



Second Review of Scottish Parliament Boundaries

Guidance Booklet

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Contents	Page
Introduction	2
Who we are	2
Why are we conducting this review	2
Existing Scottish Parliament constituencies	2
How to get involved	2
The Review	3
Rules	3
Constituency names and designation	3
Region rules	3
Electorate	3
Electorate quota	3
Review stages/ Timeline	5
Provisional proposals	6
Local inquiries	6
Revised proposals	6
Regions	7
Final recommendations	7
Report submission	7
Statutory process	7
Schedule 1, Scotland Act 1998	8

Introduction

The purpose of this booklet is to explain the background to, and procedures for, the Second Review of Scottish Parliament Boundaries. Reviews are governed by Schedule 1 of the Scotland Act 1998 (as amended) (“the 1998 Act”) and this paper is a summary of what is required.

Who we are

Boundaries Scotland is an independent, non-political body responsible for carrying out reviews of Scottish Parliament boundaries.

We are also responsible for conducting reviews of local government electoral arrangements, where we review the number of councillors on each council; the number of wards for local government elections and their boundaries. We can also review the boundaries of council areas.

Why are we conducting this review

The population, and therefore the electorate, of each constituency is constantly changing, with people moving into or out of areas as well as within the same area. As a result of these changes, some MSPs may represent considerably more or fewer electors than others. These variations in levels of representation, are one of the reasons that we carry out regular reviews of Scottish Parliament boundaries, in order to ensure electoral fairness.

Schedule 1 of the 1998 Act requires us to conduct reviews of Scottish Parliament boundaries for constituencies and regions at intervals of every 8 to 12 years.

We must submit a report on this review to Scottish Ministers by 1 May 2025. If subsequently approved by the Scottish Parliament, the new boundaries will be effective at the next Scottish Parliament election, expected in May 2026.

This review is of electoral boundaries (constituencies and regions) only and therefore does not affect any other boundaries (UK constituencies, local authorities, community councils, health boards etc). For individuals, this review does not affect the council area in which they live nor the way local services are accessed.

Existing Scottish Parliament constituencies

The First Review of Scottish Parliament boundaries was completed in 2010. The existing boundaries for the Scottish Parliament have been in place since 2011 and used in elections in 2011, 2016 and 2021.

There have been two Interim Reviews of Scottish Parliament boundaries since the First Review. These followed minor re-alignments to council area boundaries at: Princes Gate and Greenacres by Robroyston (constituencies of Glasgow Provan and Strathkelvin and Bearsden and regions of Glasgow and West Scotland) in 2013; and at Cardowan (constituencies of Glasgow Provan and Coatbridge and Chryston and regions of Glasgow and Central Scotland) in 2020.

How to get involved

During the review we will seek your feedback and comments on our proposals. We will publicise our proposed boundaries during one-month consultation stages for constituencies and regions. Our proposals will be available on our website and consultation site consult.boundaries.scot.

The Review

There are 73 constituencies for the Scottish Parliament. Each constituency returns a single member (MSP) to the Scottish Parliament. In addition, there are eight regions which each elect 7 list MSPs. Our review cannot change the number of constituencies and regions nor the number of MSPs.

There are three constituencies which will not be under review as they are protected under the legislation. They are: Orkney Islands; Shetland Islands; and Na h-Eileanan an Iar (Western Isles).

Rules

We must follow a number of rules when conducting reviews of Scottish Parliament boundaries. These rules are set out in full in Appendix A but in summary require us to:

1. take account of council area boundaries.
2. create constituencies and regions that have broadly the same number of electors.
3. take account of special geographical considerations (including in particular the size, shape and accessibility of a constituency or region).
4. take account of local ties and other inconveniences caused by changes to constituencies.

Constituency names and designation

Our recommendations for each constituency must include:

- the name by which it should be known and
- whether it should be designated as a county constituency or a burgh constituency. The designation of a constituency affects the expenses allowable at elections.

The 1998 Act does not define the terms burgh constituency or county constituency. We consider that where constituencies comprise predominantly urban areas, they will normally be designated as burgh constituencies, and where constituencies are predominantly rural they will normally be designated as county constituencies.

Until we have progressed our review of constituencies and considered representations on our proposals for constituencies, we are not in a position to determine changes that may be necessary to the boundaries of the eight regions.

Electorate

The electorate for the review consists of the persons on the register of local government electors in force on the start of the review.

The Second Review of Scottish Parliament Boundaries commenced on 1 September 2022. We use electorate data from that day, supplied by Electoral Registration Officers and published on our website.

