

Scottish Parliament Reviews Local inquiries

Background

1. At its 5 June 2025 meeting the Commission considered Paper BS-182 Second Review Lessons Learned and asked the Secretariat to provide further information, alternative options and possible improvements to the local inquiry process for Scottish Parliament Boundary Reviews.
2. This paper provides further background information on Scottish Parliament local inquiries as well as information regarding UK Parliament and Senedd public hearings.
3. The Commission is invited to consider alternatives to the current process which will help inform its response to the Independent Review of the Process for Determining Electoral Boundaries (Independent Review) and influence possible legislative improvements.

Legislation - Local inquiries

4. An extract from the Scotland Act 1998, regarding local inquiries for the Scottish Parliament Boundary Reviews, is at Appendix A.

Historical origins

5. The legislative source for holding local inquiries during boundary reviews is the House of Commons (Redistribution of Seats) Act, 1958. When conducting reviews of UK Parliament boundaries, the Boundary Commissions were obliged to arrange for local inquiries to be held where objections were lodged by a body of electors numbering 100 or more or by an interested local authority. The body of 500 electors originates from the Boundary Commissions reviews of European Assembly (Parliament) constituencies.
6. The rules for conducting UK Parliament boundary reviews were replicated when the Scotland Act 1998 was drafted. In 2011, new rules were introduced for conducting public hearings during UK Parliament boundary reviews. There has not been an equivalent update to the rules relating to local inquiries for Scottish Parliament reviews.

First review - Local inquiries

7. During the First Review of Scottish Parliament boundaries, ten local inquiries were held regarding proposals for constituencies and one for proposals for regions. Some local inquiries were held at two or three venues to ensure that the inquiry was more accessible.
8. During the First Review six local inquiries were held as a result of objections from local authorities and four as a result of over 100 responses received. The region local inquiry was held at the Commission's discretion as only 200 responses were received.

Second review - Local inquiries

9. During the Second Review of Scottish Parliament boundaries, nine local inquiries were held (seven related to constituencies only and two to constituencies/regions). One constituency local inquiry was held in two locations, Johnstone and Newton Mearns.

10. Two local inquiries were held at the Commission's discretion because a large body of electors opposed the proposals but just less than the 100 quoted in legislation (Clydebank – over 60 comments and Edinburgh – approximately 90 comments). All other local inquiries were held because of objections from local authorities.

11. There were over 120 speakers at the local inquiries, these included 40 members of the public, 30 councillors, 14 MSP's, 13 council officials, 13 representatives from political parties and 11 from community groups.

Triggers for Local inquiries

12. The rules require a local inquiry to be held if there is a relevant representation from either a local authority or a body of not less than 100 persons (500 for regions) objecting to the proposed recommendations. The Commission also has a wide discretion to hold a local inquiry "if it thinks fit". If there has already been a local inquiry in a constituency or region, the Commission has a discretion not to hold a further local inquiry.

13. During the Second Review no local inquiries were held due to a relevant representation from a body of over 100 or 500 persons. Seven local inquiries were held due to objections from Councils. Two local inquiries were held in Edinburgh and Clydebank because of the large number of responses were received (but not the body of 100 or more electors as quoted in the rules). The Commission exercised its discretion to not hold further local inquiries in response to objections from East Lothian, West Lothian, Falkirk and South Lanarkshire Councils.

UK Parliament Boundary Reviews - Public Hearings

14. The Boundary Commission for Scotland (BCS), Wales (BCW) and Northern Ireland (BCNI) must hold between 2-5 public hearings when conducting reviews of UK Parliament boundaries. The Boundary Commission for England (BCE) must hold between 2-5 public hearings in each of its nine regions. Each public hearing must be completed within two days.

15. There are no triggers for public hearings during UK Parliament Boundary Reviews.

16. During the 2023 Review of UK Parliament boundaries, each Commission held public hearings during the secondary consultation stage as dictated by the legislation. The secondary consultation stage is when each Commission publishes all responses to its initial proposals consultation stage and allows comments to be made on those earlier responses.

