

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

Purpose

1. This paper provides a summary of the First Review of Scottish Parliament Boundaries and looks ahead to the Second Review of Scottish Parliament Boundaries. It aims to assist the Commission in planning its Second Review of Scottish Parliament Boundaries, which is expected to commence in late 2022. There is no need for any decisions to be made at this stage and Commission comments will inform production of a project plan and risk register for future consideration. Legal advice on a number of issues has been received and will be forwarded separately.

Background

2. The Scotland Act 1998 stated that the initial Scottish Parliament constituencies were to be the same as the UK Parliament constituencies at that time, with the exception of Orkney and Shetland. Orkney and Shetland were to be separate constituencies, resulting in a total of 73 constituencies. The initial Scottish Parliament regions were the same as the 8 European Parliament constituencies at that time. Since 2005 there have been 59 UK Parliament constituencies in Scotland. From 2024 there will be 57 UK Parliament constituencies in Scotland.
3. The Boundary Commission for Scotland was responsible for and conducted the First Review of Scottish Parliament Boundaries. The Scotland Act 2016 transferred responsibility for reviews of Scottish Parliament boundaries to the Local Government Boundary Commission for Scotland, now Boundaries Scotland, with effect from 18 May 2017.
4. Na h-Eileanan an Iar became a protected constituency under Section 4 of the Islands (Scotland) Act 2018.
5. The Scottish Elections Reform Act 2020 states the Second Review of Scottish Parliament Boundaries must be submitted by 1 May 2025.

First Review of Scottish Parliament Boundaries - Timing

6. The First Review of Scottish Parliament Boundaries was announced in the Edinburgh Gazette on 3 July 2007. The Commission's final report was submitted to Parliament on 27 May 2010. The Commission will need to agree the date for commencement of the next review and it is the electoral register in force on that date that will be used for the review.

First Review of Scottish Parliament Boundaries - Electorate Quota

7. The electoral quota for the review was the average local government electorate of the 71 constituencies that were the subject of the review. The two island constituencies of Orkney Islands and Shetland Islands were protected and not under review.
8. The electorate quota for the First Review was 54,728 electors per constituency. This was calculated by dividing the total electorate of constituencies under review by 71 (3,885,700 electors (July 2007) ÷ 71 constituencies = 54,728).
9. The electorate of the two protected constituencies, Orkney Islands and Shetland Islands, were not included in calculating the electorate quota.

10. The rules state “the electorate of a constituency must be as near the electoral quota as is practicable” subject to minimising cross-border constituencies, special geographical considerations and breaking local ties. There was no minimum or maximum electorate limit and no target electoral parity.

11. At the start of the First Review:

- 17 constituencies were within 5% of the electorate quota;
- 17 constituencies were within 10% of the electorate quota; and
- 39 constituencies were out-with 10% of the electorate quota. This included the two preserved constituencies.

12. The First Review recommended:

- 38 constituencies within 5% of the electorate quota;
- 26 constituencies within 10% of the electorate quota; and
- 9 constituencies were out-with 10% of the electorate quota. This included the two preserved constituencies.

13. The Scottish Parliament December 2020 constituency electorate data, published by National Records of Scotland, is at Appendix A.

First Review of Scottish Parliament Boundaries – Timeline

14. Three consultation stages were held for constituency proposals: provisional; revised; and further proposals.

15. Two consultation stages were held for region proposals.

Date	Stage
3 July 2007	Start of review announced
June – Dec 2007	Provisional proposals for constituencies developed
Feb – March 2008	One month statutory consultation on constituency provisional proposals. Over 5,000 comments received
August – Nov 2008	10 Local Inquiries held on constituency provisional proposals. The 10 Local Inquiries were held in 16 different locations
Oct – Dec 2008	Revised Proposals developed in areas where no Local Inquiries were held
Dec 2008 – March 2009	Revised Proposals developed in areas where Local Inquiries were held
May – June 2009	One month statutory consultation on constituency revised proposals (over 400 comments received). Consultation on region provisional proposals
Sept – Oct 2009	One month statutory consultation on constituency further proposals
October 2009	One Local Inquiry held on regions in a single location
Jan – Feb 2010	One month consultation on region revised proposals

27 May 2010

Report submitted

First Review of Scottish Parliament Boundaries – Local Inquiries

16. The rules state a Local Inquiry must be held when the Commission consults on proposals for constituencies and receives objections from a body of not less than 100 electors or from an affected Council. For regions a Local Inquiry must be held when the Commission consults on proposals for regions and receives objections from a body of not less than 500 electors or from an affected Council.
17. The legislation allows discretion for Local Inquiries to be held without meeting the statutory trigger above.
18. During the First Review ten constituency Local Inquiries were held in 16 different locations to make them more easily accessible.
19. Sheriffs Principal acted as Assistant Commissioners, chairing Local Inquiries on the Commission's behalf.
20. Following the Revised Proposals constituency consultation no further Local Inquiries were held because the Commission had previously held an Inquiry in that area or the same issues had been raised as before.
21. One Local Inquiry was held following the consultation on regions.