The legislation makes no provision for taking account of any increases or decreases in the electorate after the start of the review.

Electorate Quota

The electoral quota is defined as the average local government electorate of the 70 constituencies that are the subject of this review.

The electoral quota for the Second Review of Scottish Parliament Boundaries is 59,902.

The electorate of a constituency must be as near the electoral quota as is practicable, having regard to Rule 1.

The table below explains how the electorate quota is calculated.

Total local government electorate on 1 September 2022	4,250,563
less the three protected constituency electorates (Orkney Islands; Shetland Islands; and Na h-Eileanan an Iar)	57,430
Subtotal	4,193,133
divided by 70	
electorate quota	59,902

The electorate quota for regions is 531,320 which is calculated by dividing the total electorate of Scotland (4,250,563) by eight.

Review Stages/ Timeline

The start of the Second Review of Scottish Parliament boundaries was announced in the Edinburgh Gazette on 1 September 2022. We then calculated the electorate quota based on the electoral register on that date:

Our updated timetable is as follows:

Develop provisional proposals for constituencies.	December 2022 to April 2023
One month public consultation on our provisional proposals for constituencies.	May - June 2023
Consider responses and if local inquiries are required.	Summer/Autumn 2023
Hold local inquiries if required.	December 2023 - January 2024.
One month public consultation on our revised proposals for constituencies.	April - May 2024
Consider responses and if local inquiries are required.	Summer 2024
Hold local inquiries if required.	Autumn 2024
Develop provisional proposals for regions.	Autumn 2024
One month public consultation on our further proposals for constituencies and provisional proposals for regions.	Autumn 2024
Consider responses and if local inquiries are required.	Autumn 2024
Hold local inquiries if required.	Late 2024
One month public consultation (if required).	Early 2025
Submit report to Scottish Ministers.	by 1 May 2025

We will provide updates on the timing of each stage on our website as the review progresses.

Provisional proposals

We first determine our provisional proposals. Details of our approach are available on our website where we publish our meeting papers and minutes.

Provisional proposals are made available for public comment for a one-month consultation period. The length of the consultation period is fixed in legislation. We publicise our proposals by issuing a news release, contacting key stakeholders and advertising in the press and on social media.

Comments on our provisional proposals, whether in support or not, should be sent online to our consultation portal or by post to our address on the front cover. We do not accept responses via social media.

Our consultation site is consult.boundaries.scot

Local inquiries

We are required to hold a local inquiry if representations objecting to the provisional proposals are received either from a local authority for part or all of the area of the affected constituency, or from a body of 100 or more parliamentary electors for the affected constituency. We can also choose to hold one in a particular area if we think it helpful.

The inquiry is conducted by an Assistant Commissioner appointed by Scottish Ministers at our request. No statutory procedure is prescribed for the conduct of a local inquiry. The purpose is to:

- hear local opinions;
- hear criticisms of or support for the provisional proposals;
- receive counter-proposals; and
- enable everyone who wishes to comment on these or on our proposals to do so.

We are not represented at the inquiry, although members of our Secretariat may be present as observers. Those who seek to express their views may do so in person or through a representative, whether or not they have submitted a written representation.

The Assistant Commissioner reports in writing directly to us. Apart from commenting on various objections received, the Assistant Commissioner is at liberty to suggest amendments or alterations to our proposals, or to substitute completely different proposals if these appear to command wider acceptance than the original proposals.

A copy of the Assistant Commissioner's report will be made available on our website.

Revised proposals

In cases where there has been no local inquiry, we will take into account any representations received, and make any amendments to our provisional proposals that are judged appropriate.

In cases where a local inquiry has been held, we will consider the Assistant Commissioner's report and the matters discussed at the inquiry, together with any

relevant information, and make any amendments to our provisional proposals considered necessary.

If we decide to alter our proposals for constituency boundaries, the resulting revised proposals or further proposals are published in the same way as for the provisional proposals. Representations about these may then be made to us within a one-month period.

Regions

We will make provisional proposals for the regions taking into account our deliberations on constituency boundaries.

The provisional proposals for regions, will be published and representations invited in the same way as for constituencies.

We are required to hold a local inquiry on our provisional proposals for regions if representations objecting to our proposals are received from an interested local authority (that is a local authority for part or all of the area of the proposed region) or a body of 500 or more electors for the proposed region.

A local inquiry on provisional proposals for regions will take the same form and will report in the same way as a local inquiry held in relation to proposals for constituencies.