17. Each Commission had discretion where to hold a public hearing but they are usually held in cities for good transport links, or areas of comment from the initial consultation stage.

18. Previous UK Parliament boundary reviews held public hearings during the initial consultation stage but it was challenging to foresee areas of concern and the Commission had to guess where issues may arise.

19. The rules for conducting UK Parliament Boundary Reviews public hearings are set in the Parliamentary Constituencies Act 1986 (see Appendix B).

UK Parliament Boundary Reviews - 2023 Review

20. The 2023 Review was held during the Covid – flu pandemic. As there was uncertainty over whether social distancing would be in place, the Commissions sought legal advice on whether they could hold virtual public hearings. The advice received by all the Commissions (except Northern Ireland, different advice received) was that the legislation did not allow for public hearings to be held online

21. During the 2023 Review:

- BCS held five (maximum number allowed) public hearings in Edinburgh, Glasgow, Perth, Inverness and Oban. The hearings were scheduled for morning, afternoon or evening sessions depending on interest. Poor weather affected the hearings with one evening session cancelled. Other sessions were cancelled due to a lack of interest. The hearings were chaired by a Sheriff Principal. Submissions had to be made in person. There were a total of 12 speakers – mainly politicians or representatives of political parties. The locations were chosen because: of the strong opposition to the proposals in Highland and Moray, Argyll and Bute and Perthshire; Edinburgh as the home of the Scottish Parliament and therefore relatively easy for MSPs to attend; and Glasgow for its transport links.
- BCE held 32 hearings with over 1,000 speakers. Submissions had to be made in person. A video recording of each Public Hearing was made and published on their YouTube channel. Assistant Commissioners were appointed through a recruitment exercise to chair the hearings and they made recommendations to the Commission. BCE did not provide an explanation for the locations chosen for their public hearings.
- BCW held five (maximum number allowed) public hearings with 80 speakers. The hearings were chaired by an Assistant Commissioner and live streamed but submissions had to be made in person. The sessions were split into morning (8–12), afternoon (13.00–16.30) and evening slots (17.00–19.50). Assistant Commissioners were appointed through a recruitment exercise to chair the hearings and they made recommendations to the Commission. The locations for the hearings were chosen because they offered a wide geographical area.
- BCNI held three public hearings chaired by District Judges. The hearings were live streamed and submissions could be made both in person or remotely. They had five speakers. The locations for the hearings were chosen because they offered a wide geographical area.

Senedd Boundary Reviews

22. The Senedd Cymru (Members and Elections) Act 2024 sets the rules for boundary reviews of the Senedd, see Appendix C. It allows the Democracy and Boundary Commission Cymru to hold virtual public hearings where comments can be made both in person or remotely.

23. The Senedd public hearing procedure is similar to the UK Parliament Boundary Reviews. It holds three consultation stages with between 2 and 5 public hearings held during the secondary consultation stage. There is a requirement that the public hearings must cover the whole of Wales. A chair is appointed who can ask questions, or allow questions to be put, to a person making representations at the hearing.

24. The 2026 Senedd Review was conducted under different rules with two four-week public consultations held during the review and no provision for public hearings. The 2026 Review merged the current 32 UK Parliament constituencies in Wales into 16 Senedd constituencies, each represented by six Senedd members.

Electoral / Administrative Reviews

25. Boundaries Scotland also has responsibility for undertaking reviews of electoral arrangements and administrative areas.

26. The Local Government (Scotland) Act 1973, Section 19 states that “Boundaries Scotland may cause a local inquiry to be held with respect to any review carried out”.

27. For electoral and administrative reviews the Commission must consult with Councils for a two-month period before consulting with the public, usually for a 12-week period.

28. The Commission did not undertake any local inquiries during its Fifth Reviews of all 32 local authorities or its Island Reviews. The Commission generally only holds a local inquiry when it considers that it does not have sufficient information to reach an informed decision about a particular area. There were no occurrences of this during recent reviews.