First Review of Scottish Parliament Boundaries – Publicity

22. During the First Review, the Scotland Act 1998 required the Commission to publicise its proposals in at least one newspaper circulating in each constituency.
23. Following passage of the Elections Reform (Scotland) Act in 2020, the Commission is no longer required to place public notices in newspapers circulating in constituencies affected by the proposals. It can publicise its proposals in "such manner as it thinks fit".
24. An early draft Policies and Procedures booklet has been prepared, see Appendix B. The booklet has been updated from a version used during the First Review of Scottish Parliament Boundaries. The booklet provides background information on the legislation, rules and procedures for conducting a Periodical Review of Scottish Parliament Boundaries.

First Review of Scottish Parliament Boundaries – Constituency Names

25. Scottish Parliament constituency names were chosen which where they differed from those of UK Parliament constituencies, where an appropriate and distinct alternative was available.
26. The Commission considered its approach to naming constituencies ahead of the Second Review of Scottish Parliament Boundaries at its meetings of 21 July 2020 and 12 October 2020. It agreed to a simpler and potentially more consistent approach to constituency naming: that should in general differ from those of UK Parliament constituencies, where an appropriate and distinct alternative is available; constituency names should reflect their geographic extents but, where

possible, be short and should not attempt to describe an area exhaustively; and consistency with historical names is important where a constituency is recognisably similar.

27. The Boundary Commission for Scotland are currently conducting their 2023 Review of UK Parliament constituencies and will submit their recommendations by July 2023.

First Review of Scottish Parliament Boundaries – Final Recommendations

28. Special geographical circumstances were only considered to apply to Na h-Eileanan an Iar constituency and to the Highlands and Islands region during the First Review.

29. Two of the existing constituency boundaries were unchanged: Na h—Eileanan an Iar; and Cumbernauld and Kilsyth.

30. None of the existing region boundaries were retained.

Elections

31. No relevant elections were held when the 1st Scottish Parliament review was being conducted between 2007 and 2010.

32. The next UK Parliament general election is expected on May 2024 but there is uncertainty over this. The next Scottish Parliament election is in May 2026.

Changes to boundaries since First Review of Scottish Parliament Boundaries

33. Since the First Review, two Interim Reviews of Scottish Parliament boundaries have been conducted at:

- Robroyston (constituencies of Glasgow Provan and Strathkelvin and Bearsden and regions of Glasgow and West Scotland) 2013; and
- Cardowan (constituencies of Glasgow Provan and Coatbridge and Chryston and regions of Glasgow and Central Scotland) 2020.

Second Review of Scottish Parliament Boundaries – Draft Timeline

34. An outline schedule for the Second Review is below. It proposes separate consultations for constituencies and regions, however it may be possible to hold concurrent consultations and this is something the Commission will need to consider.

Date	Stage
Sept 2022	Announce start of review
Oct – Nov 2022	Pre-consultation with stakeholders
Oct 2022 – March 2023	Develop provisional proposals for constituencies
April 2023	One month statutory consultation on constituency provisional proposals.
May – August 2023	Consider consultation responses and need for any Local Inquiries
Sept – Nov 2023	Local Inquiries on constituencies (if required).
January – March 2024	Develop Revised Proposals for constituencies
April 2024	One month statutory consultation on region provisional proposals.
May 2024	One month statutory consultation on constituency revised proposals

October 2024	One month consultation on constituency further proposals (if required)
November 2024 - April 2025	Develop final recommendations
1 May 2025	Report submitted

Conclusion

35. The Commission is invited to note and make any comments on this paper. The Secretariat will bring an outline project plan and risk register to a future meeting as the Commission plans the Second Review of Scottish parliament Boundaries.

Secretariat
February 2022

Scottish Parliament Electorate (December 2020)

Electorate Quota

$$4,208,923 - 17,532 - 17,969 - 21,818 = 4,151,604 / 70 = 59,308.63$$

Scottish Parliament Constituency	Electorate (Dec 2020)	% difference from electorate quota
<i>Orkney Islands</i>	17,532	<i>n/a</i>
<i>Shetland Islands</i>	17,969	<i>n/a</i>
<i>Na H-Eileanan an Iar</i>	21,818	<i>n/a</i>
Argyll and Bute	49,345	-16.80
Cumbernauld and Kilsyth	50,613	-14.66
Clackmannanshire and Dunblane	51,642	-12.93
Cunninghame South	51,778	-12.70
Renfrewshire South	51,897	-12.50
Mid Fife and Glenrothes	53,043	-10.56
Glasgow Maryhill and Springburn	53,462	-9.86
Airdrie and Shotts	53,471	-9.84
Glasgow Southside	54,191	-8.63
Angus North and Mearns	54,618	-7.91
Cowdenbeath	54,669	-7.82
Dundee City East	54,701	-7.77
Eastwood	54,882	-7.46
Paisley	54,929	-7.38
Dundee City West	55,058	-7.17
Renfrewshire North and West	55,137	-7.03
Ettrick, Roxburgh and Berwickshire	55,199	-6.93
Clydebank and Milngavie	55,299	-6.76
Galloway and West Dumfries	55,491	-6.44
Coatbridge and Chryston	55,801	-5.91
Dumbarton	55,905	-5.74
North East Fife	56,020	-5.54
Greenock and Inverclyde	56,322	-5.04
Perthshire North	56,361	-4.97
Glasgow Anniesland	56,395	-4.91
Caithness, Sutherland and Ross	56,499	-4.74
Glasgow Provan	56,814	-4.21
Cunninghame North	57,145	-3.65
Aberdeen Central	57,184	-3.58
Motherwell and Wishaw	57,413	-3.20
Edinburgh Pentlands	58,039	-2.14
Stirling	58,076	-2.08
Uddingston and Bellshill	58,270	-1.75
Angus South	58,480	-1.40
Hamilton, Larkhall and Stonehouse	58,740	-0.96

