

CONFIDENTIAL

Prime Minister:



*MS*

*Mr Pinos minute is attached. Agree to let Home Secretary's proposal meet the N.I. Boundary Commission reports should be raised under Parliamentary Affairs at Cabinet?*

PRIME MINISTER

HANDLING OF REPORTS OF THE PARLIAMENTARY BOUNDARY COMMISSIONS

*H*

*S/A*

*with those NC?*

The Secretary of State for Northern Ireland sent me a copy of his minute to you of 2 November about the report of the Parliamentary Boundary Commission for Northern Ireland. The handling of the reports of all four United Kingdom Boundary Commissions was discussed by the Home and Social Affairs Committee on Monday, 1 November, and it may be helpful to colleagues in considering the position in Northern Ireland if I summarise the Committee's conclusions.

The House of Commons (Redistribution of Seats) Act 1949 requires each Commission's report to be laid before both Houses of Parliament "as soon as may be" after receipt, together with a draft Order (or draft Orders) in Council implementing it, with or without modification. Once approved in Parliament, the Orders are made by The Queen in Council to come into force on a specified day (though they do not take effect until the next General Election). These 'constituency' Orders also require electoral registration officers to prepare new registers in readiness for the next General Election. After the 'constituency' Orders have been made further Orders have to be brought forward to designate returning officers for the new constituencies in England, Wales and Scotland. (In Northern Ireland there is only one returning officer: the Chief Electoral Officer.)

Although the Government have no direct control over the timetable for the preparation of the Boundary Commissions' reports, it is our stated aim to have the new constituency boundaries in force in time for a General Election in the autumn of 1983 or later. As the Secretary of State for Northern Ireland has explained, the Northern Ireland Commission has already reported. We expect to receive the reports of the English, Scottish and Welsh Commissions in January or February. On this basis, we should be able to complete all the necessary Parliamentary procedures and administrative preparations in time for an autumn Election. With a little more administrative difficulty, and assuming no delay at any point, we could probably be ready, if necessary, for a June Election.

H Committee agreed that we should follow the precedent of 1970 by laying a single Order for each country, rather than that of 1954, when the recommendations of the English, Welsh and Scottish Commissions were implemented by means of 52 separate Orders. They also agreed that in order to keep the number of representations for modifications of the recommendations to a minimum the English, Scottish and Welsh reports should be laid, together with the related draft Orders, as soon as possible after receipt (there is a precedent from 1954 for allowing no more than eight days between submission of the English Commission's report and the laying of the draft implementing legislation).

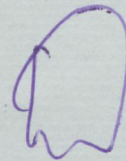
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2.

Although the Committee agreed that the Northern Ireland Commission's report should be handled in broadly the same way as the other three, they recognised that coming so soon after the Northern Ireland Assembly elections the handling of a report which recommends an increase in the number of Northern Ireland M.Ps from 12 to 17 would raise issues of the greatest political sensitivity. They therefore felt it highly desirable that the timing of the next steps on the Northern Ireland Commission's report should be discussed by the Cabinet in the context of the agreement reached on the handling of the other reports. You may feel it appropriate that this issue should be raised by the Secretary of State for Northern Ireland under the Parliamentary Affairs item at Cabinet on 11 November.

I am copying this minute to all members of the Cabinet, to the Chief Whip and the Attorney General, and to Sir Robert Armstrong.



4 November 1982

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PARLIAMENT  
cc: Cabinet  
Chief Whip  
Att. Gen.  
CO



10 DOWNING STREET

From the Private Secretary

8 November 1982

The Prime Minister has now seen the Home Secretary's minute of 4 November about the handling of reports of the Parliamentary Boundary Commissions reporting on the outcome of the discussion at the Home and Social Affairs Committee. She has also seen the minute by the Secretary of State for Northern Ireland covering the report of the Boundary Commission on Northern Ireland. Mrs. Thatcher has noted the position on the reports of the English, Scottish and Welsh Commissions; she would be grateful if, as the Home Secretary proposes, the Secretary of State for Northern Ireland could raise the handling of the Northern Ireland report under Parliamentary Affairs at Cabinet on 11 November.

I am sending copies of this letter to the Private Secretaries to the members of Cabinet, to the Chief Whip, the Attorney-General and to Sir Robert Armstrong.

Timothy Flesher

John Halliday, Esq.,  
Home Office.

