

ISLANDS (SCOTLAND) ACT 2018

EXPLANATORY NOTES

OVERVIEW OF THE ACT

PART 4 – REPRESENTATION OF ISLAND COMMUNITIES

Elections to the Scottish Parliament

Section 18 – Constituency of Na h-Eileanan an Iar

41. This section secures special status for the existing Scottish Parliamentary constituency of Na h-Eileanan an Iar by adding it into schedule 1 of the Scotland Act 1998 (“the 1998 Act”) as a constituency protected from variation following a boundary review by the Local Government Boundary Commission for Scotland. Orkney and Shetland are already listed in the 1998 Act as constituencies which are protected in this manner. The geographical area of the Na h-Eileanan an Iar constituency is the same as the council area of Comhairle nan Eilean Siar.
42. Subsection (1) of this section also alters the rules by which the Local Government Boundary Commission for Scotland determines the average size of the electorate for the remaining constituencies not protected from variation: in consequence of giving Na h-Eileanan an Iar excepted status it is removed from both the definition of the “total electorate” and the method of calculating the “electoral quota” in paragraph 12 of schedule 1 of the 1998 Act.
43. All Scottish Parliamentary constituencies with the current exception of Orkney and Shetland are provided for by the Scottish Parliament (Constituencies and Regions) Order 2014 ([S.I. 2014/501](#)) (“the 2014 Order”), made under paragraph 6 of schedule 1 of the 1998 Act. Subsection (2) of this section removes the 2014 Order’s provision for Na h-Eileanan an Iar, again in consequence of protecting it from variation in the 1998 Act.
44. A separate Order in Council – the Scottish Parliament (Elections etc.) Order 2015 ([S.S.I. 2015/425](#)) (“the 2015 Order”) – deals with the conduct of elections to the Scottish Parliament, and contains different expense rules for “burgh” and “county” constituencies (reflecting previous local government law). Na h-Eileanan an Iar is deemed to be a county constituency under the 2014 Order: therefore, after its removal from the 2014 Order by subsection (2) of this section, subsection (3) amends article 42 of the 2015 Order to ensure that Na h-Eileanan an Iar is still treated as a county constituency for the conduct of elections – with the result that the maximum level of expenses in the 2015 Order for a county constituency will continue to apply.