

# SCOTTISH PARLIAMENT (CONSTITUENCIES) ACT 2004

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Schedule 1: Substitution of Schedule 1 to the Scotland Act 1998*

14. This Schedule is linked to sections 1 to 12 in the Scotland Act 1998 concerning elections. It replaces the previous Schedule 1 to the Scotland Act, specifies the constituencies and regions for purposes of the Scottish Parliament, provides for the Electoral Commission to review the boundaries of the constituencies and regions, and provides for the holding of local inquiries following any objections in relation to proposed changes.
15. [Paragraphs 1](#) and [2](#) preserve the existing constituencies and regions, and the arrangements for election of regional members of the Parliament – 73 MSPs within the existing constituencies, and 56 list MSPs in 8 regions, with 7 members per region.
16. The provisions in this Schedule largely replicate the provisions for the review of Westminster constituencies set out in the Parliamentary Constituencies Act 1986 and existing provisions regarding the regions in Schedule 1 of the Scotland Act.
17. [Paragraphs 3](#) and [4](#) provide for the regular review by the Electoral Commission of the boundaries of the constituencies and regions. Paragraph 3, sub-paragraph (4) requires the first review to be completed and reported on not later than 30 June 2010, and thus some time in advance of the general election to the Scottish Parliament in May 2011. The Electoral Commission are required at the same time as they submit their report to the Secretary of State to lay the report before the Scottish Parliament. The Scottish Parliament has no power to reject or to effect changes to the report, although it could debate it. The Secretary of State, as soon as practicable after the Electoral Commission have submitted their report to him, is required to lay that report before Parliament, along with a draft Order in Council for giving effect to the recommendations in the report.
18. [Paragraph 5](#) sets out the procedures to be followed by the Boundary Committee for Scotland and the Electoral Commission in reviewing and making recommendations on the constituency and regional boundaries for the Scottish Parliament.
19. [Paragraph 6](#) makes provision for the implementation of the Electoral Commission's recommendations by Order in Council, which must be approved in draft by each House of Parliament.
20. [Paragraphs 7](#) and [8](#) require the Electoral Commission and the Boundary Committee for Scotland to give notice of their intention to consider making a report and of any proposed recommendations.
21. [Paragraphs 9 to 11](#) give the Boundary Committee power to hold local inquiries and to compel witnesses.

*These notes refer to the Scottish Parliament (Constituencies)  
Act 2004 (c.13) which received Royal Assent on 22 July 2004*

22. Paragraphs 12 and 13 set out the rules for the conduct of constituency and regional reviews. These rules define how the electorate is to be established for each constituency and region and require the electorates to be similar respectively in each of the constituencies and regions, with the proviso that regard must be had to local authority boundaries, and geography and local ties may be taken into consideration. A constituency must fall wholly within a region.