Possible alternative: similar approach to UK Parliament and Senedd Reviews

29. The Commission could follow a similar process to UK Parliament and Senedd Reviews:

- to have a set number of consultation periods such as three consultation periods for 8, 6 and 4-week periods. Longer periods could also be considered (12 week consultation periods are recommended by Scottish Government).
- to hold a secondary consultation period where comments can be submitted and local inquiries are held. Some clarity is required as to when inquiries are held for constituencies and regions.
- to have a set number of local inquiries during the secondary consultation stage. This could be 2-5 or increased to 3-8 or more or at the Commissions discretion.
- to allow hybrid local inquiries.
- whether to set geographical areas where inquiries should be conducted. For example one in each of the existing Scottish Parliament regions or Sheriffdom.

30. The advantages of adopting an approach similar to UK Parliament and Senedd Reviews are:

- more consistent with other UK boundary review procedures (UK Parliament and Senedd).
- more recognisable to a number of stakeholders such as politicians, councils and political parties from UK Reviews.
- hybrid inquiries avoid accessibility issues, such as geographical access or due to poor weather conditions.
- avoids vague triggers for local inquiries.
- easier to schedule/ programme the review knowing there is a set number of consultations and when the local inquiries will be held.

31. The disadvantages of adopting an approach similar to UK Parliament and Senedd Reviews are some may not have access to IT for hybrid meetings or to local transport to attend in person.

Other alternative approaches

32. As referred to in the Independent Review consultation paper, in Australia there is an initial five-week consultation period where initial written suggestions for changes are submitted. This is followed by a two week secondary consultation period where the public can comment on any of the earlier initial suggestions. There is then a further four week consultation on the proposed boundaries where the public can make objections. The Augmented Electoral Commission then considers these objections and may hold public inquiries as part of this process.

33. In Canada, for reviews of federal constituency boundaries, each provincial Commission publishes a boundary proposal for its province, and a public consultation period is held which includes at least one public hearing per province. The Commission finalises its report following the consultation.

Conclusion

34. The rules governing local inquiries during Scottish Parliament boundary reviews date back to the 1950s and, as discussed at the June meeting, the Commission has identified areas where legislative change would assist with improving engagement and participation in the process. A more defined process with set stages would also improve the Commission's ability to schedule the review.

35. The Commission is invited to discuss whether adopting an approach similar to UK or Senedd Boundary reviews is the preferred alternative. Commissioners are also asked to inform the Secretariat of the approach it would like to put forward in its response to the Independent Review – see Paper BS 188.

Secretariat
July 2025

Appendix A**Extract from Scotland Act 1998**

9. Boundaries Scotland may if it thinks fit cause a Local Inquiry to be held in respect of any constituency or constituencies.

If Boundaries Scotland receive any relevant representations objecting to a proposed recommendation for the alteration of a constituency it 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.

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 Boundaries 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.

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. Boundaries Scotland may if it thinks fit cause a Local Inquiry to be held in respect of any region or regions.

If Boundaries Scotland receive any relevant representations objecting to a proposed recommendation for the alteration of a region it 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.

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 Boundaries 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.

<https://www.legislation.gov.uk/ukpga/1998/46/schedule/1/crossheading/local-inquiries>

Appendix B**Extract relating to Public Hearings during UK Parliament Boundary Reviews – Parliamentary Constituencies Act 1986****Purpose of hearings**

1 The purpose of a public hearing is to enable representations to be made about any of the proposals with which the hearing is concerned.

Number of hearings

2 (1) In relation to any particular report under section 3(1)(a) of this Act—

(a) the Boundary Commission for England shall cause at least two and no more than five public hearings to be held in each English region;

(b) the Boundary Commission for Scotland shall cause at least two and no more than five public hearings to be held in Scotland;

(c) the Boundary Commission for Wales shall cause at least two and no more than five public hearings to be held in Wales;

(d) the Boundary Commission for Northern Ireland shall cause at least two and no more than five public hearings to be held in Northern Ireland.

(2) The public hearings in an English region shall be concerned with proposals for that region, and shall between them cover the whole region.

