

LABOUR AND THE BOUNDARY COMMISSION

History

As a result of a Speaker's Conference, the House of Commons (Redistribution of Seats) Act 1944 established four permanent Boundary Commissions, one each for England, Wales, Scotland and Northern Ireland. The Commissioners are independent of party politics and are mostly taken from the judiciary: each Commission is chaired by the Speaker of the House of Commons.

The Act laid down that there should be a review of boundaries between three and seven years after the previous review. At each review, the Commissions were required to make new constituencies as near to the electoral quota as possible and were to have regard to local authority boundaries. The electoral quota was calculated by dividing the total electorate by the number of constituencies. It was also laid down that Northern Ireland should have twelve constituencies and the number for Great Britain should "not be substantially greater or less than 613"; in addition, Scotland should have "not less than 71 seats and Wales not less than 35 seats".

The House of Commons (Redistribution of Seats) Act 1958 increased the interval between reviews from 3 to 7 years to between 10 and 15 years: it also allowed local inquiries into disputed recommendations and relieved the Commissioners of the obligation to adhere closely to the rules except in the case of local government boundaries. This is how the law stands today.

Labour Gerrymandering

The Labour Party has a record of interfering with the Boundary Commission. The most blatant example was in 1969. Implementing the reports of the four Boundary Commissions might have given an advantage to the Conservatives of a few seats, so the Labour Government introduced a Bill to postpone the bulk of the recommended boundary changes indefinitely. When the Bill was rejected by the House of Lords, Mr James Callaghan, who was Home Secretary, tabled four draft orders implementing the Commissions' reports, and when these orders came before the House of Commons, solemnly asked his colleagues to vote them down.

Labour's Present Challenge

In 1976, the Boundary Commission began their latest reviews, which must, by law, be complete by April 1984. In fact, the Commissions finished their work much earlier. On 22nd November 1982, Mr Michael Foot, Mr Michael Cocks (Labour's Chief Whip), Mr James Mortimer (Labour's General Secretary), and Mr David Hughes (Labour's national agent), went to the High Court to seek an injunction preventing the English Commission from submitting its proposed boundary revisions to the Home Secretary.

As before, Labour's motives were purely party political. The present parliamentary boundaries are based on the population distribution at the time of the last review in October 1964. The steady migration of people away from the inner cities has left these areas, almost solidly Labour, grossly over-represented. Most of the over-size constituencies in rural or new town areas are Conservative. As *The Economist* said: "Any boundary redistribution, however well or badly executed, would be bound to redress these glaring anomalies and so remove the bias towards the Labour Party now built into the electoral system" (20th November 1982).

The Labour Party challenged the way that the Commissioners had carried out their instructions to produce constituency electorates "as near as practicable" to the current English electoral quota (65,753 voters per constituency) and to avoid crossing county or London borough boundaries. On 21st December, the two High Court Judges unanimously and comprehensively rejected Labour's case. Lord Justice Oliver said that it was not a case in which the court should interfere with or impede parliamentary debate on the matter. In

any event, Labour had delayed too long before making its challenge and that in itself would be enough to defeat the claim. The Labour Party appealed against the High Court's decision. On 25th January 1983, the Appeal Court rejected Labour's case and ruled that they had "completely failed" to show that the Commission had done other than faithfully obey Parliament's instructions. On 27th January the Labour leaders applied for leave to appeal to the Law Lords. On 11th February, the five Law Lords unanimously dismissed their petition. Costs have been awarded against the four, who now face a total bill for legal costs estimated at about £70,000.

Having completely failed in their legal challenge, Labour are now trying to block the changes in the House of Commons. On 14th February, draft orders setting out the changes for constituencies in England were laid before Parliament. On 16th February, the Commons debated the draft order for Parliamentary constituencies in Wales. For more than ninety minutes, this debate was delayed by points of order. Mr Patrick Mayhew, Minister of State, Home Office, was consistently prevented from moving the draft order. One Labour Member, Mr Raymond Powell, was asked to leave the Chamber by the Deputy Speaker and another Labour MP, Mr Dennis Canavan, forced a vote on the withdrawal of strangers, a device for clearing the press and public from the galleries. The debate was eventually adjourned, unconcluded.

It is clear that Labour intend to use every possible device to delay the changes. Dr Edmund Marshall, a Labour MP whose seat will disappear under the scheme, has admitted as much: "Every opportunity will be taken to delay the constitutional enforcement of these boundary proposals. Every day's delay that is gained, thereby reduces the options for the Prime Minister in calling a General Election on the new boundaries" (*Labour Weekly*, 18th February 1983). As the *Guardian* put it:

"A lot of electors will be deeply unimpressed with a party which has to be carried out kicking and screaming rather than honourably accepting the verdict of a neutral umpire" (21st February 1983).

Implications of the Changes

The Commission for England proposes an extra seven seats, while the three other Commissions are proposing five more in Northern Ireland, two more in Wales, and one more in Scotland. This will increase the size of the House of Commons from 635 to 650. Most of the inner cities lose seats and this is likely to cause major problems for Labour. Whereas both the Conservative Party and the Liberal-Social Democratic Alliance have been selecting candidates on the basis of the new boundaries, Labour have selected on the old ones. In an attempt to prevent a fresh wave of bloodletting, Labour have decreed that only an endorsed candidate for an old constituency has the right to go on to the short list for any new constituency which takes in any part of his present Parliamentary area. Nevertheless, the new selections will provide further opportunities for the Left to tighten their grip on the party and, in a number of cases, will lead to bitter clashes between sitting MPs.

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