Banffshire and Buchan Coast	59,061	-0.42
Kirkcaldy	59,389	0.14
Carrick, Cumnock and Doon Valley	59,500	0.32
Glasgow Shettleston	59,535	0.38
Dumfriesshire	59,927	1.04
Clydesdale	59,952	1.08
Aberdeenshire West	60,073	1.29
Dunfermline	60,240	1.57
Glasgow Cathcart	60,285	1.65
East Kilbride	60,438	1.90
Aberdeen South and North Kincardine	60,920	2.72
Falkirk East	61,368	3.47
Edinburgh Southern	61,521	3.73
Glasgow Pollok	61,763	4.14
Perthshire South and Kinross-shire	62,166	4.82
Rutherglen	62,263	4.98
Aberdeen Donside	62,274	5.00
Skye, Lochaber and Badenoch	62,287	5.02
Edinburgh Central	62,412	5.23
Moray	63,198	6.56
Ayr	63,204	6.57
Falkirk West	63,205	6.57
Midlothian South, Tweeddale and Lauderdale	63,494	7.06
Aberdeenshire East	64,022	7.95
Strathkelvin and Bearsden	64,251	8.33
Glasgow Kelvin	64,499	8.75
Edinburgh Western	64,953	9.52
East Lothian	65,040	9.66
Kilmarnock and Irvine Valley	65,598	10.60
Almond Valley	67,593	13.97
Midlothian North and Musselburgh	68,186	14.97
Edinburgh Eastern	69,402	17.02
Inverness and Nairn	69,920	17.89
Edinburgh Northern and Leith	72,128	21.61
Linlithgow	74,648	25.86
	4,208,923	

Appendix B (not for publication)

Draft Second Review of Scottish Parliament boundaries - Descriptive Booklet

Statutory requirements

1. The Commission is responsible under Schedule 1 of the Scotland Act 1998, as amended, to keep the boundaries of constituencies and regions for the Scottish Parliament under review. The review process includes consultation with the public on the Commission's proposals.
2. The Scotland Act 2016 (Section.8), transferred responsibility for reviews of Scottish Parliament boundaries from the Boundary Commission for Scotland to the Local Government Boundary Commission for Scotland, now Boundaries Scotland, with effect from 18 May 2017.
3. After completing the First Review, the Commission submitted a report to the Secretary of State for Scotland, recommending any changes. The Secretary of State was responsible for submitting a draft Order in Council to give effect to the report, for approval by both Houses of Parliament. The recommendations came into operation from the general election to the Scottish Parliament following the making of the Order in Council, from May 2011. The Scotland Act 2016 and Scottish Elections (Reform) Act 2020 state the Commission must now submit its recommendations to Scottish Ministers.
4. The law concerning electoral arrangements for the Scottish Parliament is set out in Schedule 1 of the Scotland Act 1998. These Acts and further relevant legislation are reproduced in the Appendix.
5. The 1998 Act determines that there are 73 constituencies for the Scottish Parliament. The Act also defines that there are 8 regions which return 56 members to the Scottish Parliament.
6. Under the 1998 Act, the Commission is required to keep under review the boundaries of the constituencies and regions, other than the constituencies of the Orkney Islands and the Shetland Islands, and Na H-Eileanan an Iar whose extents are fixed by the Act. The Act also requires that the Commission must recommend any alteration to any of the regions which it thinks is necessary to give effect to the regional rules.
7. The 1998 Act includes a number of rules to be applied when designing constituencies, and a number of rules to be applied when designing regions.

Timing of reviews

8. The 1998 Act required the Commission to submit its first report to the Secretary of State not later than 30 June 2010. Subsequent reports must be submitted between 8 and 12 years from the date of the report of its last review. This period was extended by the Scottish Elections Reform Act 2020 which states the Second Review of Scottish Parliament Boundaries must be submitted by 1 May 2025.

Constituencies

9. Each constituency returns a single member to the Scottish Parliament.

10. The rules define the electoral quota to be the number obtained by dividing the total electorate for Scotland, excluding Orkney, Shetland and Na h-Eileanan an Iar, by 70, which is the number of constituencies outside Orkney, Shetland and Na h-Eileanan an Iar. In simple terms, the electoral quota is the average electorate per constituency under review.
11. Rules 1 and 2 specify that, so far as is practicable, the Commission must have regard to the boundaries of local authority areas, and that the electorate must be as near to the electoral quota as is practicable.
12. The Commission may depart from the strict application of rules 1 and 2 if special geographical considerations, including in particular the size, shape and accessibility of a constituency, appear to them to render a departure desirable.
13. The Commission is not bound to give full effect in all circumstances to all of the constituency rules and it must take into account, so far as it reasonably can, the inconveniences attendant on alterations of constituencies, other than alterations arising from the need to have regard to local authority boundaries, and any local ties which would be broken by such alterations.

