

Scottish Parliament: timing of 2nd Review of Parliament Boundaries

Action Required

1. The Commission is invited to consider further the timing of the 2nd Review of Scottish Parliament boundaries in light of additional information received since its September 2017 meeting.

Background

2. At its meeting on 12 September, the Commission considered 3 options for the timing of the next Scottish Parliament Review (see LGBCS Paper 2421). These were:
 - Option 1, to commence in time for implementation of any new constituencies and regions before the next Scottish Parliament elections in 2021. This would require an immediate start to the Review;
 - Option 2, to complete by the latest date allowed under legislation (May 2022); or
 - Option 3 to seek an extension of the 2022 deadline in order to report closer to the election currently scheduled for 2025.
3. The Commission expressed a preference for Option 1 and asked the Secretariat to make the necessary preparations for commencing the Review.

Electoral Reform Consultation

4. Subsequent to the September meeting, the Secretariat had further communication with Scottish Government officials over the timing and content of the forthcoming consultation on electoral reform. While officials were not able to confirm the detail of the content, it became apparent that other matters which might impact on the Commission's thinking about timing of the Scottish Parliament review were likely to be included. This was confirmed in a telephone conversation between the Chair of the Commission and the Minister for Parliamentary Business and in a subsequent exchange of correspondence (letters attached at Appendix A).
5. The main additional issue now expected to be included is consultation on changes to the electoral franchise. While the detail is not known, if adopted these changes could have a significant impact on voter demographics and as a result impact on both the electoral quota for the review and the variation from parity of new constituencies and regions. Any change to the franchise could not be implemented in time for the review if it were to complete before the 2021 election.
6. A second issue concerns electoral term lengths. At present the length of a parliamentary term is 4 years and a review of Scottish Parliament boundaries must take place every 8-12 years. Because of clashes with UK elections the last term and the current term for the Scottish Parliament have been 5 years. This means that the existing deadline of May 2022 is already out of alignment with the expected election dates of 2021 and 2025.
7. As noted at the September meeting the consultation may also contain consideration of electoral systems.

8. It is expected that the consultation on electoral reform will issue before the end of November and this will be circulated to the Commission as soon as it is available. The Secretariat have also invited officials from the Scottish Government elections team to attend the next meeting of the Commission on 4 December 2017. This will allow full discussion of the content of the consultation paper once known and for the Commission to consider further the question of timing of the Scottish Parliament review.

Timing

9. As noted above, the electoral reform consultation seems likely to contain issues that have a bearing on the review timetable. Commencing the review now would mean no account could be taken of the outcomes of the consultation and any subsequent legislative changes. Any changes affecting the franchise may result in the Commission considering use of its power under paragraph 3(6) of Schedule 1 to the Scotland Act 1998 to make further recommendations to give effect to the constituency rules. As noted in September, commencing the review early would also mean no account could be taken of the statutory protection for Na h-Eileanan Siar constituency proposed under the Islands (Scotland) Bill 2017.
10. If in light of the further information from Scottish Government the Commission agrees that Option 1 is no longer its preference then there are 2 further alternatives, both of which were considered previously in September.
11. Option 2 from the September meeting has the advantage of allowing timely preparation for the conduct of the review for completion by May 2022. However, that would require the review to start in 2019 and it would be on-going at the time of the 2021 election. Any revised constituencies, which would be created using 2019 electoral data, would not be used until the election currently scheduled for May 2025.
12. Adopting Option 3 from the September meeting would mean that the Commission could commence the next review after the 2021 Scottish Parliament elections and report in a more timely fashion for the currently scheduled 2025 elections. However, this option would require legislative change. Informal indications from Scottish Government are that they would be open to amending the 2022 deadline. This may in any case be an issue Scottish Government raise in the context of the electoral reform consultation as officials have noted that the existing legislative position does not dovetail with the parliamentary election schedule.

Conclusion

13. The Commission is invited to:
 - note that additional information on the Scottish Government's consultation on electoral reform and that further detail will be available at the December meeting;
 - consider whether that additional information alters its thinking regarding timing of the next review of Scottish Parliament constituencies and regions and if so whether it wishes to adopt Option 2 or Option 3 from the September meeting;
 - agree it will write to the Minister for Parliamentary Business to let him know its decision;

- agree it will consider its formal response to the electoral reform consultation at a future meeting.

Secretariat
November 2017