

**Boundaries Scotland Paper 001****2019 Reviews of Electoral Arrangements  
Update****Purpose**

1. This paper provides an update on progress with the 2019 Reviews of electoral arrangements in Argyll and Bute, North Ayrshire, Highland, Orkney Shetland and Na h-Eileanan an Iar council areas (the “islands reviews”).

**Background**

2. The Commission submitted its recommendations for Orkney, Shetland and Na h-Eileanan an Iar council areas to Scottish Ministers on 28 May and those for Argyll and Bute, North Ayrshire, Highland council areas on 10 June. The Secretariat have worked with Scottish Government officials to support the development of the draft Scottish Statutory Instruments (SSIs) which Ministers are required to lay in Parliament as soon as practicable. The draft SSIs for the 3 islands councils were laid in the Scottish Parliament of 26 August and those for the mainland councils on 27 August.

**Discussion**

3. The Chair wrote to the Minister responsible for the work of Boundaries Scotland, the Deputy First Minister, on 3 June and the letter is at Appendix A. The Chair and Secretary subsequently met the DFM and Scottish Government officials on 11 August and a note of the meeting is at Appendix B. This was followed up by a further letter from the Chair to the DFM on 17 August, at Appendix C.
4. The DFM separately met the Leader of Highland Council in August. An update will be given at the meeting.
5. The Scottish Elections (Reform) Act 2020 changed the approval process for Commission reports. Previously it was for the responsible Scottish Ministers to accept or reject the proposals and if accepted the implementing Order was simply made; there was no role for the Scottish Parliament in considering the proposals. The 2020 Act removed the responsibility of the Minister and introduced affirmative resolution procedure in the Scottish Parliament. The SSIs implementing the Islands Reviews are the first time the new procedure has been used for Commission proposals.
6. According to the Scottish Parliament website affirmative resolution procedure is as follows:

“Affirmative SSIs are looked at by the DPLR Committee and the lead committee (usually the committee who examined the Bill the SSI relates to).

The lead committee can take evidence on the SSI. It will also invite the Scottish Government minister responsible for the SSI to a committee meeting. The committee can ask the minister and any officials questions about the SSI. Both the DPLR and the lead committee will write reports.

At the meeting, the minister proposes (“moves”) a motion to say the lead committee recommends the SSI should be approved and the committee votes. The lead committee then writes a report to the Parliament with its recommendation. The lead committee has 40 days from when the SSI was laid before the Parliament to publish its report.

If the committee agrees the SSI should be approved, the whole of the Parliament then gets a chance to vote on it in the Chamber.

If the lead committee decides the SSI should not be approved, the Parliamentary Bureau decides whether MSPs should vote on it in the Chamber. Some SSIs can go straight to a debate and vote in the Chamber, if the Parliament agrees.”

7. The full procedure for Boundaries Scotland reviews was amended by the Scottish Elections Reform Act 2020 and the relevant sections of the Local Government Scotland Act 1973, as amended, are at Appendix D.

### **Next steps**

8. The draft SSIs will first be considered by the Delegated Powers and Law Reform Committee and then by the allocated lead Committee which is the Local Government, Housing and Planning Committee. It is expected that the LGHP Committee will invite the Commission to give evidence on 21 September. Other witnesses are yet to be confirmed.
9. The Committee will recommend that the Parliament accept, reject or withdraw the Orders. If any of the 6 are rejected or withdrawn then the legislation requires Scottish Ministers to either make any minor or technical amendments required and re-lay the instrument; or ask the Commission to conduct a further review to consider the representations (if any) of the Scottish Parliament, and make any further or supplementary proposals as it thinks fit.
10. However, it is clear that there is not time for the Commission to consider its proposals further and for another SSI to complete its passage in time before the required 6 month period in advance of the 2022 elections. The Secretariat is discussing the implications of rejection or withdrawal with SG officials and an update will be given at the meeting.

### **Conclusion**

11. The Commission is invited to note the progress of the reviews and the next steps.

Secretariat  
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