

Summary of First Review of Scottish Parliament Boundaries and Planning for Second Review of Scottish Parliament Boundaries

Purpose

1. To provide an update on preparations for the announcement of the start of the 2nd Review of Scottish Parliament constituencies. This paper seeks agreement to a start date of 1 September 2022 and associated actions to support an announcement on that date.

Background

2. Schedule 1 of the Scotland Act 1998 sets out:

Notice of proposed report or recommendations

7(1)If Boundaries Scotland intend to consider making a report under this Schedule—

- (a) it must inform the Scottish Ministers by notice in writing;
- (b) it must publish a copy of the notice in the Edinburgh Gazette.

3. It also provides that for the purpose of Rule 2, ensuring the electorate is as near to the electorate quota as possible subject to Rule 1, the electorate to be used is derived from the names on the electoral register on the enumeration date which is the date the notice is published in the Gazette. The Commission must therefore coordinate matters so that the Electorate Register on that date can be provided by Electoral Registration Officers (EROs); the notice can be placed in the Gazette (either online or in the paper edition), and that Scottish Ministers are notified.

Enumeration Date

4. If the announcement is made on 1 September then that date becomes the enumeration date for the purposes of the review.

Electorate Data

5. Following discussions with EROs via the SAA Electoral Reform Committee, the Secretariat expects to receive the full register for 1 September as soon as possible after that date.
6. Two issues have arisen, however, which the Commission will wish to consider for future reviews. First, when the franchise for Scottish Parliament elections was extended to 16 year olds, Boundaries Scotland was not included in the bodies entitled to receive information about attainers ie 14 and 15 year olds. This means there remains uncertainty over what attainer information EROs will be able to provide but the Secretariat is working with them to ensure consistent information is supplied. Second, under the relevant legislation, Boundaries Scotland is only entitled to receive the full register when it is published each year. This is the register for 1 December which is normally published in early spring the following year. EROs have agreed to supply a further copy for the start of the review but do not consider that they are legally obliged to do so. The

Commission may wish to suggest rectification of these two matters to Scottish Government as part of its planned electoral reform work.

Publicity

7. A draft news release is attached at Appendix A. This is simply a factual announcement of the start of the review. The Commission could raise awareness of the review at this stage with social media advertising. The news release will be distributed to key stakeholders to alert them. A fuller media strategy will be prepared for the start of the first consultation in 2023 when there will be greater interest in the specific proposals of the Commission.

Edinburgh Gazette

8. The notice published for the 1st Review is attached at Appendix B and it is expected that the one published for 1 September will follow the same format and style, updated to reflect the current legislation and contact details.

Notification to Scottish Ministers

9. The Secretariat will send a copy of the Gazette notice to the Deputy First Minister to coincide with publication in the Gazette.

Pre-consultation period

10. Between 1 September and the start of the first one month public consultation, expected to take place in the first half of 2023, the Commission will wish to consider engagement with stakeholders. This is both an opportunity to explain the specifics of this review and also to set out the Commission's thoughts on the approval process. The latter work overlaps with the work already in train to consider the approval process for recommendations submitted to Scottish Ministers and with the Commission's eventual response to the Scottish Government consultation on electoral reform.

11. Stakeholders with whom the Commission may wish to engage with include:

- **Local Government:** local authority chief executives; SOLACE; COSLA.
Rule 1 of the review rules set out:

Rule 1

(1) So far as is practicable, regard must be had to the boundaries of the local government areas having effect from time to time under section 1 of the Local Government etc. (Scotland) Act 1994.

and this suggests it might be helpful to liaise with local government bodies in the pre-consultation phase. They are also likely to have views on the inconveniences caused by changing boundaries (Rule 4) and the breaking of local ties (Rule 3).