We will consider whether to revise our provisional proposals for regions, and publish any revised proposals for regions and consult on them in the same way as was done for constituencies.

Final recommendations

We will take into account any representations received during consultation and decide whether any further modifications are required to our recommendations for constituencies and regions.

Report submission

Once we have completed our considerations under the 1998 Act, we will submit our final recommendations for constituencies and regions in a report to Scottish Ministers.

Statutory process

Scottish Ministers must lay the report and the draft of an Order in Council for giving effect to the recommendations contained in the report before the Scottish Parliament where it is subject to affirmative procedure.

If the Parliament approves the Order then the new constituencies will come into force at the next election. If rejected, the Commission may be asked to conduct a further review specifically to consider the representations (if any) of the Parliament, and reconsider our proposals. A further report is then submitted to Scottish Ministers and laid before Parliament again.

SCOTLAND ACT 1998 (as amended)
SCHEDULE 1
CONSTITUENCIES, REGIONS AND REGIONAL MEMBERS

General

- 1 (1) There are to be 73 constituencies for the purposes of this Act.
(2) The constituencies are—
 - (za) the existing constituency of Na h-Eileanan an Iar,
 - (a) the Orkney Islands,
 - (b) the Shetland Islands, and
 - (c) the constituencies provided for by an Order in Council under paragraph 6.
- 2 (1) There are to be eight regions for the purposes of this Act.
(2) The regions are the regions provided for by an Order in Council under paragraph 6.
(3) Seven regional members are to be returned for each region.
- 3 (1) Boundaries Scotland must keep under review the boundaries of the constituencies (other than those mentioned in paragraph(2)(za), (a) and (b)).
(2) The review must be conducted in accordance with the constituency rules.
(3) Boundaries Scotland must submit to the Scottish Ministers a report—
 - (a) showing the alterations it proposes to the boundaries, or
 - (b) stating that in its opinion no alteration should be made.
(4) The first report of Boundaries Scotland to the Scottish Ministers under this paragraph must be submitted to the Scottish Ministers no later than 1 May 2025.
(5) Subsequent reports must be submitted not less than eight nor more than twelve years after the date of the submission of the last report.
(6) Boundaries Scotland may also from time to time submit to the Scottish Ministers reports with respect to the area comprised in any two or more constituencies showing the constituencies into which it recommends the area should be divided in order to give effect to the constituency rules.
(7) A report under sub-paragraph (6) must recommend the same number of constituencies as that in which the area is comprised.

(8) A report of Boundaries Scotland which recommends an alteration to the boundaries of constituencies must state as respects each constituency—

- (a) the name by which it recommends it is to be known;
- (b) whether it recommends that it is to be a county or a burgh constituency.

(9) As soon as practicable after Boundaries Scotland have submitted a report to the Scottish Ministers under this paragraph the Scottish Ministers must lay before the Parliament —

- (a) the report, and
- (b) the draft of an Order in Council for giving effect to the recommendations contained in the report.

(10) Sub-paragraph (9)(b) does not apply if the report states that no alteration is required to be made to the boundaries of the constituencies.

- 4
- (1) This paragraph applies if Boundaries Scotland submit a report to the Scottish Ministers recommending an alteration in a constituency.
 - (2) In the report Boundaries Scotland must recommend any alteration in any of the regions which it thinks is necessary to give effect to the regional rules.
 - (3) A report making a recommendation for an alteration in a region must recommend the name by which Boundaries Scotland think the region should be known.

Paragraph 5 deleted (by Scottish Parliament (Constituencies) Act 2004).

Orders in Council

- 6
- (1) The draft of an Order in Council laid before the Parliament by the Scottish Ministers for giving effect to the recommendations contained in a report by Boundaries Scotland under paragraph 3 may make provision for any matters which the Scottish Ministers think are incidental to or consequential on the recommendations.
 - (2) If the draft is approved by resolution of the Parliament the Scottish Ministers must submit it to Her Majesty in Council.
 - (3) If a motion for the approval of the draft is rejected by the Parliament or withdrawn the Scottish Ministers may amend the draft to make such minor or

technical alterations as they consider appropriate and lay the amended draft before the Parliament.

(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) If the draft as so amended is approved by resolution of the Parliament the Scottish Ministers must submit it to Her Majesty in Council.

(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
- (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.

(5) If a draft of an Order in Council is submitted to Her Majesty in Council under this Schedule, Her Majesty in Council may make an order in terms of the draft.

(6) An Order in Council made as mentioned in sub-paragraph (5) comes into force on the date specified in the Order.

