

**Boundary Commission for Scotland  
First Periodical Review  
of Scottish Parliament Boundaries**

**Local Inquiries**

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# First Periodical Review of Scottish Parliament Boundaries

## Local Inquiries

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### Purpose of this Booklet

This booklet has been prepared by the Boundary Commission for Scotland to explain the context and workings of Local Inquiries conducted as part of the Commission's First Periodical Review of Scottish Parliament Boundaries. A more general description of the review appears in the Commission's Descriptive Booklet on the First Periodical Review of Scottish Parliament Boundaries which is available from the Commission and on its website [www.bcomm-scotland.gov.uk](http://www.bcomm-scotland.gov.uk).

This booklet is not intended to be a full statement of the law regarding the review which is set out in Schedule 1 of the Scotland Act 1998, as amended by the Scottish Parliament (Constituencies) Act 2004.

## **1 Background**

### ***1.1 Local Inquiries***

1.1.1 Local Inquiries are an important part of the reviews of parliamentary boundaries which the Boundary Commission for Scotland carries out. Local Inquiries, in addition to the submission of written representations, present an opportunity for members of the public or organisations to comment on and influence the Commission's proposals. A Local Inquiry is conducted on behalf of the Commission by an Assistant Commissioner who is appointed for the purpose by the Secretary of State for Scotland.

1.1.2 The Commission agrees whether a Local Inquiry is needed after the public have had the opportunity to make written representations on the Commission's proposals.

1.1.3 The Commission wishes to ensure that members of the public or organisations have a full opportunity to express their views whether in objection to or in support of its proposals. The Commission therefore recommends that those with an interest should attend or send a representative to any Local Inquiry held in their area to put forward their views on the proposals. Attendance at a Local Inquiry will also give an opportunity to hear and comment on any counter-proposals put to the Assistant Commissioner and thereby assist the Commission in gauging more accurately the weight of local opinion on the various proposals.

### ***1.2 Current review***

1.2.1 The Boundary Commission for Scotland has a statutory obligation under Schedule 1 of the Scotland Act 1998, as amended by the Scottish Parliament (Constituencies) Act 2004, to review Scottish Parliament boundaries and to submit a report to the Secretary of State for Scotland by 30 June 2010. It is also required to submit subsequent reports between 8 and 12 years later.

1.2.2 The 1998 Act as amended specifies the procedures for the review, including the role of Local Inquiries, and also the rules that must be followed for the design of constituencies and regions for the Scottish Parliament.

1.2.3 The review covers all of the constituencies for the Scottish Parliament, except those covering the Orkney Islands and the Shetland Islands whose extents are fixed by the relevant legislation. The review also covers all of the regions for the Scottish Parliament.

1.2.4 A full description of the review appears in the Commission's Descriptive Booklet on the First Periodical Review of Scottish Parliament Boundaries which is available from the Commission and on its website [www.bcomm-scotland.gov.uk](http://www.bcomm-scotland.gov.uk). That booklet includes the text of the legislation regarding the review.

## 2 Proposals

### 2.1 *Stages of a review*

2.1.1 During a review, the Commission initially prepares and publishes provisional proposals, and invites representations on them. If it subsequently alters these provisional proposals, it will publish the resulting revised recommendations for consultation and again invite representations.

2.1.2 For this review, the Commission will first publish its provisional proposals for constituencies. After considering representations and holding any Local Inquiries on those, the Commission will publish its revised recommendations for constituencies and its provisional proposals for regions.

2.1.3 On each occasion of publication, a Local Inquiry may be held in response to the representations made. Due to the legislation, and as explained in 3.1 below, a Local Inquiry is most commonly held in response to representations made concerning the Commission's provisional proposals.

### 2.2 *Publication and consultation*

2.2.1 A Local Inquiry can only be held after the Commission has published proposals for constituencies or regions, and has then considered all representations made in response to those proposals.

2.2.2 When it publishes proposals, the Commission publishes a Statutory Notice announcing its proposals in at least one newspaper circulating in the area affected, and issues a News Release. The Commission also agrees with local authorities a set of locations such as council offices and libraries where details of the proposals, illustrated by maps, may be inspected. The Statutory Notices, maps, News Release and associated electorate data are also published on the Commission's website [www.bcomm-scotland.gov.uk](http://www.bcomm-scotland.gov.uk).

2.2.3 The Commission's established practice is to publish proposals without prior consultation with local authorities and other interested parties. The Commission's proposals are independent of any political considerations or influences.

2.2.4 When proposals are published, the public are encouraged to make representations about the proposals to the Commission within a period of one calendar month from the date of publication of the Statutory Notice. The period is set in the relevant legislation.

## 3 Local Inquiry

### 3.1 *Decision to hold a Local Inquiry*

3.1.1 For proposals regarding Scottish Parliament constituencies, the Commission is required to arrange a Local Inquiry if representations objecting to its proposal for a constituency are received from a local authority for the area within the constituency or a body of 100 or more parliamentary electors for such a constituency.

3.1.2 For proposals regarding Scottish Parliament regions, the Commission is required to arrange a Local Inquiry if representations objecting to its proposals are received from a local authority for the area within the region or a body of 500 or more parliamentary electors for such a region.

3.1.3 Where representations are made in response to the publication of revised recommendations after a Local Inquiry has already been held, the Commission has the discretion to decide whether or not a further Local Inquiry is justified.

3.1.4 The Commission has the discretion to arrange a Local Inquiry even if objections meeting these criteria have not been received.

