

## SCOTLAND ACT 2012

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### EXPLANATORY NOTES

#### SCHEDULES

##### *Schedule 1: Amendments of Schedule 1 to the 1998 Act*

222. Section 1(1) of and Schedule 1 to the Scottish Parliament (Constituencies) Act 2004 ('the 2004 Act') replaced Schedule 1 to the 1998 Act which makes provision for constituencies, regions and regional members in relation to the Scottish Parliament. The 2004 Act removed the link between the constituencies for the Scottish Parliament and those for the House of Commons. It also made provision in the substituted Schedule 1 to the 1998 Act to reflect a planned transfer, from the Boundary Commission to the Electoral Commission, of the function of reviewing the boundaries of the constituencies and regions. Schedule 2 to the 2004 Act then made transitional modifications to Schedule 1 to the 1998 Act until such time as that transfer of functions to the Electoral Commission took place.
223. The transfer of functions from the Boundary Commission for Scotland to the Electoral Commission did not and, it is now clear, will not take place. So *paragraphs 2 to 7* of Schedule 1 reproduce permanently the effect of the transitional modifications contained in Schedule 2 to the 2004 Act. Thus Schedule 1 to the 1998 Act will reflect the fact that the functions of reviewing boundaries will remain with the Boundary Commission for Scotland.
224. *Paragraph 8* of Schedule 1 substitutes paragraph 1(2)(c) of Schedule 1 to the 1998 Act to provide that, in addition to the Orkney Islands and the Shetland Islands, the constituencies are provided for by an Order in Council under paragraph 6 of Schedule 1 to the 1998 Act. Similarly, *paragraph 9* of Schedule 1 substitutes paragraph 2(2) of Schedule 1 to the 1998 Act to provide that the regions are the regions provided for by an Order in Council under paragraph 6 Schedule 1 to the 1998 Act. Currently, these paragraphs of Schedule 1 to the 1998 Act contain a specific reference to the Scottish Parliament (Constituencies and Regions) Order 2010 (the reference having been inserted by that Order itself). The new wording of these paragraphs ensure that the paragraphs do not have to be textually amended each time new Orders in Council under paragraph 6 are brought forward.
225. *Paragraph 10* corrects an error made in Schedule 1 to the 2004 Act and replaces the definition of local areas with the correct term as defined under the Local Government etc (Scotland) Act 1994.