for the purposes of the Commission's deliberations - 22 March 1979 - the total nett difference between (a) and (b) was 3,554 persons, the local government electorate being 1,036,952 and the United Kingdom parliamentary electorate being 1,040,506.

11. In the result we decided that the local government electorate was the appropriate one to use and the figures in the table published with our Provisional Recommendations (see paragraph 9 above) were therefore based upon this electorate. However we are entirely satisfied that had we decided to use the alternative (ie United Kingdom parliamentary electorate in Northern Ireland) the resulting distribution of Assembly seats would have been the same as set out in that table.

12. Formal notice of our Provisional Recommendations was published on 2 April 1982 in the same newspapers as carried out announcements about our main task (see paragraph 2.1 of the Main Report). This newspaper notice, a public statement and a map showing the proposed 17 parliamentary constituencies were all available for inspection at public libraries and district council offices. The notice and the

public statement invited representations within one month from
2 April

Representations received

13. As can be seen from the annexed list of representations received (Annex A) the publication of our Provisional Recommendations produced a considerable response - most of it alleging that the inequality between the proposed 4-seat and 5-seat constituencies created unfairness.

Revised Recommendations

14. We gave careful consideration to all the representations we received and, on balance, decided that our Provisional Recommendations should be revised, and that each of the 17 constituencies should have the same number of members, viz 5. This inevitably meant that our recommendations to the Secretary of State would include a recommendation that the total number of members in the Assembly should rise to 85.

15. In framing our Provisional Recommendations we had felt that it was desirable (if possible) to avoid an alteration in the total number of Assembly members as originally fixed by Parliament itself, and on this basis - which necessarily involved some constituencies having more seats than others - we had endeavoured to produce the fairest possible result within the limits set by our statutory powers. In putting forward our Revised Recommendations, however, we were satisfied that the proposed increase of 7 Assembly members could not fairly be described as altering "substantially" the number of Assembly members fixed by Parliament. The effect of the Revised Recommendations is shown in the following table. Column (4) of that table shows the effect of the revised Recommendations on the statutory ratio requirement explained in paragraph 8 above.

(1)	(2)	(3)	(4)
<u>Proposed UK Parliamentary Constituency</u>	<u>County or Borough Constituency</u>	<u>Proposed number of members to be returned to the Northern Ireland Assembly by the Constituency</u>	<u>Ratio of electors to each member in the Constituency</u>
1. North Down	County	5	11,862
2. Strangford	"	5	11,774
3. South Down	"	5	12,822
4. Lagan Valley	"	5	11,330
5. Upper Bann	"	5	11,884
6. Newry and Armagh	"	5	12,234
7. Fermanagh & South Tyrone	"	5	13,108
8. Mid Ulster	"	5	12,590
9. Foyle	"	5	12,536
10. East Londonderry	"	5	12,871
11. North Antrim	"	5	12,481
12. East Antrim	"	5	11,773
13. South Antrim	"	5	11,435
14. Belfast North	Borough	5	13,114
15. Belfast West	"	5	12,212
16. Belfast Wouth	"	5	11,539
17. Belfast East	"	5	11,820
		— 85 members —	

16. Notice of these Revised Recommendations was published on 8 June 1982. in the same manner and to the same extent as notice for the Provisional Recommendations.

Final Recommendations

17. We received representations about our Revised Recommendations from the individuals and bodies listed in Annex B. Only one was critical and we came to the conclusion that no further revision was necessary. Thus, we decided that our Revised Recommendations as to the number and distribution of Assembly seats should become our Final Recommendations, and accordingly these are the Recommendations as set out in the table in para 15 above.

Concluding Comments

18. In conclusion we draw attention to an uncertainty in the law about our supplementary reports on Assembly seats. Section 28(4) of the Constitution Act specifically applies certain of the statutory provisions of the House of Commons (Redistribution of Seats) Act 1949 dealing with publication of notices of proposed reports, etc, to a

supplementary report, but this creates a doubt as to whether other provisions in the 1949 Act dealing with the publication of notices also apply to the supplementary report. For example, is it the law that para 3 of Part III of the First Schedule to the 1949 Act applies to a supplementary report? Again, is it the law that section 4(1) of the 1958 Act (also dealing with the publication of notices) applies to a supplementary report? In producing this first supplementary report we took the view that we should treat both para 3 and section 4(1) as applicable to our supplementary report so that maximum publicity would be given to our proposed recommendations and a full opportunity made available for objections. We feel, however, that at the next opportunity for legislation appropriate provision should be enacted to clear up any doubts for the future. The gap in the law to which we refer in paragraph 10 of this supplementary report can of course be closed by ministerial order and will not necessarily need to be dealt with by statute.

19. The Assessors and Secretariat were, of course, involved in the preparation of this Supplementary Report as well as our Main Report and our recognition in paragraphs 4.8 and 4.9 of the Main Report of their excellent work extends also to their work in connection with this Supplementary Report.

Donald Murray
Deputy Chairman

Th. Leonard Miller
Secretary

Date 27 October 1982

G. Duffy

W. T. E.

LIST OF PERSONS AND BODIES WHO MADE REPRESENTATIONS ON THE COMMISSION'S
PROVISIONAL RECOMMENDATIONS ON NI ASSEMBLY SEATS

P J Emerson Esq

North Down Alliance Party

Carrickfergus Borough Council

The Alliance Party of Northern Ireland

Ulster Democratic Unionist Party - South Antrim Standing Committee

Newtownabbey Borough Council

Castlereagh Borough Council

Lisburn Borough Council

North Down Borough Council

Ulster Unionist Council

Ulster Democratic Unionist Party, North Antrim Association

Ulster Democratic Unionist Party (Headquarters)

Ulster Democratic Unionist Party North Down Imperial Association

N Devon Esq

Social Democratic and Labour Party

Dr J Ford

Alderman P Robinson MP

Belfast City Council

Larne Borough Council

LIST OF PERSONS AND BODIES WHO MADE REPRESENTATIONS ON THE COMMISSION'S
REVISED RECOMMENDATIONS ON NI ASSEMBLY SEATS

Belfast City Council

Patrick McGarry Esq BA, DMS, MBIM

P J Emerson Esq

Castlereagh Borough Council

North Down Borough Council