### **3.2 *Announcement***

3.2.1 The Commission gives advance notice of a Local Inquiry so that interested parties have time to prepare the evidence that they may want to give, and to make arrangements to be represented at the Local Inquiry if they so wish. It does so by issuing a News Release and publishing a Statutory Notice in local newspapers, which gives the time, date and venue of the Local Inquiry and the name and contact details of the Assistant Commissioner.

3.2.2 The Commission also issues a statement summarising the context of the Local Inquiry, the Commission's reasoning for its published proposals, and the issues raised by representations. This statement is made known at the start of the Local Inquiry by the Assistant Commissioner holding the Local Inquiry.

3.2.3 Prior to the Local Inquiry, the Assistant Commissioner will provisionally determine the order in which representations offering alternative proposals for constituency boundaries, names or designations that were received during the consultation period will be considered.

3.2.4 The Statutory Notice, the Commission Statement, the provisional proposals, a summary of the representations received, and the provisional order of business for the Local Inquiry are made available for public inspection at locations within the area concerned. These same materials are also placed on the Commission's website. Summarising representations allows the public to be aware of any counter-proposals or other comments.

3.2.5 The Commission informs individuals and organisations who have made written representations of the time, date and venue of the Local Inquiry.

### **3.3 *Arrangements***

3.3.1 The Local Inquiry is conducted on behalf of the Commission by an Assistant Commissioner, usually a Sheriff Principal or Sheriff, appointed by the Secretary of State for Scotland at the request of the Commission. The Local Inquiry is conducted at a convenient public place within the area under review, such as the Council Chamber of a local authority. Any interested person or organisation may, if they wish, attend in person, or send a representative to make known their views, whether or not they have previously submitted a written representation to the Commission.

3.3.2 Where the area subject to the Local Inquiry is extensive, the Local Inquiry may be held at more than one location.

3.3.3 A transcript of the proceedings of the Local Inquiry will be prepared.

3.3.4 The Commission will not be represented at the Local Inquiry, although members of the Secretariat may be present as observers and to assist with the running of the Local Inquiry. The Commission will not seek to promote its proposals at the Local Inquiry.

### **3.4 Procedure**

3.4.1 No statutory procedure is prescribed for the conduct of a Local Inquiry: this is left to the discretion of the Assistant Commissioner. Evidence can be given without any prior formality such as taking an oath or affirming. The purpose of a Local Inquiry is:

- to get to know local opinion;
- to hear criticisms of, and support for, the published proposals;
- to receive counter-proposals; and
- to enable everyone who wishes to comment on any counter-proposals, or on the Commission's proposals, to do so.

3.4.2 A record of those attending is kept to enable the Secretariat to inform them of subsequent progress in the review.

3.4.3 At the start of the Local Inquiry the Assistant Commissioner will make the Commission's statement to the Local Inquiry known, and may, at his discretion, read it out.

3.4.4 The Assistant Commissioner will then ask the organisations or individuals listed in the provisional order of business if they would confirm that they wish to offer oral evidence. Where a sponsor is representing a person or organisation, a note will be made of that person's name. Thereafter, the Assistant Commissioner will ask for and note the name of any individual or organisation represented but not included in the provisional order of business wishing to offer evidence to the Local Inquiry.

3.4.5 Assistant Commissioners find it helpful if organisations or individuals wishing to propose elaborate or substantial counter-proposals disclose this fact at the beginning of the Local Inquiry when giving their names.

3.4.6 Copies of any written submissions, schemes or maps should be provided for the Assistant Commissioner, verbatim reporters and, if possible, others attending the Local Inquiry, to give them an opportunity to study and comment on counter-proposals at the Local Inquiry. The Assistant Commissioner might consider it necessary to adjourn the Local Inquiry for a short period in order to allow time for consideration to be given to complex counter-proposals.

3.4.7 After the Assistant Commissioner has heard each speaker, he or she may invite questions to be asked of that speaker and may ask questions of his or her own.

3.4.8 When the Local Inquiry has closed, the Assistant Commissioner will write his or her report and submit it to the Commission. The Assistant Commissioner is fully entitled to comment on the Commission's proposals and on any representations or submissions. The report may recommend that the Commission's proposals be accepted intact or with alterations or that a counter-proposal be adopted. However, the Assistant Commissioner is also at liberty to offer completely revised proposals within the terms of the statutory rules which, in his or her opinion, are likely to be acceptable within the area under review.

## **4 Further stages**

### ***4.1 Assistant Commissioner's Report***

4.1.1 In all cases, a copy of the Assistant Commissioner's Report is made available on the Commission's website and through the same public display points used to display the Commission's proposals. Those attending the Local Inquiry are informed of the publication of the Assistant Commissioner's Report.

4.1.2 A copy of the transcript of the Local Inquiry proceedings is also published on the Commission's website.

### ***4.2 Revised recommendations***

4.2.1 The Commission considers the Assistant Commissioner's Report and the matters discussed at the Local Inquiry, together with any other relevant information. If the Commission decides to alter its provisional proposals, its revised recommendations are made available for public consultation in the same way as the provisional proposals.

4.2.2 Representations about these revised recommendations can then be made within the further statutory consultation period of one month and are considered as for the earlier provisional proposals. The Commission will decide in accordance with section 3.1 above whether to hold a further Local Inquiry.

### ***4.3 Final recommendations***

4.3.1 If the Commission decides not to alter its published proposals, these will be published as the Commission's final recommendations, and those who participated in the relevant Local Inquiry will be informed of its decision.

### ***4.4 Report***

4.4.1 Once it has decided on its final recommendations for constituencies and regions for the whole of Scotland, the Commission submits its Report to the Secretary of State for Scotland. The process around the submission of the Report and its passage into legislation is explained in more detail in the Commission's Descriptive Booklet on the First Periodical Review of Scottish Parliament Boundaries.