

3. Representation of the People (Amendment) Bill 2013 – Second Reading approved

Mr Corkish to move:

That the Representation of the People (Amendment) Bill 2013 be now read a second time.

The President: We turn now to Item 3 on our Order Paper: The Representation of the People (Amendment) Bill.

I call on Mr Corkish to take the Second Reading.

Mr Corkish: Thank you, Madam President.

The Representation of the People (Amendment) Bill 2013 is the result of an independent review carried out over a period of three years by the Boundary Review Committee.

The exercise involved no fewer than three public consultations, resulting in three reports of Tynwald – all of which were approved – that agreed to the principles and specific provisions contained in this Bill.

The quality of voting and representation as a fundamental principle of democracy and its implementation on the Island is long overdue. This Bill offers an opportunity to deliver equal and fair voting for people across the Island, wherever they live, and to do so in time for the next General Election in 2016.

This short Bill contains four clauses, which put into legislative form resolutions made by Tynwald that the 24 seats of the House of Keys be divided into 12 constituencies of two Members each and that these changes are effected for the General Election of 2016.

The Bill also sets out that there will be an Electoral Commission to be appointed within 12 months of the General Election of 2021, whose main task will be to review the number and boundaries of constituencies. A review of the number and boundaries of constituencies must be conducted following every second General Election thereafter. The Electoral Commission will also be able to consider any such matter relating to elections as a resolution of Tynwald directs.

Madam President, I beg to move the Second Reading of the Representation of the People (Amendment) Bill 2013.

Mr Downie: I beg to second, Madam President, and reserve my remarks.

The President: The motion is that the Bill be read a second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Representation of the People (Amendment) Bill 2013 – Clauses considered

The President: We move to the clauses. I call on Mr Corkish to take the first clause.

Mr Corkish: Madam President, clause 1 provides the short title of the Bill. I beg to move that the clause 1 stand part of the Bill.

Mr Downie: I beg to second, Madam President, and reserve my remarks.

The President: The motion is that clause 1 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 2.

Mr Corkish: Thank you.

Clause 2 provides that the Act will come into force so as to apply for the General Election of the Keys in 2016 and then re-election thereafter.

I beg to move that clause 2 stand part of the Bill.

Mr Downie: I beg to second, Madam President, and reserve my remarks.

The President: The motion is that clause 2 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 3.

Mr Corkish: Thank you, Madam President.

Clause 3 substitutes a new section 11 in the Representation of the People Act 1995 and introduces a new section 11A.

Section 11 legislates for the recommendation of the Boundary Review Committee, as approved by Tynwald, that there should be regular reviews of the number and boundaries of constituencies and provides for the establishment of an Electoral Commission.

An Electoral Commission will be appointed by the Governor in Council within 12 months of the General Election in 2021 and after every second General Election thereafter. This requires the appointment of an Electoral Commission every 10 years. However, an Electoral Commission may also be appointed at any other time if the resolution of Tynwald so directs. The membership of an Electoral Commission will comprise a Chair and a minimum of three other Members.

Madam President, although the main function of the Electoral Commission will be to review the number and boundaries of constituencies, there is provision for it to consider any such matter relating to elections as a resolution of Tynwald may direct.

It became apparent during the three-year consultation process that many took the view that the remit of the Boundary Review Committee should have been wider and that there were other issues central to the democratic process that would benefit from the scrutiny of this Committee. The provisions of the Representation of the People Act 1995, under which the Boundary Review Committee was established, only allow for a review of the number and boundaries of constituencies.

Moving forward, the provisions set out in this Bill give Tynwald an option to appoint this body to undertake such work in future, if so decided. The title 'Electoral Commission' has been used to reflect this more regular review process and the potential for this body to have a wider remit.

The Electoral Commission will be required to submit a report on the number and boundaries of constituencies to Tynwald no later than 18 months after its appointment. Such a report can be an interim report and thereafter the Electoral Commission must issue such other reports and in such a timeframe as a resolution of Tynwald directs. On submission of its final report to Tynwald, the Electoral Commission is taken to be dissolved.

A new section 11A provides for the Island to be divided into 12 constituencies, each returning two Members. This is in accordance with the recommendation of the Boundary Review Committee and the Tynwald resolution of 18th June 2013 and was the outcome of a three-year ongoing process of public consultation and political engagement.

In making the recommendation of 12 constituencies, each returning two Members, the Boundary Review Committee made clear in its report that there was compatible support for this option and also for 24 constituencies with one Member.

After nearly 30 years with no changes having been made to constituency boundaries, every option for change would have resulted in disruption to a greater or lesser degree. The Committee considered which option was the most practical and achievable: firstly, in that it needed to meet the objective of equality of representation and secondly, that of equivalence, the ratio of population to Member.

The least disruptive, taking into account the needs of the whole Island, was identified by the Committee, after detailed consideration, to be 12 constituencies of two Members each. This is what was recommended to Tynwald and what was, after a very lengthy debate, agreed.

The boundaries of the new constituencies are in accordance with the maps presented to Tynwald in June 2013 and the names of the new constituencies are suggested in the Boundary Review Committee's report save for the amendment which was agreed in another place, which changed the name of the constituency of 'Malew, Arbory and Castletown' to that of 'Castletown, Arbory and Malew'.

Madam President, I beg to move that clause 3 stand part of the Bill.

Mr Downie: I beg to second, Madam President, and reserve my remarks.

The President: The Hon. Member, Mr Braidwood.

Mr Braidwood: Thank you, Madam President.

I am in total support of the Bill – even having a constituency of 'Arbory, Castletown and Malew'.

The President: The motion is that clause 3 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 4.

Mr Corkish: Thank you, Madam President.

Clause 4 provides for the Act to cease to have effect on the day following its promulgation or on the day following the General Election of the House of Keys, whichever is the earlier.

Madam President, I beg to move that clause 4 stands part of the Bill.

Mr Downie: I beg to second, Madam President, and reserve my remarks.

The President: The motion is that clause 4 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.