Naming and designation

14. The 1998 Act requires that the Commission's recommendations for each constituency must include the name by which it should be known and whether it should be designated as a county constituency or a burgh constituency. The designation of a constituency affects the expenses allowable at elections.
15. The Act does not define the terms burgh constituency or county constituency. The Commission considers that where constituencies comprise predominantly urban areas, they will normally be designated as burgh constituencies, and where constituencies are predominantly rural they will normally be designated as county constituencies.

Changes in electorate

16. The 1998 Act makes no provision for taking account of any increases or decreases in the electorate after the start of the review when designing constituencies.

Regions

17. Each region returns seven members to the Scottish Parliament.
18. If the Commission recommends any alterations to constituencies, it is also required to recommend any alterations to the regions which in its opinion are required in order to give effect to the regional rules. Such recommendations are included in the Commission's report to the Scottish Ministers.
19. The regional rules state that in determining changes to the boundaries of any region, a constituency shall fall wholly within a region and that the regional electorate of any region shall be as near the regional electorate of each of the other regions as is practicable having regard (where appropriate) to special geographical considerations.

20. Until the Commission has progressed its review of constituencies and has considered representations on its proposals for constituencies, it is not in a position to determine changes that may be necessary to the boundaries of the eight regions.

Local authority area boundaries

21. As noted above, the constituency rules require the Commission to have regard to the boundaries of local authority areas. The Commission's general approach is to make proposals for constituencies which are wholly within a local authority area or, where that is not practicable, are wholly within a small group of contiguous local authority areas.

22. The Commission aims to minimise proposals for constituencies which comprise parts of more than one local authority area. Only in exceptional circumstances will the Commission make proposals for a constituency which contains parts of three or more local authority areas.

Local authority wards

23. At previous reviews, the Commission has created constituencies by aggregating wards created for election of councillors for local authorities. In 2006, single member wards for electing councillors were replaced by multi-member wards. These multi-member wards have much larger electorates than was the case for single member wards.

24. As a result, it is not practicable to create constituencies by simply aggregating wards without creating wide divergence from the electoral quota.

25. The Commission, however, still takes account of electoral ward boundaries, as well as other natural and administrative boundaries, when proposing constituencies.

Procedure for Review

Announcement

26. The First Review was announced in a notice in the Edinburgh Gazette on 3 July 2007. Under the 1998 Act as amended, the electoral roll in force on that date was used when calculating electorate numbers for constituencies proposed during the Review.
27. The Commission agreed principles to use when creating its provisional proposals for constituencies:
- constituencies will be wholly contained within a single council area wherever practicable;
 - the Commission will try to recognise existing community ties;
 - local geographies of the area will be taken into consideration (for example transport links, electoral wards and existing constituency boundaries); and
 - special geographical considerations will be considered where appropriate.

Provisional proposals

28. The Commission first determined its provisional proposals.
29. Provisional proposals are made available for public comment. During the First Review the Commission had to publish a statutory notice of its provisional proposals in at least one newspaper circulating in each constituency. The Elections Reform (Scotland) Act in 2020 amended this requirement to it publicising its proposals in “such manner as it thinks fit”.
30. The statutory notice also states that representations may be made to the Commission and should be submitted within one month of publication of the notice. This is the period prescribed by law and it is beyond the authority of the Commission to extend this statutory period. Any representations received after this period will be considered at the discretion of the Commission. Representations objecting to or supporting the Commission’s provisional proposals should be directed to the Commission’s consultation site or by post or email.

Local Inquiry

31. The Commission is required to hold a Local Inquiry if representations objecting to its provisional proposals are received either from a local authority for part or all of the area of the affected constituency, or from a body of 100 or more parliamentary electors for the affected constituency.
32. The inquiry is conducted by an Assistant Commissioner appointed by the Secretary of State for Scotland at the request of the Commission. No statutory procedure is prescribed for the conduct of a Local Inquiry. The purpose is to:
- hear local opinions;
 - hear criticisms of or support for the provisional proposals;
 - receive counter-proposals; and
 - enable everyone who wishes to comment on these or on the Commission’s proposals to do so.

33. The Commission is not represented at the inquiry, although members of the Secretariat may be present as observers. Those who seek to express their views may do so in person or through a representative, whether or not they have submitted a written representation.
34. The Assistant Commissioner reports in writing directly to the Commission. Apart from commenting on various objections received, the Assistant Commissioner is at liberty to suggest amendments or alterations to the Commission's proposals, or to substitute completely different proposals if these appear to command wider acceptance than the original proposals.
35. A copy of the Assistant Commissioner's report is deposited for public inspection in the same way that the provisional proposals were, and made available on the Commission's website.
36. During the First Review, the Deputy Chair of the Boundary Commission for Scotland wrote to the Secretary of State for Scotland asking him to appoint Sheriffs Principals as Assistant Commissioners.

