

Further review of Highland Council and Argyll and Bute Council areas

For discussion

1. At its 23 September 2025 meeting the Commission considered Paper BS 195 – Future Electoral Reviews Scheduling. Paragraph 5 of this paper referred to the possibility of the Minister directing a further review of Argyll and Bute and Highland Council areas at any time.
2. As referred to during the business update at the 23 September meeting, the Minister sent a letter dated 18 September 2025 directing the Commission to carry out a further review of both Highland Council and Argyll and Bute Council – see Appendix A.
3. The Commission is invited to note the Minister’s letter, the requirements of the legislation and reach a view on the timing of the further review of Highland Council and Argyll and Bute Council.

Background

4. The Commission carried out electoral reviews and submitted its final recommendations on councillor numbers and wards for Argyll and Bute, Highland and North Ayrshire Council areas to Scottish Ministers on 10 June 2021. In terms of s16(2A) of the Local Government (Scotland) Act 1973 (the Act) this is the deemed to be the first report.
5. The final proposals for Highland and Argyll and Bute Council areas were subject to the positive affirmation process and were not approved. As set out in s17(6) of the Act, this created an obligation on the Scottish Ministers to notify Boundaries Scotland that it is required to conduct a further review of the proposals in accordance with section 17A (see Appendix B). By sending the letter dated 18 September 2025, the Minister’s obligation has now been met.
6. The further review of Highland and Argyll and Bute Council areas is disregarded for the purpose of calculating the intervals between reviews (s17A(10)). The fact that the first report submitted in June 2021 was rejected is irrelevant in terms of calculating the intervals between reports.
7. The next reviews of Highland, Argyll and Bute, Na h-Eileanan an Iar, North Ayrshire, Orkney Islands and Shetland Islands Council areas are to be completed by 2036, that is 15 years after the date of submission of the first report. For the remaining 26 council areas the next electoral reviews must be completed by 31 October 2030.

Discussion –s17A further review

Requirement to carry out further review

8. S17A(1) of the Act requires the Commission to carry out a further review once a notification has been received under section 17(6)(b).
9. While it is mandatory to carry out a further review the manner and extent of the review is at the Commission’s discretion with the only mandatory requirements being:
 - to consider the representations of the Scottish Parliament

- reconsider the proposals and make any further or supplementary proposals as it thinks fit or a notification that there are no further or supplementary proposals (s17A(2))
- If there is a further or supplementary proposal for two councillors for a ward, the report must include an explanation as to why (except if the ward consists of inhabited islands) (s17A(7)).

10. A further review is required to follow the process for any electoral review under sections 18 and 19 **except there is no obligation to consult or hold a local inquiry** (s17A(3)). However, if the Commission agrees to make any further or supplementary proposals, it might consider it good practice to consult with stakeholders.

11. The Minister's letter is silent on the timing of the further review so the only requirement is for the Commission to submit a report on the further review within a reasonable time (s17A(6)(a)). However, the Commission could be open to criticism if it delays the start of the s17A further review.

12. The approvals process for the further review is the same as for the first report. However, where a further review report has been submitted, a further re-review can only be directed by Scottish Ministers if there is a specific Scottish Parliament resolution directing them to do so.

Timing

13. The s16 reports submitted for Highland Council and Argyll and Bute Council amount to the first report in terms of s16(2A). Therefore, the next electoral reviews of the six Councils reviewed as part of the Islands Reviews are not due until 2036. Separate to this, the Commission has a mandatory obligation to carry out a s17A further review of Highland Council and Argyll and Bute Council within a reasonable time.

14. The Commission's initial view, as expressed during the July and September meetings, was to commence the 2032 electoral reviews from 2027 onwards. However, as first reports have been submitted for both Highland Council and Argyll and Bute Council there is no requirement to review them by 31 October 2030.

15. The timing of the further review is complicated by the upcoming Scottish Parliament elections in 2026 and local government elections in 2027. While there is no legislative requirement to complete the further review 12 months prior to the scheduled elections it is accepted good practice that all changes to electoral practice should be in place six months before the election (Gould Principle).

16. There are several options available to the Commission including: -

- Start a further review immediately and finish by early 2026. If there are any further or supplementary proposals this gives limited time to consult (not a requirement but good practice). It is also unlikely that any Order will be approved before Parliament rises in March 2026.
- Start a further review immediately and, on the basis that there is upcoming SP and LG elections, reach the view that there should be a

notification that the Commission has no further or supplementary proposals to make.

- Start a further review and complete after the Scottish Parliament elections. There may be enough time for an Order to be considered/approved in Summer/early Autumn before the 2027 local government elections.
- Delay the start of the further review until after the 2027 elections and run at the same time as the 2032 reviews. The s17A further review would be entirely separate from the 2032 reviews.

17. Separately, the Commission has a broad discretion under s16(3) which could be acted on to carry out a fresh s16 review of Highland Council and Argyll and Bute Council before 2036. However, the Commission is still obliged to carry out a s17A further review even if it exercises its discretion to carry out a fresh s16 review of Highland and Argyll and Bute Councils.

Summary

18. The Commission must complete a further review of Highland Council and Argyll and Bute Council within a reasonable time. There is no direction from the Minister in terms of timing or approach so the Commission, therefore, has a wide discretion under s17A on how it approaches the further review. However, any undue delay in starting the further review could be criticised/challenged.