- **Scottish Parliament:** Presiding Officer, MSPs generally and the Standards, Procedures and Public Appointments Committee (SPPA) in particular. The SPPA Committee are expected to be the lead committee when the Commission submits its proposals and the Clerk has been in touch to suggest an informal meeting with the Committee after summer recess. The focus of this planned meeting is the eventual approval process and how this might best be undertaken within the current legislative process. The Commission may want to decide if it wants to suggest a meeting between the

Chair and Convener (Martin Whitfield MSP) in advance of meeting the Committee.

- **Political Parties:** the Secretariat attend meetings of the Electoral Commission's Political Parties Panel where party officials attend. In addition, the Commission may wish to consider whether a meeting with parties before the start of the review would be helpful; this is the practice of the Boundary Commission for Scotland before UK Parliament Reviews and would provide another opportunity to discuss political handling of the eventual proposals

12. The pre-consultation period would seem to be an appropriate time to consider publication of the planned paper on international best practice that the Commission has been considering.

13. Discussions with stakeholders will also demonstrate open engagement before finalising and publishing any guide to the review setting out the Commission's approach.

Conclusion

14. The Committee is invited to note the arrangements for the start of the review, agree the start date of 1 September and the terms of the news release and offer comments on the provisional thinking about the pre-consultation period of engagement with stakeholders.

**Secretariat
July 2022**

Draft News Release**Second Review of Scottish Parliament Boundaries commences
1 September 2022**

Boundaries Scotland has announced that it will start the Second Review of the constituencies and regions of the Scottish Parliament on 1 September 2022. The review will be undertaken following the terms of the Scotland Act 1998.

In summary, the aim of the review is to recommend constituencies and regions of similar electorate size while also taking account of local authority areas, special geographical circumstances, the breaking of local ties and any inconveniences caused by the alteration of the existing boundaries.

The review of constituencies will cover the 70 mainland constituencies. The constituencies of Na h-Eileanan an Iar, Orkney Islands and Shetland Islands are protected in legislation and so excluded from this review. The review of the regions will, however, encompass all 73 constituencies at the Scottish Parliament. The overall number of MSPs (129) is fixed in legislation and will not change as a result of this review.

As part of the statutory consultation process, the Commission expects to publish its provisional proposals for consultation in spring 2023 and a further announcement will be made at that time. Before then a guide to the review will be published on our website www.boundaries.scot.

The Commission must submit a report on its review to Scottish Ministers by 1 May 2025. If subsequently approved by the Scottish Parliament, the new boundaries will be effective at the next Scottish Parliament election, expected in May 2026.

NOTES FOR NEWS EDITORS

Boundaries Scotland is an independent advisory non-departmental public body sponsored and wholly funded by the Scottish Government. The role of Boundaries Scotland is to review and make recommendations for: constituencies and regions for the Scottish Parliament; the number of councillors on each council in a local government area; the number of wards for local government elections and their boundaries; and the extent of council areas.

The Boundary Commission for Scotland conducted the First Review of Scottish Parliament boundaries. Those boundaries have been in use since 2011. Responsibility for Reviews of Scottish Parliament boundaries transferred to Boundaries Scotland following the Scotland Act 2016.

The electoral quota for the review will be calculated using the electoral register in force at the enumeration date for the review, that is, 1 September 2022. The electoral data for the review will be published on our website later this year.

The Rules for reviewing constituencies and regions are set out in the Scotland Act 1998.

Contact:

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<https://boundaries.scot/> | boundaries.scot@scottishboundaries.gov.uk

Appendix B

First Review of Scottish Parliament Boundaries – Edinburgh Gazette Notice

THE BOUNDARY COMMISSION FOR SCOTLAND

Notice is hereby given for the information of the Secretary of State that the Boundary Commission for Scotland intends, in pursuance of the Scottish Parliament (Constituencies) Act 2004, to commence a general review of the constituency boundaries at the Scottish Parliament.

R Smith, Secretary to the Commission

3 Drumsheugh Gardens, Edinburgh EH3 7QJ.

3 July 2007.

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