Revised recommendations

37. In cases where there has been no Local Inquiry, the Commission will take into account any representations received, and make any amendments to its provisional proposals that it judges necessary.
38. In cases where a Local Inquiry has been held, the Commission will consider the Assistant Commissioner's report and the matters discussed at the inquiry, together with any relevant information, and make any amendments to its provisional proposals that it judges necessary.
39. If the Commission decides to alter its provisional proposals, the resulting revised recommendations are published in the same way as was done for the provisional proposals. Representations about these revised recommendations may then be made to the Commission within a one month period.
40. The Commission is not required to hold a further inquiry in the light of any representations, but may do so if it considers it necessary.

Regions

41. The Commission will make provisional proposals for the regions taking into account its deliberations on provisional proposals and any revised recommendations for constituencies.
42. The provisional proposals for regions, along with the revised recommendations for constituencies, will be published and representations invited in the same way as for provisional proposals for constituencies.
43. The Commission is required to hold a Local Inquiry on its provisional proposals for regions if representations objecting to its proposals are received from an interested local authority (that is a local authority for part or all of the area of the proposed region) or a body of 500 or more electors for the proposed region.

44. A Local Inquiry on provisional proposals for regions will take the same form and will report in the same way as a Local Inquiry on provisional proposals for constituencies.
45. The Commission will consider whether to revise its provisional proposals for regions, and publish any revised recommendations for regions and consult on them in the same way as was done for constituencies.

Final recommendations

46. The Commission will take into account any representations received regarding its revised recommendations, and decide whether any further modifications are required to its recommendations for constituencies and regions.
47. If the Commission decides to modify its revised recommendations before finally submitting them to Scottish Ministers these modified recommendations will be published and representations again invited.

Final stages

Report submission

48. Once it has completed its considerations the Commission will submit its recommendations for constituencies and regions in a report to Scottish Ministers. The report is then laid in Parliament where it requires approval by the Parliament under affirmative resolution procedure.
49. The new constituencies and regions will come into operation from the next general election to the Scottish Parliament, expected May 2026.

Legislation

The legislation governing Scottish Parliament boundary reviews includes:

- **Scotland Act 1998.**
 - Original legislation setting rules for reviews.
 - www.legislation.gov.uk/ukpga/1998/46/contents

- **Scotland Act 2016 (Section.8)**
 - Transferred responsibility for conducting reviews to Boundaries Scotland.
 - www.legislation.gov.uk/ukpga/2016/11/contents

- **Islands (Scotland) Act 2018 (Part 4)**
 - Na h-Eileanan an Iar to be a protected constituency.
 - www.legislation.gov.uk/asp/2018/12/enacted

- **Scottish Elections (Reform) Act 2020 –**
 - extended date of submission for 2nd Review
 - amended how to publicise proposals
 - amended process for submitting recommendations
 - www.legislation.gov.uk/asp/2020/12/section/8

Scotland Act 1998 – Schedule 1

Constituencies, Regions and Regional Members

General

- 1 (1) There are to be 73 constituencies for the purposes of this Act.
 - (2) The constituencies are —
 - (a) the Orkney Islands,
 - (b) the Shetland Islands, and
 - (c) the parliamentary constituencies in Scotland (except the constituency of Orkney and Shetland) provided for by Article 2 of and the Schedule to the Parliamentary Constituencies (Scotland) Order 1995 (S.I. 1995/1037).
 - (3) The reference to the Parliamentary Constituencies (Scotland) Order 1995 is a reference to that Order as at 11 April 1995 (the day it was made).
- 2 (1) There are to be eight regions for the purposes of this Act.
 - (2) The regions are the eight European Parliamentary constituencies which were provided for by the European Parliamentary Constituencies (Scotland) Order 1996 (S.I. 1996/1926).
 - (3) Seven regional members are to be returned for each region.

Reports of the Boundary Commission for Scotland

- 3 (1) The Boundary Commission for Scotland must keep under review the boundaries of the constituencies (other than those mentioned in paragraph 1(2)(a) and (b)).
 - (2) The review must be conducted in accordance with the constituency rules.
 - (3) The Boundary Commission for Scotland must submit to the Secretary of State a report —
 - (a) showing the alterations they propose to the boundaries, or
 - (b) stating that in their opinion no alteration should be made.
 - (4) The first report of the Boundary Commission for Scotland under this paragraph must be submitted to the Secretary of State not later than 30 June 2010.
 - (5) Subsequent reports must be submitted not less than eight nor more than twelve years after the date of the submission of the last report.
 - (6) The Boundary Commission for Scotland may also from time to time (but not before the submission of their first report) submit to the Secretary of State reports with respect to the area comprised in any two or more constituencies showing the constituencies into which they recommend the area should be divided in order to give effect to the constituency rules.

(7) A report under sub-paragraph (6) must recommend the same number of constituencies as that in which the area is comprised.