(3) The public hearings in Scotland shall be concerned with proposals for Scotland, and shall between them cover the whole of Scotland.

(4) The public hearings in Wales shall be concerned with proposals for Wales, and shall between them cover the whole of Wales.

(5) The public hearings in Northern Ireland shall be concerned with proposals for Northern Ireland, and shall between them cover the whole of Northern Ireland.

Chair of hearing

3 For each public hearing the Boundary Commission concerned shall appoint a person to chair the hearing.

Length of hearings

4A public hearing shall be completed within two days.

Procedure at hearings

5 It is for the chair of each public hearing to determine the procedure that is to govern that hearing.

6 The chair shall make arrangements for a public hearing to begin with an explanation of—

(a) the proposals with which the hearing is concerned;

(b) how written representations about the proposals may be made (as mentioned in section 5(1)(a), (4)(b) [F2, (4B)(b)] or (5)(c) of this Act).

7 (1) The chair of a public hearing must allow representations to be made—

(a) by each qualifying party;

(b) by any other persons (whether individuals or organisations) considered by the chair to have an interest in any of the proposals with which the hearing is concerned.

Paragraph (b) above has effect subject to sub-paragraph (3)(b) below.

(2) The chair may restrict the amount of time allowed for representations—

(a) by qualifying parties, and

(b) by other persons,

and need not allow the same amount to each.

(3) The chair may determine—

(a) the order in which representations are made, and
(b) if necessary because of shortage of time, which of those wishing to make representations are not allowed to do so, in whatever way the chair decides.

8 (1) The chair may put questions, or allow questions to be put, to a person present at the hearing.

(2) If questions are allowed to be put, the chair may regulate the manner of questioning or restrict the number of questions a person may ask.

Appendix C**Extract - Senedd Cymru (Members and Elections) Act 2024****49D Determining the names of the Senedd constituencies**

(1) Each Senedd constituency must have a single name for the purposes of identifying the constituency in communication through Welsh and English, unless the Commission considers this would be unacceptable (in which case the constituency may have different names for the purposes of identifying it in communication through Welsh and English).

(2) Before making its initial report (see section 49E) the Commission must, if it intends to make a proposal relating to the name of a Senedd constituency—

- (a) consult the Welsh Language Commissioner on the orthography of the proposed name, and
- (b) consider its proposal having regard to any representations from the Commissioner on the orthography of the proposed name.

(3) A requirement under this Part to set out the name or proposed name of a Senedd constituency in a report is, where the Commission considers the constituency should have different names for the purposes of identifying it in communication through Welsh and English, a requirement to set out both names—

- (a) in the Welsh language version of the report, and
- (b) in the English language version of the report.

49E Initial report on boundary review and first period for representations

(1) After taking the steps in sections 49B(1) and 49D(2), the Commission must make an initial report setting out—

- (a) the Commission's proposals for change to—
 - (i) the boundaries of the Senedd constituencies;
 - (ii) the names of the Senedd constituencies, or
- (b) if it does not consider any change appropriate, a statement to that effect.

(2) The Commission must—

- (a) publish the initial report,
- (b) inform any person it considers appropriate of how to access the report,
- (c) invite representations on the report, and
- (d) notify any person it considers appropriate of the first period for representations.

(3) During the first period for representations the Commission must consult the Welsh Language Commissioner.

(4) The first period for representations is a period of eight weeks, beginning with the date on which the initial report is published.

49F Publication of, and consultation on, representations

(1) At the end of the first period for representations the Commission must publish a document setting out any representations received during that period (including any representations on the initial report made by the Welsh Language Commissioner when consulted under section 49E(3)).

(2) The Commission must also—

- (a) inform any person it considers appropriate of how to access the document published under subsection (1),

- (b) invite representations in respect of the representations set out in the document published under subsection (1),
- (c) notify any person it considers appropriate of the second period for representations, and
- (d) publish information about the times and places at which public hearings under section 49G will be held and, where hearings are to be held partly in person and partly through the use of remote facilities, specify instructions on how to make representations using remote facilities.

