



Gorsedh Kernow says “Gwithewgh Kernow Kowal! – Keep Kernow Whole!”

The Parliamentary Voting System and Constituencies Act 2011 stated that the number of seats in the UK parliament should be reduced from 650 to 600.

The Boundary Commission has therefore recommended a cross border “Devonwall” constituency to be put into place for the next general election in 2020. This political vandalism threatens to destroy the territorial integrity of Cornwall and a border that has been in place for a thousand years. It is a denial of Cornwall’s distinctive history and cultural identity and blatantly ignores the U.K. Government’s recognition of the Cornish under the 2014 Framework Convention for National Minorities.

The Boundary Commission’s hands are tied by the Parliamentary Voting System and Constituencies Act 2011. This specifies a maximum/minimum electorate for each constituency. Cornwall’s electorate is too small for 6 MPs and fractionally too large for 5. The legislation does allow for special cases (Orkney & Shetland, the Western Isles, and two seats for the Isle of Wight), to be made but Cornwall is not deemed to be a special case or even a national entity by the legislation. This is a Government decision and not one the Boundary Commission can make.

The electorate of Cornwall and the Isles of Scilly means we would be entitled to about 5.3 MPs and it is therefore a statistical impossibility for the Boundary Commission to propose five seats for Cornwall and Isles of Scilly.

That is why we need to build a massive campaign to put pressure on central government and Members of Parliament to modify the existing legislation to ensure that Cornish constituencies remain whole and lie entirely within the boundaries of Cornwall and the Isles of Scilly.

The threat to Cornwall’s integrity and identity cannot be understated. We urge everyone who cares for Cornwall, both Cornish born and Cornish of heart to write, in their own words, to Chris Skidmore MP, Cabinet Minister responsible for the Act, asking for an amendment to the legislation allowing Cornwall to be recognised as a special case. They should also write to their own local MP and to the Boundary Commission requesting that that Cornwall’s integrity is respected by the Parliamentary Constituency Boundaries.

Write a letter or send an email to the Government:

Chris Skidmore MP, Minister for the Constitution, Cabinet Office, Whitehall, London, SW1A 2AS

or email chris.skidmore.mp@parliament.uk

Write a letter or send an email to your MP:

(name of your MP), House of Commons, London, SW1A 0AA

Or it is simple to contact your MP online: www.writetothem.com enter your postcode and complete the message box.

Cornish MPs: george.eustice.mp@parliament.uk
sarah.newton.mp@parliament.uk
sheryll.murray.mp@parliament.uk
derek.thomas.mp@parliament.uk
steve.double.mp@parliament.uk
scott.mann.mp@parliament.uk

Write a letter to the Boundary Commission

Boundary Commission for England, 35 Great Smith Street, London, SW1P 3BQ.

You can also contact the Boundary Commission through their website: www.bce2018.org.uk

***NB** You cannot cut and paste into “www.writetothem.com” or “www.bce2018.org.uk” you need to re-type in your own words.*

Summary of Cornwall’s Case

1. Cornwall has devolved Local Government through the Devolution Deal, recently agreed with HM Government and our democracy will be seriously inhibited if this does not coincide with Parliamentary Constituency boundaries.
2. The Cornish are recognised as a National Minority under the European Framework Convention. This was endorsed by the UK Government in 2014. The Government’s announcement made clear the similarity between Cornwall, Wales and Scotland in terms of National Minority status. Neither Wales nor Scotland have cross border constituencies and Cornwall’s border should be similarly respected.
3. The Parliamentary Voting System and Constituencies Act 2011 was in place before the UK Government agreed that the Cornish be recognised by the Framework Convention for National Minorities in 2014. The FCNM therefore must take precedence.
4. Cornwall has a distinct history and cultural identity and an officially recognised Celtic language that sets it alongside Wales and Scotland.

5. The border was set between Cornwall and Devon/England in the 10th Century and was reinforced by successive monarchs from the Norman Conquest through to modern times.
6. The Duchy of Cornwall is unique within the UK and affords special constitutional status to Cornwall that sets it apart from England.
7. The determination of the current UK Government to create this cross-border “Devonwall” constituency is in defiance of legally binding Charters and Framework Conventions, ancient and modern, British and European.
8. The proposed Devonwall includes Bude, Stratton, Poundstock, Tintagel, Camelford, St Teath, Altarnun and Launceston with Bideford, Broadheath and Holsworthy to form “Bideford, Bude and Launceston CC”. The link to the map of this proposed constituency is <http://assets.boundarycommissionforengland.independent.gov.uk/proposals/171%20Cornwall/Bideford,%20Bude%20and%20Launceston%20CC.pdf>

For fuller information about the Review please see

<http://boundarycommissionforengland.independent.gov.uk/2018-review/ip-england/>

9. Here is the link to Gorsedh Kernow’s press release “Keep Kernow Whole” issued 4th September 2016 <http://gorsedhkernow.org.uk/wp/?p=450>
10. Here is the link to the Grand Bard’s full speech “Gwithyewgh Kernow Kowal!/Keep Kernow Whole!” in Kernewek and English as you may wish to use some Kernewek in your letter <http://gorsedhkernow.org.uk/wp/?p=468>
11. Here is the link on the GK website to the Grand Bard’s open letter to Chris Skidmore MP, Minister for the Constitution <http://gorsedhkernow.org.uk/wp/?p=475>
12. [An analysis of the Boundary Commission statement and calculations by Gareth Parry](#)

“If considered alone, the electorate of the County of Cornwall (including the electorate of the Isles of Scilly), at nearly 394,000, would result in an allocation of 5.27 constituencies to the county. While we are sensitive to the strength of feeling about the Cornish border, with its single land border, it is simply not possible to develop a proposal under which five whole constituencies, each with electorates within 5% of the electoral quota, are contained within the county boundary.”