(8) A report of the Boundary Commission for Scotland which recommends an alteration to the boundaries of constituencies must state as respects each constituency —

- (a) the name by which they recommend it is to be known;
- (b) whether they recommend that it is to be a county or a burgh constituency.

(9) As soon as practicable after the Boundary Commission for Scotland have submitted a report to the Secretary of State under this paragraph he must lay before Parliament —

- (a) the report, and
- (b) the draft of an Order in Council for giving effect to the recommendations contained in the report.

(10) Sub-paragraph (9)(b) does not apply if the report states that no alteration is required to be made to the boundaries of the constituencies.

(11) The Boundary Commission for Scotland must at the same time as they submit a report in accordance with sub-paragraph (3) or (6) lay any report recommending an alteration in the constituencies before the Parliament.

4 (1) This paragraph applies if the Boundary Commission for Scotland submit a report to the Secretary of State recommending an alteration in a constituency.

(2) In the report the Boundary Commission for Scotland must recommend any alteration in any of the regions which they think is necessary to give effect to the regional rules.

(3) A report making a recommendation for an alteration in a region must recommend the name by which the Boundary Commission for Scotland think the region should be known.

5 [Paragraph 5 deleted by Schedule 2 of the Scottish Parliament (Constituencies) Act 2004]

Orders in Council

6 (1) The draft of an Order in Council laid before Parliament by the Secretary of State for giving effect to the recommendations contained in a report by the Boundary Commission for Scotland under paragraph 3 may make provision for any matters which he thinks are incidental to or consequential on the recommendations.

(2) If the draft is approved by resolution of each House of Parliament the Secretary of State must submit it to Her Majesty in Council.

(3) If a motion for the approval of the draft is rejected by either House of Parliament or withdrawn by leave of the House the Secretary of State may amend the draft and lay the amended draft before Parliament.

(4) If the draft as so amended is approved by resolution of each House of Parliament the Secretary of State must submit it to Her Majesty in Council.

(5) If a draft of an Order in Council is submitted to Her Majesty in Council under this Schedule, Her Majesty in Council may make an order in terms of the draft.

(6) An Order in Council made as mentioned in sub-paragraph (5) comes into force on the date specified in the Order.

(7) The coming into force of the Order does not affect the return of any member to the Parliament or its constitution until the Parliament is dissolved.

(8) The validity of an Order in Council purporting to be made under this Schedule and reciting that a draft of the Order has been approved by a resolution of each House of Parliament must not be called in question in any legal proceedings whatsoever.

Notice of proposed report or recommendations

7 (1) If the Boundary Commission for Scotland intend to consider making a report under this Schedule —

- (a) they must inform the Secretary of State by notice in writing;
- (b) they must publish a copy of the notice in the Edinburgh Gazette.

(2) If the Boundary Commission for Scotland have provisionally determined to make recommendations affecting a constituency they must publish in at least one newspaper circulating in the constituency a notice stating —

- (a) the effect of the recommendations and (except if the effect is that no alteration should be made in respect of the constituency) that a copy of the recommendations is open to inspection at a specified place in the constituency, and
- (b) that representations with respect to the proposed recommendations may be made to the Commission before the end of the period of one month starting the day after the notice is published.

(3) The Boundary Commission for Scotland must take into account any representations made in accordance with the notice.

(4) If the Boundary Commission for Scotland revise any proposed recommendations after publishing notice of them under sub-paragraph (2) they must comply again with sub-paragraphs (2) and (3) in relation to the revised recommendations as if no earlier notice had been published.

[Sub-paragraphs (5) and (6) deleted by Schedule 2 of the Scottish Parliament (Constituencies) Act 2004]

8 (1) This paragraph applies if the Boundary Commission for Scotland provisionally determine to make recommendations which would involve any alteration in a constituency.

(2) The Boundary Commission for Scotland must consider whether any alteration within paragraph 4(2) would be required in order to give effect to the regional

rules.

**[Sub-paragraph (3) deleted by Schedule 2 of the
Scottish Parliament (Constituencies) Act 2004.]**

(4) Paragraph 7 applies for the purposes of the proposed recommendations as if for any reference to a constituency there is substituted a reference to a region.

Local inquiries

9 (1) The Boundary Commission for Scotland may if they think fit cause a Local Inquiry to be held in respect of any constituency or constituencies.

(2) If the Boundary Commission for Scotland receive any relevant representations objecting to a proposed recommendation for the alteration of a constituency they must not make the recommendation unless since the publication of the notice under paragraph 7(2) a Local Inquiry has been held in respect of the constituency.

(3) If a Local Inquiry was held in respect of the constituency before the publication of the notice under paragraph 7(2), sub-paragraph (2) above does not apply if the Boundary Commission for Scotland after considering —

- (a) the matters discussed at the inquiry,
- (b) the nature of the relevant representations received, and
- (c) any other relevant circumstances,

think that a further Local Inquiry is not justified.

(4) A relevant representation is a representation made in accordance with paragraph 7(2)(b) —

- (a) by the council for an area which is wholly or partly comprised in the constituency;
- (b) by a body of not less than 100 persons entitled to vote as electors at an election for membership of the Parliament held in the constituency.