PRIME MINISTER

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Parliamentary Boundary Commissions

H Committee discussed (minutes attached) the handling of the reports of the Parliamentary Boundary Commissions. Elsewhere in the box there are minutes from the Northern Ireland Secretary and the Home Secretary which comment on the handling of the Northern Ireland Boundary Commission report. For the English, Scottish and Welsh Commissions the timetable envisaged by H was as follows:

- February 1983 : Reports delivered to the relevant Secretary of State
- A week later : The reports are laid with draft implementing Orders in Council
- March 1983 : The Orders are debated in the House on the same day
- Late March/April 1983 : The Orders are made by The Queen in Council
- End of April 1983 : Orders designating the returning officers for the new constituencies are made
- May : Local authorities rearrange the electoral registers

Such a timetable would, if there are no hitches, make it just possible to hold a June General Election.

The Attorney General commented on the Labour Party injunction against the Boundary Commissioners which is down for hearing on 22 November. The chances of the action succeeding were slim. In the event of an appeal, it should be possible to expedite proceedings before the Court of Appeal <sup>and</sup> ~~in~~ the House of Lords. It was possible that if the Courts ruled that the plaintiffs had

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no locus standi they might ask him (the Attorney) to bring relator proceedings on their behalf. This would to say the least be embarrassing. The timetable outlined above should however not be disturbed.

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4 November 1982

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## 2. HANDLING OF REPORTS OF THE PARLIAMENTARY BOUNDARY COMMISSIONS

The Committee considered a Memorandum by the Home Secretary (H(82) 47 (Revise)) about the handling of the reports of the Parliamentary Boundary Commissions.

THE MINISTER OF STATE, HOME OFFICE (Mr Mayhew) said that the Parliamentary Boundary Commission for Northern Ireland had already submitted their report. The English, Welsh and Scottish Commissions hoped to complete their reviews by the end of 1982, and to submit their reports in January or February 1983. The House of Commons (Redistribution of Seats) Act 1949 required the Secretary of State to lay the reports before Parliament, together with draft Orders in Council (constituency Orders) giving effect to their recommendations with or without modifications, "as soon as may be" after they had been submitted. The Government had already publicly stated their aim of having the new constituency boundaries in force in time for a General Election in the autumn of 1983 or later, but with some administrative difficulty it would probably be possible to be ready in time for a General Election in June 1983. Any alteration to the recommendations would be a massive task which could seriously delay implementation, and although the Government would be open to legal challenge if they said in advance that they would not consider representations for changes, the number of representations could in practice be limited by laying each report and the related draft Order or Orders as soon as possible after it was submitted. A single draft Order could be laid for each report, or there could be draft Orders dealing with each county. The latter course would mean the laying of 46 draft Orders for England alone, and the Home Secretary's view was that the precedent from 1970 of laying one Order for each county should be followed. The Northern Ireland report and draft Order would probably have to be laid within the next two or three weeks and debated separately, but it would be convenient for the English, Scottish, and Welsh reports to be laid, with draft Orders, within eight days of receipt, as in 1954 (when, however, the Commissions' proposals were implemented by 52 Orders in Council), and for all

three to be debated on the same day. On this basis, and assuming that there was no delay in the preparation of the three outstanding reports, it should be possible to lay the three draft implementing Orders in Council by the end of February 1983. They could then be debated in both Houses during March, and, if approved, made by The Queen in Council at the end of March or the beginning of April. They would then be in force, but would have no effect until the next General Election. Once these constituency Orders had been made, however, the Secretary of State would need to make further Orders (designation Orders) designating the returning officers for the new constituencies. This required no Parliamentary procedure other than examination by the Statutory Instruments Committee, and it should be possible for these designation Orders to be made by the end of April. The local authorities could then rearrange the electoral registers as necessary during May, making it just possible to hold a General Election in June. He invited the Committee to approve the recommendations set out in H(82) 47 (Revise) accordingly.

