

Status: Point in time view as at 06/05/1999.

Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1.

CONSTITUENCIES, REGIONS AND REGIONAL MEMBERS

General

- 1 The constituencies for the purposes of this Act are—
- (a) the Orkney Islands,
 - (b) the Shetland Islands, and
 - (c) the parliamentary constituencies in Scotland, except a parliamentary constituency including either of those islands.
- 2 (1) There shall be eight regions for the purposes of this Act.
- (2) Those regions shall be the eight European Parliamentary constituencies which were provided for by the^{M1}European Parliamentary Constituencies (Scotland) Order 1996.
- (3) Seven regional members shall be returned for each region.
- (4) Sub-paragraphs (2) and (3) are subject to any Order in Council under the^{M2}Parliamentary Constituencies Act 1986 (referred to in this Schedule as the 1986 Act), as that Act is extended by this Schedule.

Marginal Citations

- M1** S.I. 1996/1926.
M2 1986 c. 56.

Reports of Boundary Commission

[^{F1}Proposed recommendations by Boundary Committee for Scotland]

Textual Amendments

- F1** Sch. 1 para. 4A and preceding cross-heading inserted (*prosp.*) by 2000 c. 41, ss. 16(2), 163(2), Sch. 3 Pt. II para. 19 (with s. 156(6))

- ^{F2}4A (1) When the Boundary Committee for Scotland provisionally determine (in pursuance of the 1986 Act) proposed recommendations which they are minded to include in

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a report under section 3A(2) of that Act and which would involve any alteration in any parliamentary constituencies in Scotland, the Committee shall consider whether any alteration within paragraph 3(2) would be required to be made in order to give effect to the rules in paragraph 7.

- (2) Any such report by the Committee as is mentioned in sub-paragraph (1) shall contain, in addition, the recommendations which the Committee propose should be included in the Electoral Commission's section 3 report in the light of the Committee's consideration of the question mentioned in that sub-paragraph.
- (3) In section 3A of the 1986 Act—
- (a) subsection (3) shall apply with any necessary modifications in relation to any such proposed recommendations as they apply in relation to any proposed recommendations of a Boundary Committee under section 3A(2) of that Act; and
 - (b) in subsection (4), the first reference to that Act shall include a reference to this Schedule, and the reference to the rules set out as there mentioned shall include a reference to the rules set out in paragraph 7.

- (4) In this paragraph—

“the Boundary Committee for Scotland” means the Committee of that name established by the Electoral Commission under section 14 of the Political Parties, Elections and Referendums Act 2000;

“the Electoral Commission's section 3 report” means the report of the Electoral Commission under section 3 of the 1986 Act for the purposes of which the proposed recommendations mentioned in sub-paragraph (1) would be made.

Textual Amendments

- F2** Sch. 1 para. 4A and preceding cross-heading inserted (*prosp.*) by 2000 c. 41, ss. 16(2), 163(2), Sch. 3 Pt. II para. 19 (with s. 156(6))

Notices

- 5 (1) Where the Commission have provisionally determined to make recommendations affecting any region, they shall publish in at least one newspaper circulating in the region a notice stating—
- (a) the effect of the proposed recommendations and (except in a case where they propose to recommend that no alteration within paragraph 3(2) be made) that a copy of the recommendations is open to inspection at a specified place or places within the region, and
 - (b) that representations with respect to the proposed recommendations may be made to the Commission within one month after the publication of the notice; and the Commission shall take into consideration any representations duly made in accordance with any such notice.
- (2) Where the Commission revise any proposed recommendations after publishing notice of them under sub-paragraph (1), the Commission shall comply again with that sub-paragraph in relation to the revised recommendations, as if no earlier notice had been published.

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Local inquiries

- 6 (1) The Commission may, if they think fit, cause a local inquiry to be held in respect of any region.
- (2) If, on the publication of a notice under paragraph 5(1) of a recommendation for any alteration within paragraph 3(2), the Commission receive any representation objecting to the proposed recommendation—
- (a) from an interested authority, or
 - (b) from a body of electors numbering 500 or more,
- the Commission shall not make the recommendation unless a local inquiry has been held in respect of the region since the publication of the notice.
- (3) If a local inquiry was held in respect of the region before the publication of the notice under paragraph 5(1), sub-paragraph (2) shall not apply if the Commission, after considering the matters discussed at the local inquiry, the nature of the representations received on the publication of the notice and any other relevant circumstances, are of the opinion that a further local inquiry would not be justified.
- (4) In this paragraph, in relation to any recommendation—
- “interested authority” means the council for an area which is wholly or partly included in the region affected by the recommendation, and
 - “elector” means an elector for the purposes of an election for membership of the Parliament in any constituency included in the region.
- (5) Sections 210(4) and (5) of the ^{M3}Local Government (Scotland) Act 1973 (attendance of witnesses at inquiries) shall apply in relation to any local inquiry held under this paragraph.

Marginal Citations

M3 1973 c. 65.

The rules

- 7 (1) The rules referred to in paragraph 3 are:
- 1. A constituency shall fall wholly within a region.
 - 2. The regional electorate of any region shall be as near the regional electorate of each of the other regions as is reasonably practicable having regard, where appropriate, to special geographical considerations.
 - 3. So far as reasonably practicable, the ratio which the number of regional member seats bears to the number of constituency member seats shall be 56 to 73.
 - 4. The number of regional member seats for a region shall be—
 - (a) one eighth of the total number of regional member seats, or
 - (b) (if that total number is not exactly divisible by eight) either one eighth of the highest number which is less than that total number and exactly divisible by eight or

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the number produced by adding one to one eighth of that highest number (as provided by sub-paragraphs (2) to (4)).

- (2) If the total number of regional member seats is not exactly divisible by eight, the Commission shall calculate the difference between—
- (a) the total number of regional member seats, and
 - (b) the highest number which is less than that total number and exactly divisible by eight,
- and that is the number of residual seats to be allocated by the Commission.
- (3) The Commission shall not allocate more than one residual seat for a region.
- (4) The Commission shall divide the regional electorate for each region by the aggregate of—
- (a) the number of constituencies in the region, and
 - (b) one eighth of the highest number which is less than the total number of regional member seats and exactly divisible by eight,
- and, in allocating the residual seat or seats for a region or regions, shall have regard to the desirability of allocating the residual seat or seats to the region or regions for which that calculation produces the highest number or numbers.
- 8 (1) For the purposes of any report of the Commission 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, and
 - (b) who are registered at addresses within a constituency included in the region.
- (2) In sub-paragraph (1), “the enumeration date” means the date on which the notice about the report is published in accordance with section 5(1) of the 1986 Act.

[^{F3} Interpretation]

Textual Amendments

F3 Sch. 1 para. 9 and preceding cross-heading added (*prosp.*) by 2000 c. 41, ss. 16(2), 163(2), Sch. 3 Pt. II para. 24 (with s. 156(6))

^{F49}

In this Schedule—

- “the 1986 Act” means the Parliamentary Constituencies Act 1986;
- “the Committee” means the Boundary Committee for Scotland (as defined by paragraph 4A(4));
- “recommendations” includes (unless the context otherwise requires) a recommendation that no alteration is required.

Textual Amendments

F4 Sch. 1 para. 9 and preceding cross-heading added (*prosp.*) by 2000 c. 41, ss. 16(2), 163(2), Sch. 3 Pt. II para. 24 (with s. 156(6))

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