10 (1) The Boundary Commission for Scotland may if they think fit cause a Local Inquiry to be held in respect of any region or regions.

(2) If the Boundary Commission for Scotland receive any relevant representations objecting to a proposed recommendation for the alteration of a region they must not make the recommendation unless since the publication of the notice under paragraph 7(2) a Local Inquiry has been held in respect of the region.

(3) If a Local Inquiry was held in respect of the region before the publication of the notice under paragraph 7(2), sub-paragraph (2) above does not apply if the Boundary Commission for Scotland after considering —

- (a) the matters discussed at the inquiry,
- (b) the nature of the relevant representations received, and
- (c) any other relevant circumstances,

think that a further Local Inquiry is not justified.

(4) A relevant representation is a representation made in accordance with paragraph 7(2)(b) —

- (a) by the council for an area which is wholly or partly included in the region;
- (b) by a body of not less than 500 persons entitled to vote as electors at an election for membership of the Parliament held in any one or more of the constituencies included in the region.

11 Section 210(4) and (5) of the Local Government (Scotland) Act 1973 (c. 69) (attendance of witnesses at inquiries) applies in relation to a Local Inquiry held under paragraph 9 or 10.

The constituency rules

12 These are the constituency rules.

Rule 1

- (1) So far as is practicable, regard must be had to the boundaries of local authority areas.
- (2) "Area" and "local authority" have the same meanings as in the Local Government (Scotland) Act 1973.

Rule 2

- (1) The electorate of a constituency must be as near the electoral quota as is practicable, having regard to Rule 1.
- (2) The Boundary Commission for Scotland may depart from the strict application of Rule 1 if they think that it is desirable to do so to avoid an excessive disparity between the electorate of a constituency and the electoral quota or between the electorate of a constituency and that of neighbouring constituencies.
- (3) The electoral quota is the number obtained by dividing the total electorate by 71.
- (4) The electorate of a constituency is the aggregate of the persons falling within paragraphs (5) and (6) below.
- (5) A person falls within this paragraph if his name appears on the register of local government electors in force on the enumeration date under the Representation of the People Acts for a local government area which is situated wholly in the constituency.
- (6) A person falls within this paragraph if his name appears on the register of local government electors in force on the enumeration date under the Representation of the People Acts for a local government area which is situated partly in the constituency and his qualifying address is situated in the constituency.
- (7) The total electorate is the total number of persons whose names appear on the registers of local government electors in force on the enumeration date under the Representation of the People Acts for all of the local government areas in Scotland (except the local government areas of Orkney and Shetland).
- (8) The enumeration date is, in relation to a report of the Boundary Commission for Scotland, the date on which notice with respect to the report is published in the Edinburgh Gazette in accordance with paragraph 7(1) above.
- (9) "Qualifying address" and "local government area" have the same meanings as in the Representation of the People Act 1983 (c. 2).

Rule 3

The Boundary Commission for Scotland may depart from the strict application of Rules 1 and 2 if they think that special geographical considerations (including in particular the size, shape and accessibility of a constituency)

render it desirable to do so.

Rule 4

The Boundary Commission for Scotland need not aim at giving full effect in all circumstances to Rules 1 to 3 but they must take account (so far as they reasonably can) —

- (a) of the inconveniences attendant on alterations of constituencies other than alterations made for the purposes of Rule 1, and
- (b) of any local ties which would be broken by such alterations.

The regional rules

13 These are the regional rules.

Rule 1

A constituency must fall wholly within a region.

Rule 2

The regional electorate of a region must be as near the regional electorate of each of the other regions as is practicable, having regard (where appropriate) to special geographical considerations.

14 (1) This paragraph applies for the purposes of the regional rules.

(2) For the purposes of a report of the Boundary Commission for Scotland in relation to a region, the regional electorate is the number of persons —

- (a) whose names appear on the enumeration date on the registers of local government electors in the region, and
- (b) who are registered at addresses within a constituency included in the region.

(3) The enumeration date is the date on which notice with respect to the report is published in the Edinburgh Gazette in accordance with paragraph 7(1) above.

(4) Sub-paragraphs (2) and (3) also apply for the purpose of construing references to the regional electorate in relation to a report of the Boundary Commission for Scotland made for the purposes of a report as mentioned in sub-paragraph (2).

Scotland Act 2016 - Section 8

Review of electoral boundaries by the Local Government Boundary Commission for Scotland

(1) Schedule 1 to the Scotland Act 1998 is amended as follows.

(2) For “the Boundary Commission for Scotland” in each place substitute “the Local Government Boundary Commission for Scotland”.

(3) In paragraphs 3 to 7 for “the Secretary of State” in each place, and for “he” in paragraphs 3(9) and 6(1), substitute “the Scottish Ministers”.

(4) In paragraphs 3 to 7 for—

(a) “each House of Parliament”, “either House of Parliament” or “the House” in each place, and

(b) “Parliament” in all other places, except in paragraph 6(7), substitute “the Parliament”.

