



Scottish Elections (Reform) Act 2020

2020 asp 12

PART 4

BOUNDARIES SCOTLAND

28 Boundaries Scotland

- (1) The commission originally constituted under section 12 of the Local Government (Scotland) Act 1973 as the Local Government Boundary Commission for Scotland is to continue to be a commission but is renamed and is to be known as Boundaries Scotland.
- (2) Accordingly—
 - (a) in section 12(1) of the Local Government (Scotland) Act 1973, for the words from “Local” to the end of the subsection substitute “commission to be known as Boundaries Scotland which is to carry out the functions conferred on it by or under this Act or any other enactment.”,
 - (b) any reference in any enactment to the Local Government Boundary Commission for Scotland is, unless the contrary intention appears, to be construed as a reference to the commission’s new name, Boundaries Scotland.
- (3) The schedule makes further provision in consequence of this section.

29 Reviews of local government wards and number of councillors

- (1) In the Local Government (Scotland) Act 1973—
 - (a) for section 16(2) substitute—
 - “(2) Boundaries Scotland must review the electoral arrangements for a local government area for the purpose of—
 - (a) considering whether to make proposals to the Scottish Ministers for a substantive change in those arrangements,
 - (b) considering what proposals, if any, to make, and
 - (c) formulating any such proposals.

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- (2A) Boundaries Scotland must submit to the Scottish Ministers a report on its review of the electoral arrangements for a local government area under subsection (2)—
- (a) in the case of the first report on its review of that area after the coming into force of this subsection by, in so far as is reasonably practicable, no later than 31 December 2028, and
 - (b) thereafter, in so far as is reasonably practicable, at intervals of not more than 15 years after the date of the submission of the report on its previous review of that area under subsection (2).”,
- (b) the title of section 16 becomes “Wards and councillors: substantive changes in electoral arrangements”.
- (2) For the purposes of subsection (2A) of section 16 of the Local Government (Scotland) Act 1973 (as inserted by subsection (1)(a) of this section), a report on the review of the electoral arrangements for a local government area under section 20 of the Islands (Scotland) Act 2018 is to be taken to be the first report mentioned in paragraph (a) of subsection (2A) (irrespective of whether the report is submitted before or after that subsection comes into force).
- (3) Accordingly, section 20(4) of the Islands (Scotland) Act 2018 is repealed.

30 Changes to boundaries of parliamentary constituencies: procedure

- (1) Paragraph 6 of schedule 1 of the Scotland Act 1998 (Orders in Council) is amended as follows.
- (2) In sub-paragraph (3)—
- (a) the words “by leave of the Parliament” are repealed,
 - (b) after “amend the draft” insert “to make such minor or technical alterations as they consider appropriate”.
- (3) After that sub-paragraph insert—
- “(3A) As soon as reasonably practicable after laying the draft so amended, the Scottish Ministers must publish a statement setting out their reasons for making the minor or technical alterations to the draft.
- (3B) The Scottish Ministers must not withdraw a draft Order laid before the Parliament under paragraph 3(9)(b) or sub-paragraph (3) except with the agreement of the Parliament.”.
- (4) After sub-paragraph (4) insert—
- “(4A) If the Scottish Ministers do not lay an amended draft Order under sub-paragraph (3), the Scottish Ministers must notify Boundaries Scotland that it is required to conduct, in accordance with sub-paragraph (4B), a further review of the alterations proposed to the boundaries by the draft Order which was rejected or withdrawn.
- (4B) Once notified, Boundaries Scotland must conduct a further review of the proposed alterations and may determine the manner and the extent of the review, provided that the purpose of the review is to—
- (a) consider the representations (if any) of the Parliament, and

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- (b) reconsider the proposals and make any further or supplementary proposals as it thinks fit.
- (4C) This schedule applies to a further review under sub-paragraph (4B) as it applies to a review and report under paragraph 3 except that—
- (a) Boundaries Scotland is to submit a report on the further review—
 - (i) before such date as the Scottish Ministers may direct, or
 - (ii) in the absence of such direction, within such reasonable time as it may determine,
 - (b) sub-paragraphs (1)(a), (3) and (4) of paragraph 7 do not apply to a further review under sub-paragraph (4B),
 - (c) where a report has already been submitted following a further review under sub-paragraph (4B), the Scottish Ministers may notify Boundaries Scotland under sub-paragraph (4A) that it is required to conduct a further review only if the Parliament has by resolution directed them to do so.
- (4D) A further review under sub-paragraph (4B) is to be disregarded for the purposes of calculating the intervals between reports of Boundaries Scotland under paragraph 3.”.