THE ATTORNEY GENERAL said that the Leader of the Labour Party and other senior officers of the Labour Party had begun proceedings for an injunction to prevent the Boundary Commissioners for England from submitting their report. The hearing had been set down for 22 November. The court would probably decide the issue according to precedent, and the chances of the action succeeding were slim. If the plaintiffs lost, they might go to the Court of Appeal and then to the House of Lords. In that event, it should be possible to expedite proceedings, and avoid any disruption of the timetable envisaged by the Home Secretary. It was just possible that the courts would decide that the plaintiffs had no locus standi. In that event, the plaintiffs might ask him to bring relator proceedings, that is proceedings in his name on their behalf. This would clearly place him in a politically embarrassing position. It was desirable that as far as possible the case should be dealt with on its merits, and there was no reason to arrange for members of the Conservative Party to oppose the application by the officers of the Labour Party.

THE MINISTER OF STATE, NORTHERN IRELAND OFFICE said that the Northern Ireland Boundary Commission had recommended an increase in the number of Northern Ireland constituencies to 17. This would be generally welcomed by the

Official Unionists, even though it might result in the election of perhaps two further supporters of Sinn Fein. He recognised that the handling of the report would be a matter of great political sensitivity, especially as it came so close to the recent elections to the Northern Ireland Assembly, and that any extension in Northern Ireland representation at the present time was likely to be criticised by some Members of Parliament. His own view was that the report should be dealt with strictly in accordance with precedent, and that it should be laid before Parliament together with the implementing draft Order as soon as possible. The Secretary of State for Northern Ireland intended to bring these issues before the Cabinet for decision in the course of the following week.

THE HOME SECRETARY, summing up the discussion, said that the Committee agreed that the reports of the Parliamentary Boundary Commissions should as far as possible be handled in accordance with the precedents of 1954 (so far as the time allowed for representations was concerned) and 1970. A single draft Order would be laid with each Boundary Commission report. The Committee agreed that action on the Northern Ireland Commission report should proceed independently of the other three; the precise timing would be a matter for decision by the Cabinet. He would lay the reports for England and Wales as soon as possible after they were submitted, together with the related draft Orders. The Secretary of State for Scotland should make similar arrangements for the report of the Scottish Commission. The intention would be for the English, Scottish, and Welsh reports to be debated on the same day, and for all the preparations for the next General Election on revised constituency boundaries to be completed by the end of May. The Committee recognised that although this was a very tight timetable, and that there should be no avoidable delay on the Government's part once the recommendations had been received, there could be no question of the Government appearing to put pressure on any of the Commissions to expedite the preparation of their reports.

The Committee -

1. Took note that the Secretary of State for Northern Ireland intended to seek decisions from the Cabinet on the handling of the report of the Northern Ireland Parliamentary Boundary Commission.
2. Agreed that the Parliamentary Boundary Commission reports for England, Scotland and Wales should be handled as proposed in H(82) 47 (Revise).



CONFIDENTIAL



Prime Minister

REPORT OF THE BOUNDARY COMMISSION ON NORTHERN IRELAND

INSIDE  
FILE COVER.

I am writing to inform you that I have recently received the report of the Boundary Commission for Northern Ireland. A copy ... is attached. The Commission recommended, in line with the provisions of the House of Commons (Redistribution of Seats) Act 1979, that Northern Ireland should be divided into 17 constituencies for elections to Parliament. In a supplementary report, as required by the Northern Ireland Constitution Act 1973, the Commission also recommend that five members should be returned to the Northern Ireland Assembly from each of the 17 parliamentary constituencies, thereby increasing the total membership of the Assembly from 78 to 85 members.

2. I am satisfied that in arriving at their recommendations, in both the main and the supplementary reports, the Commission complied fully with the requirement of section 1 of the House of Commons (Redistribution of Seats) Act 1979 and of section 28 of the Northern Ireland Constitution Act 1973. Furthermore I am satisfied that all interested persons and organisations in Northern Ireland were given ample opportunity to make representations to the Commission and to local inquiries concerning the Commission's recommendations.

3. I should be grateful for your agreement and that of the Home Secretary to my laying the Boundary Commission's report before Parliament together with a draft Order in Council giving effect to all the Commission's recommendations. Although the recommendations deal with the number of Assembly Members as well as MPs which should represent NI, I do not believe that two debates are necessary and accordingly propose to introduce a single Order in Council.

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4. I am sending a copy of this minute and enclosure to all members of Cabinet and to Sir Robert Armstrong. If colleagues other than the Prime Minister and Home Secretary do wish to comment, I should be grateful if they would do so by 12 November.

A handwritten signature in blue ink, consisting of a stylized, cursive 'J' followed by a 'P'.

J P

2 November 1982

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