(5) In paragraph 3(4)—

(a) before “under this paragraph” insert “to the Scottish Ministers”;

(b) for “not later than 30 June 2010” substitute “no earlier than 1 May 2018 and no later than 1 May 2022”.

(6) In paragraph 3(6) omit “(but not before the submission of their first report)”.

(7) Omit paragraph 3(11).

(8) In paragraph 6(1) for “thinks” substitute “think”.

Islands (Scotland) Act 2018 – Part 4

Representation of island communities

Elections to the Scottish Parliament

18 Constituency of Na h-Eileanan an Iar

(1) In schedule 1 of the Scotland Act 1998 (constituencies, regions and regional members)—

(a) in paragraph 1(2), before paragraph (a) insert—

“(za) the existing constituency of Na h-Eileanan an Iar,”

(b) in paragraph 3(1), for “1(2)(a)” substitute “1(2)(za), (a)”, and

(c) in paragraph 12, in Rule 2—

(i) in paragraph (3), for “71” substitute “70”, and

(ii) in paragraph (7), after “areas of” insert “Comhairle nan Eilean Siar,”.

(2) In the Scottish Parliament (Constituencies and Regions) Order 2014 (S.I. 2014/501)—

(a) article 2 is to be read as if Na h-Eileanan an Iar were not included in the “deposited data” within the meaning of article 2(2), and

(b) in schedule 1—

(i) in the introductory words before the table, after “than” insert “Na h-Eileanan an Iar,” and

(ii) in the table, the entry for the constituency of Na h-Eileanan an Iar is revoked.

(3) In article 42(10) of the Scottish Parliament (Elections etc.) Order 2015 (S.S.I. 2015/425), after “article” insert “the constituency of Na h-Eileanan an Iar,”.

Scottish Elections Reform Act 2020 – Part 4

28 Boundaries Scotland

(1) The commission originally constituted under section 12 of the Local Government (Scotland) Act 1973 as the Local Government Boundary Commission for Scotland is to continue to be a commission but is renamed and is to be known as Boundaries Scotland.

(2) Accordingly—

(a) in section 12(1) of the Local Government (Scotland) Act 1973, for the words from “Local” to the end of the subsection substitute “ commission to be known as Boundaries Scotland which is to carry out the functions conferred on it by or under this Act or any other enactment. ”,

(b) any reference in any enactment to the Local Government Boundary Commission for Scotland is, unless the contrary intention appears, to be construed as a reference to the commission's new name, Boundaries Scotland.

(3) The schedule makes further provision in consequence of this section.

30 Changes to boundaries of parliamentary constituencies: procedure

(1) Paragraph 6 of schedule 1 of the Scotland Act 1998 (Orders in Council) is amended as follows.

(2) In sub-paragraph (3)—

(a) the words “by leave of the Parliament” are repealed,

(b) after “amend the draft” insert “ to make such minor or technical alterations as they consider appropriate ”.

(3) After that sub-paragraph insert—

“(3A) As soon as reasonably practicable after laying the draft so amended, the Scottish Ministers must publish a statement setting out their reasons for making the minor or technical alterations to the draft.

(3B) The Scottish Ministers must not withdraw a draft Order laid before the Parliament under paragraph 3(9)(b) or sub-paragraph (3) except with the agreement of the Parliament.”.

(4) After sub-paragraph (4) insert—

“(4A) If the Scottish Ministers do not lay an amended draft Order under sub-paragraph (3), the Scottish Ministers must notify Boundaries Scotland that it is

required to conduct, in accordance with sub-paragraph (4B), a further review of the alterations proposed to the boundaries by the draft Order which was rejected or withdrawn.

(4B) Once notified, Boundaries Scotland must conduct a further review of the proposed alterations and may determine the manner and the extent of the review, provided that the purpose of the review is to—

(a) consider the representations (if any) of the Parliament, and

(b) reconsider the proposals and make any further or supplementary proposals as it thinks fit.

(4C) This schedule applies to a further review under sub-paragraph (4B) as it applies to a review and report under paragraph 3 except that—

(a) Boundaries Scotland is to submit a report on the further review—

(i) before such date as the Scottish Ministers may direct, or

(ii) in the absence of such direction, within such reasonable time as it may determine,

(b) sub-paragraphs (1)(a), (3) and (4) of paragraph 7 do not apply to a further review under sub-paragraph (4B),

(c) where a report has already been submitted following a further review under sub-paragraph (4B), the Scottish Ministers may notify Boundaries Scotland under sub-paragraph (4A) that it is required to conduct a further review only if the Parliament has by resolution directed them to do so.

(4D) A further review under sub-paragraph (4B) is to be disregarded for the purposes of calculating the intervals between reports of Boundaries Scotland under paragraph 3.”.

32 Scottish Parliament constituency boundaries: timing of first report

In paragraph 3(4) of schedule 1 of the Scotland Act 1998, for “no earlier than 1 May 2018 and no later than 1 May 2022” substitute “no later than 1 May 2025”.

33 Publishing of proposals affecting Scottish Parliament constituencies

In the opening words of paragraph 7(2) of schedule 1 of the Scotland Act 1998, for “at least one newspaper circulating in the constituency” substitute “such manner as it thinks fit”.