Whilst mathematically correct, the analysis below demonstrates that this is far from the clear cut case suggested. In fact the Commission case is based on the tiniest of margins. It would be scandalous if Cornwall was broken up on the basis such small margins.

The 5% rule implies that the electorate in the constituencies should be between 71,031 and 78, 507.

The electorate of Cornwall is 392,223 and that of the Isle of Scilly is 1,651. A total of 393,874.

The Commission's figure of 5.27 is based on the assumption that there are 74,739 electors in each constituency. However, we are permitted under the rules specified to have up to 78,507 electors in each constituency. If that were the case the allocation would be 5.02, which is very close to the target of 5.0 constituencies.

So suppose we do have 5 constituencies of 78,507 electors. The total number of electors permitted would be 393,874. The actual number of electors is 393,535 which is only 1,339 more or 269 more per constituency or 0.3% above the target number.

If this extremely small additional number were permitted, Cornwall would remain whole with 5 constituencies. Or, to put it another way, the boundary commission are imposing Devonwall on the basis of just 269 electors in a constituency of 78,507!

We can look at this another way. Consider Cornwall on its own (without the Isles of Scilly). The electorate is 392,223. This is less than the 392,535 which the Commission state is within acceptable limits. And 5 constituencies would have 78,445 electors, 62 less than the maximum allowed under the Commission rules. Cornwall alone with 5 constituencies satisfies the Commission's rules.

The fact that the tiny population of the Isles of Scilly is sufficient for the Commission to argue that the historic Cornwall-Devon boundary be moved highlights the weakness of the Commission's case. It would be perfectly reasonable to make the case that one Cornish constituency should be permitted to exceed the maximum to include the Isle of Scilly. All 4 other constituencies would be less than the maximum permitted.

13. Historical notes by Craig Weatherhill

The border at the left (eastern) bank of the River Tamar has been in place since c.930 AD, fixed by treaty between Athelstan, king of a newly created England, and Huwal, king of an already ancient Cornwall. That this arrangement was taken seriously thereafter, and at the very highest level, is confirmed by Cornish exemption from English legislature from the reign of Cnut to that of Henry I (1016 to 1135).

The border at the River Tamar is apparent in the construction of the Earldom of Cornwall and subsequently written into the Duchy of Cornwall Charters of 1337-8. In these the same border position at the east bank of the Tamar was not only maintained but enshrined in law for perpetuity. The Tamar Bridge Act 1998 confirms that the border remains legally observed, and intact at law, to this day.

"The whole territorial interest and dominion of the Crown in and over the entirety of Cornwall is vested in the Duke of Cornwall"- confirmed by the High Court in 1855 and again in 2013. Therefore, the current ruler and quasi-sovereign of Cornwall is not Queen Elizabeth II, but Charles, Duke of Cornwall and Prince of Wales. Cornwall is thus the only part of the entire United Kingdom whose de jure Head of State is not the Monarch. The proposed cross-

border constituency would consist of two halves, each having separate Heads of State. Each half would also have separate High Sheriffs, the Devonian one appointed by the Monarch, and the Cornish one appointed by the Duke of Cornwall.

Peculiar and unique laws, established over centuries and mostly referring to the Duchy and the Stannaries are applicable and fully extant in the Cornish half, but not in the Devonian part of the proposed constituency. Those include 'bona vacantia', right of wreck, ownership of the foreshore and waterways and many more besides. Moreover, the 'owner absolute' of the soil in the Cornish half is the Duke of Cornwall but, in the Devonian half (and the remainder of the UK), the absolute ownership of the soil is vested in the Crown. Cornwall's constitutional status is, in learned legal opinions, "unique" and "in a category of its own."

The Cornish half of the proposed constituency is territory inhabited by a legally protected national minority people: the Cornish. The Devonian half is not. The Cornish half is also territory housing a legally protected minority language: Cornish. The Devonian half is not. No future Member of Parliament can possibly be expected to deal with this efficiently and correctly, let alone understand it to the sufficiency of knowledge that the subject demands.

The High Sheriff is the Returning Officer (RO) for "county" parliamentary elections, but that role is usually delegated by him to an Acting Returning Officer (ARO). But in the cross-border constituency, we have two High Sheriffs, one appointed by the Crown; the other appointed by the Duchy. Which RO and ARO will get priority?

If it's Devon's, then part of the Duchy of Cornwall gets swallowed into the jurisdiction of the Crown. If Cornwall's gets the priority, then Crown jurisdiction will be effectively transferred to the Duchy. Neither can be covered simply by an Act of Parliament, and will involve far deeper legalities because either scenario breaches the Duchy of Cornwall Charters.

Neither Crown nor Duchy is likely to accept either and is likely to lead to a protracted legal wrangling between the two jurisdictions. The most famous occasion in which that happened was a row over ownership of Cornwall's foreshore, which took 4 years to sort out (and the Duchy won).

Gorsedh Kernow 13.9.16, updated 14.9.16, updated 20.9.16.