(3) The second period for representations is a period of six weeks, beginning with the date on which the document is published under subsection (1).

(4) In subsection (2)(d), “remote facilities” means any equipment or other facility that enables people who are not in the place where the hearing is being held to make representations at the hearing.

49G Public hearings

(1) During the second period for representations, the Commission must hold at least two but no more than five public hearings to enable representations to be made about its proposals.

(2) The public hearings must between them cover the whole of Wales.

(3) A public hearing must be completed within two days.

(4) If a hearing is to be held partly through the use of remote facilities (within the meaning given in section 49F(4)), the remote facilities must enable the people making representations at the hearing but who are not in the place where the hearing is being held to speak to and be heard by (whether or not it enables those people to see and be seen by)—

- (a) each other, and
- (b) people at the place where the hearing is being held.

(5) The Commission must appoint a person to chair each hearing (“the chair”).

(6) The chair must determine the procedure that is to govern that hearing.

(7) The chair must make arrangements for a public hearing to begin with an explanation of—

- (a) the proposals with which the hearing is concerned;
- (b) how representations about the proposals may be made.

(8) The chair must allow representations to be made—

- (a) by each political party that is registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41) and either—
 - (i) has at least one Member of the Senedd, or
 - (ii) received at least 10% of the votes cast in the most recent general election;
- (b) by any other person considered by the chair to have an interest in any of the proposals with which the hearing is concerned (subject to subsection (9)(c)).

(9) The chair may—

- (a) determine the order in which representations are made;
- (b) restrict the amount of time allowed for representations and need not allow the same amount to each person;

(c) if necessary because of shortage of time, determine which of the persons mentioned in subsection (8)(b) are not allowed to make representations.

(10) The chair may put questions, or allow questions to be put, to a person making representations at the hearing.

(11) If questions are allowed to be put, the chair may regulate the manner of questioning or restrict the number of questions a person may ask.

49H Second report on boundary review and final period for representations

(1) At the end of the second period for representations the Commission must—

(a) consider its proposals having regard to the representations made during the first and second periods for representations, and

(b) if, having considered its proposals, it intends to make a proposal that was not set out in the initial report relating to the name of a Senedd constituency—

(i) consult the Welsh Language Commissioner on the orthography of the proposed name, and

(ii) have regard to any representations made by the Commissioner on the orthography of the proposed name.

(2) After taking the steps in subsection (1), the Commission must make a second report—

(a) setting out—

(i) the Commission's proposals for change to the boundaries and names of the Senedd constituencies, or

(ii) if the Commission does not consider any change appropriate, a statement to that effect;

(b) specifying details of any changes the Commission has made to the proposals set out in the initial report, and an explanation of why those changes have been made.

(3) The Commission must—

(a) publish the second report,

(b) publish a document—

(i) containing records of the public hearings held under section 49G, and

(ii) setting out any representations (of the kind described in section 49F(2)(b)) received during the second period for representations,

(c) inform any person it considers appropriate of how to access the report and the document published under paragraph (b),

(d) invite representations—

(i) on the report,

(ii) in respect of any representations made during the public hearings, and

(iii) in respect of any representations (of the kind described in section 49F(2)(b)) received during the second period for representations, and

(e) notify any person it considers appropriate of the final period for representations.

(4) During the final period for representations the Commission must consult the Welsh Language Commissioner.

(5) The final period for representations is a period of four weeks, beginning with the date on which the second report is published.

(6) At the end of the final period for representations the Commission must—

(a) publish a document setting out any representations received during that period

(including any representations made by the Welsh Language Commissioner, when

consulted under subsection (4), on the second report and on the representations mentioned in subsection (3)(d)(ii) and (iii),

(b) consider its proposals having regard to those representations, and

(c) if, having considered its proposals, it intends to make a proposal that was not set out in the second report relating to the name of a Senedd constituency—

(i) consult the Welsh Language Commissioner on the orthography of the proposed name, and

(ii) have regard to any representations made by the Commissioner on the orthography of the proposed name.