31 Changes to local government areas or electoral arrangements: procedure

- (1) The Local Government (Scotland) Act 1973 is amended in accordance with subsections (2) to (7).
- (2) For section 17 (Commission’s reports and their implementation) substitute—

“17 Boundaries Scotland’s reports and implementation

- (1) Boundaries Scotland must submit a report to the Scottish Ministers where it—
 - (a) has a power or duty to formulate proposals to the Scottish Ministers, and
 - (b) has been conducting a review of—
 - (i) any area in accordance with section 14 or 15, or
 - (ii) electoral arrangements in accordance with section 16.
- (2) Boundaries Scotland must—
 - (a) include in the report either—
 - (i) the proposals it has formulated following the review (or any part of the review), or
 - (ii) a notification that it has no proposals to make following the review (or any part of the review), and
 - (b) submit the report not later than the expiry of any time limit applicable to the review in question in terms of section 14, 15 or 16.
- (3) Where the report includes a proposal that the number of councillors to be returned in an electoral ward is two, Boundaries Scotland must include in the report an explanation as to why it considers the proposal to be appropriate unless the proposal relates to an electoral ward consisting wholly or partly of one or more inhabited islands (within the meaning of section 1(2) of the Islands (Scotland) Act 2018).

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- (4) As soon as practicable after Boundaries Scotland has submitted a report under this section, the Scottish Ministers must—
- (a) lay the report before the Scottish Parliament, and
 - (b) if the report proposes an alteration to any local government area or to any electoral arrangements, either—
 - (i) by regulations give effect to those proposals, or
 - (ii) lay before the Scottish Parliament for approval by resolution a draft Scottish statutory instrument containing regulations giving effect to those proposals (“draft instrument”), in the case where the regulations are subject to the affirmative procedure.
- (5) Regulations under subsection (4)(b) are subject to the affirmative procedure if they—
- (a) abolish or alter the boundaries of—
 - (i) any local government area,
 - (ii) any electoral ward, or
 - (b) increase or decrease the number of councillors to be returned in any electoral ward.
- (6) If the draft instrument is withdrawn, or if the motion for the approval of the draft instrument is rejected by the Scottish Parliament, the Scottish Ministers must either—
- (a) amend the draft instrument to make such minor or technical alterations as they consider appropriate (“amended draft instrument”) and lay the amended draft instrument before the Scottish Parliament, or
 - (b) notify Boundaries Scotland that it is required to conduct a further review of the proposals in accordance with section 17A.
- (7) As soon as reasonably practicable after laying for approval the amended draft instrument in accordance with subsection (6)(a), the Scottish Ministers must publish a statement setting out their reasons for making the minor or technical alterations to the draft instrument.
- (8) The Scottish Ministers must not withdraw a draft instrument or an amended draft instrument laid before the Scottish Parliament under subsection (4)(b)(ii) or, as the case may be, (6)(a) except with the agreement of the Scottish Parliament.
- (9) If the Scottish Parliament approves—
- (a) a draft instrument laid before it by the Scottish Ministers under subsection (4)(b)(ii), or
 - (b) an amended draft instrument laid before it by the Scottish Ministers under subsection (6)(a),
- the Scottish Ministers must make the regulations contained in the draft instrument or, as the case may be, the amended draft instrument.
- (10) The Scottish Ministers may lay before the Scottish Parliament under paragraph (b)(ii) of subsection (4) more than one draft Scottish statutory instrument containing regulations giving effect to proposals referred to in that subsection.

- (11) Accordingly, the references in subsections (6) to (8) to a draft instrument or an amended draft instrument include references to more than one draft instrument or amended draft instrument.

