

ISLANDS (SCOTLAND) ACT 2018

EXPLANATORY NOTES

OVERVIEW OF THE ACT

PART 4 – REPRESENTATION OF ISLAND COMMUNITIES

Local government elections

Section 19 – Number of councillors in wards with inhabited islands

45. The Local Government Boundary Commission for Scotland and the Scottish Ministers are obliged, under section 28(2) of the Local Government (Scotland) Act 1973 (“the 1973 Act”), to implement electoral arrangements in accordance with section 1 of the Local Governance (Scotland) Act 2004 (“the 2004 Act”). Currently this includes the requirement for there to be three or four councillors returned per electoral ward in Scotland.
46. This section of the Act amends the 2004 Act to provide an exception to the usual three or four member rule for electoral wards in relation to wards which consist either wholly or partly of one or more inhabited islands. In these circumstances the Local Government Boundary Commission for Scotland will have the flexibility to propose wards of one or two members.
47. This new power would form part of the existing framework of rules for the consideration of local electoral arrangements, set out in section 13 and schedule 6 of the 1973 Act, which require the Commission and Ministers to take into account:
 - the interests of effective and convenient local government;
 - that each councillor should as near as possible represent the same number of electors;
 - the desirability of fixing boundaries that are easily identifiable;
 - any local ties which would be broken by making a particular boundary; and
 - special geographic considerations that may need different treatment.

Section 20 – Review of wards in certain local government areas

48. This section provides that as soon as practicable following commencement the Local Government Boundary Commission for Scotland must undertake a review of the electoral arrangements for each of the six local authority areas named in subsection (2) – these are the areas currently containing inhabited islands as defined by section 1 of the Act.
49. Subsection (3) applies Part 2 of the 1973 Act, on the procedure for local government boundary reviews, to the review under subsection (1) – with the important modification that the Local Government Boundary Commission must submit its review findings to the Scottish Ministers by a date specified by Ministers, rather than according to the

*These notes relate to the Islands (Scotland) Act 2018
(asp 12) which received Royal Assent on 6 July 2018*

timescales set out in section 17(1) of the 1973 Act. Following this, Ministers will have the power under section 17(2) of the 1973 Act to make an order to implement the Commission's proposals.

50. The effect of subsection (4) is that the specific review of island areas under subsection (1) will be discounted for the purposes of the general rolling 8-12 year timetable for the Commission's reviews, prescribed under section 16(2) of the 1973 Act.