19. The Commission should play careful attention to the timing of the further review and the impact on the Scottish Parliament Elections in 2026 and local government elections in 2027.

Conclusion

20. The Commission is invited to note the Minister's letter and the requirements to complete a further review within a reasonable time (s17A of the Act).

21. The Commission is asked to consider the possible options and provide its initial view on the timing and approach to the further review.

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December 2025

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Professor Ailsa Henderson
Chair, Boundaries Scotland

By email to Boundaries Scotland's Secretary:
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Dear Ailsa

18th September 2025

It was good to catch up with you and your Deputy Chair, Simon Jones, last month. I would like to put on record and re-emphasise the thanks I expressed then, to you, the other Commissioners and the Secretariat team at Boundaries Scotland for delivering the Second Review of Scottish Parliament boundaries. I recognise the amount of complex and challenging work, over a long period of time, involved in doing so, and was pleased to see it garner support from the Parliament. Subject to Privy Council's approval, the Scottish Parliament (Constituencies and Regions) Order 2025 will give effect to the new boundaries from next May's Scottish Parliament election. Boundaries Scotland can be rightly proud of its contribution to supporting and upholding Scotland's democracy.

We also discussed both your planning for the 2032 local government reviews, and the 2021 reviews of Highland Council and Argyll and Bute Council. At that time the Scottish Parliament's Local Government, Housing and Planning Committee voted to recommend Parliament reject the legislation that would have given effect to the reviews' proposals, and the Scottish Government consequently withdrew the relevant Orders.

As Boundaries Scotland embark on planning a programme of local government reviews, and having recently concluded your significant work on the Scottish Parliament boundaries review, now is the appropriate juncture for Scottish Ministers to discharge the outstanding duty to formally notify you to conduct further reviews of the electoral arrangements of Highland Council and Argyll and Bute Council areas.

This letter discharges that duty, under Section 17(6) of the Local Government (Scotland) Act 1973, to notify Boundaries Scotland that you are required to conduct these reviews. Section 17A of the 1973 Act provides that Boundaries Scotland may determine the manner and extent of the review provided the purpose of the review is to consider the representations of the Scottish Parliament and reconsider the proposals and make any further proposals as Boundaries Scotland thinks fit, within such reasonable time as you determine.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I understand from our meeting that you wish to consider this requirement as part of your wider work planning. I therefore look forward to hearing back from you on this in due course.



JAMIE HEPBURN

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Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART II

CHANGES IN LOCAL GOVERNMENT AREAS

[^{F1}Proposals by Boundaries Scotland]

[^{F1}17A Further reviews and reports by Boundaries Scotland

- (1) Boundaries Scotland must conduct a further review of proposals to alter any local government area or electoral arrangements where it has been notified by the Scottish Ministers under section 17(6)(b).
- (2) Boundaries Scotland may determine the manner and the extent of the review under this section, provided that the purpose of the review is to—
 - (a) consider the representations (if any) of the Scottish Parliament, and
 - (b) reconsider the proposals and make any further or supplementary proposals as it thinks fit.
- (3) Sections 18 (except subsections (2) and (3)) and 19 apply to a review under this section as they apply to a review under section 17 (but subject to the modification in subsection (4)).
- (4) The modification is that the reference in subsection (2A) of section 18 to a consultation under subsection (2)(a) of that section is to be read as if it were a reference to any consultation carried out by Boundaries Scotland in connection with a review under this section.
- (5) Boundaries Scotland may take such steps under section 18(3) as it thinks fit in relation to a review under this section.
- (6) Boundaries Scotland must—
 - (a) before such date as the Scottish Ministers may direct, or in the absence of such direction, within such reasonable time as it may determine, submit a report to the Scottish Ministers on its further review under this section, and

Changes to legislation: Local Government (Scotland) Act 1973, Section 17A is up to date with all changes known to be in force on or before 25 September 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) include in the report either—
 - (i) any further or supplementary proposals it has formulated following the review, or
 - (ii) a notification that it has no further or supplementary proposals to make.
- (7) Where the report includes a further or supplementary proposal that the number of councillors to be returned in an electoral ward is two, Boundaries Scotland must include in the report an explanation as to why it considers the proposal to be appropriate unless the proposal relates to an electoral ward consisting wholly or partly of one or more inhabited islands (within the meaning of section 1(2) of the Islands (Scotland) Act 2018).
- (8) Subsections (4) to (9) of section 17 apply to a report submitted under this section as they apply to a report submitted under section 17.
- (9) But where a report has already been submitted under this section, the Scottish Ministers may notify Boundaries Scotland under subsection (6)(b) of section 17 that it is required to conduct a further review only if the Scottish Parliament has by resolution directed them to do so.
- (10) A further review under this section is to be disregarded for the purposes of calculating the intervals between reviews under this Part.]

Textual Amendments

- F1** Ss. 17, 17A substituted for s. 17 (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), ss. **31(2)**, 35; S.S.I. 2021/124, reg. 2, sch. (with reg. 3)

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Changes and effects yet to be applied to :

- Sch. 7 para. 7(3) inserted by [1989 c. 42 Sch. 11 para. 36](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 7(3) inserted by [1989 c. 42 Sch. 11 para. 36](#)