17A Further reviews and reports by Boundaries Scotland

- (1) Boundaries Scotland must conduct a further review of proposals to alter any local government area or electoral arrangements where it has been notified by the Scottish Ministers under section 17(6)(b).
- (2) Boundaries Scotland may determine the manner and the extent of the review under this section, provided that the purpose of the review is to—
- (a) consider the representations (if any) of the Scottish Parliament, and
 - (b) reconsider the proposals and make any further or supplementary proposals as it thinks fit.
- (3) Sections 18 (except subsections (2) and (3)) and 19 apply to a review under this section as they apply to a review under section 17 (but subject to the modification in subsection (4)).
- (4) The modification is that the reference in subsection (2A) of section 18 to a consultation under subsection (2)(a) of that section is to be read as if it were a reference to any consultation carried out by Boundaries Scotland in connection with a review under this section.
- (5) Boundaries Scotland may take such steps under section 18(3) as it thinks fit in relation to a review under this section.
- (6) Boundaries Scotland must—
- (a) before such date as the Scottish Ministers may direct, or in the absence of such direction, within such reasonable time as it may determine, submit a report to the Scottish Ministers on its further review under this section, and
 - (b) include in the report either—
 - (i) any further or supplementary proposals it has formulated following the review, or
 - (ii) a notification that it has no further or supplementary proposals to make.
- (7) Where the report includes a further or supplementary proposal that the number of councillors to be returned in an electoral ward is two, Boundaries Scotland must include in the report an explanation as to why it considers the proposal to be appropriate unless the proposal relates to an electoral ward consisting wholly or partly of one or more inhabited islands (within the meaning of section 1(2) of the Islands (Scotland) Act 2018).
- (8) Subsections (4) to (9) of section 17 apply to a report submitted under this section as they apply to a report submitted under section 17.
- (9) But where a report has already been submitted under this section, the Scottish Ministers may notify Boundaries Scotland under subsection (6)(b) of section 17 that it is required to conduct a further review only if the Scottish Parliament has by resolution directed them to do so.

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- (10) A further review under this section is to be disregarded for the purposes of calculating the intervals between reviews under this Part.”.
- (3) In section 18(3)(b) (procedure for reviews)—
- (a) for “an order giving effect, with or without modifications,” substitute “regulations giving effect”,
 - (b) the words from “or, as the case may be” to the end of that paragraph are repealed.
- (4) In section 24 (consequential and transitional arrangements)—
- (a) in subsection (1) for “orders” substitute “regulations”,
 - (b) in subsection (4)—
 - (i) for “An order” substitute “Regulations”,
 - (ii) for “order” substitute “regulations”,
 - (c) in subsection (5) for “order”, in each place where it occurs, substitute “regulations”.
- (5) In section 25(1) (transitional agreements as to property and finance)—
- (a) for “order”, in the first place where it occurs, substitute “regulations”,
 - (b) for “an order” substitute “regulations”.
- (6) In section 26 (variation and revocation)—
- (a) for subsection (1) substitute—

“(1) The power conferred by section 233 to vary and revoke orders under this Act is to be read to apply to regulations under this Part but modified to apply only in relation to any supplementary provision contained in any such regulations, and regulations varying or revoking any such provision may be made only after compliance with subsections (2) and (3).”.
 - (b) in subsection (2), for “order”, in both places where it occurs, substitute “regulations”,
 - (c) in subsection (3), for “an order” substitute “regulations”,
 - (d) in subsection (4), for “a draft order” substitute “draft regulations”,
 - (e) in subsection (5) for “an order” substitute “regulations”.
- (7) The title of section 26 becomes “Variation and revocation of regulations under Part 2”.
- (8) In section 1 of the Local Governance (Scotland) Act 2004 (electoral wards)—
- (a) in subsection (2), for “order”, in the first place where it occurs, substitute “regulations”,
 - (b) in subsection (2A), for “an order” substitute “regulations”.

32 Scottish Parliament constituency boundaries: timing of first report

In paragraph 3(4) of schedule 1 of the Scotland Act 1998, for “no earlier than 1 May 2018 and no later than 1 May 2022” substitute “no later than 1 May 2025”.

33 Publishing of proposals affecting Scottish Parliament constituencies

In the opening words of paragraph 7(2) of schedule 1 of the Scotland Act 1998, for “at least one newspaper circulating in the constituency” substitute “such manner as it thinks fit”.