(7) The coming into force of the Order does not affect the return of any member to the Parliament or its constitution until the Parliament is dissolved.

(8) The validity of an Order in Council purporting to be made under this Schedule and reciting that a draft of the Order has been approved by a resolution of the Parliament must not be called in question in any legal proceedings whatsoever.

Notice of proposed report or recommendations

7 (1) If Boundaries Scotland intend to consider making a report under this Schedule—

(a) it must inform the Scottish Ministers by notice in writing;

(b) it must publish a copy of the notice in the Edinburgh Gazette.

(2) If Boundaries Scotland has provisionally determined to make recommendations affecting a constituency it must publish in such manner as it thinks fit a notice stating—

(a) the effect of the proposed recommendations and (except if the effect is that no alteration should be made in respect of the constituency) that a copy of the recommendations is open to inspection at a specified place in the constituency, and

(b) that representations with respect to the proposed recommendations may be made to the Boundaries Scotland before the end of the period of one month starting the day after the notice is published.

(3) Boundaries Scotland must take into account any representations made in accordance with the notice.

(4) If Boundaries Scotland revise any proposed recommendations after publishing notice of them under sub-paragraph (2) it must comply again with

sub-paragraphs (2) and (3) in relation to the revised recommendations as if no earlier notice had been published.

- 8 (1) This paragraph applies if Boundaries Scotland provisionally determine to make recommendations which would involve any alteration in a constituency.
- (2) Boundaries Scotland must consider whether any alteration within paragraph 4(2) would be required in order to give effect to the regional rules.
- (3) - deleted (by Scotland Act 2012).
- (4) Paragraph 7 applies for the purposes of the proposed recommendations as if for any reference to a constituency there is substituted a reference to a region.

Local inquiries

- 9 (1) Boundaries Scotland may if it thinks fit cause a local inquiry to be held in respect of any constituency or constituencies.
- (2) If Boundaries Scotland receive any relevant representations objecting to a proposed recommendation for the alteration of a constituency it must not make the recommendation unless since the publication of the notice under paragraph 7(2) a local inquiry has been held in respect of the constituency.
- (3) If a local inquiry was held in respect of the constituency before the publication of the notice under paragraph 7(2), sub-paragraph (2) above does not apply if Boundaries Scotland after considering—
- (a) the matters discussed at the inquiry,
 - (b) the nature of the relevant representations received, and
 - (c) any other relevant circumstances,
- think that a further local inquiry is not justified.
- (4) A relevant representation is a representation made in accordance with paragraph 7(2)(b)—
- (a) by the council for an area which is wholly or partly comprised in the constituency;
 - (b) by a body of not less than 100 persons entitled to vote as electors at an election for membership of the Parliament held in the constituency.

- 10 (1) Boundaries Scotland may if it thinks fit cause a local inquiry to be held in respect of any region or regions.
- (2) If Boundaries Scotland receive any relevant representations objecting to a proposed recommendation for the alteration of a region it must not make the recommendation unless since the publication of the notice under paragraph 7(2) a local inquiry has been held in respect of the region.
- (3) If a local inquiry was held in respect of the region before the publication of the notice under paragraph 7(2), sub-paragraph (2) above does not apply if Boundaries Scotland after considering—
- (a) the matters discussed at the inquiry,
 - (b) the nature of the relevant representations received, and
 - (c) any other relevant circumstances,
- think that a further local inquiry is not justified.
- (4) A relevant representation is a representation made in accordance with paragraph 7(2)(b)—
- (a) by the council for an area which is wholly or partly included in the region;
 - (b) by a body of not less than 500 persons entitled to vote as electors at an election for membership of the Parliament held in any one or more of the constituencies included in the region.
- 11 Section 210(4) and (5) of the Local Government (Scotland) Act 1973 (c. 69) (attendance of witnesses at inquiries) applies in relation to a local inquiry held under paragraph 9 or 10.

The constituency rules

12 These are the constituency rules.

Rule 1

(1) So far as is practicable, regard must be had to the boundaries of the local government areas having effect from time to time under section 1 of the Local Government etc. (Scotland) Act 1994.

Rule 2

(1) The electorate of a constituency must be as near the electoral quota as is practicable, having regard to Rule 1.

(2) Boundaries Scotland may depart from the strict application of Rule 1 if it thinks that it is desirable to do so to avoid an excessive disparity between the electorate of a constituency and the electoral quota or between the electorate of a constituency and that of neighbouring constituencies.

(3) The electoral quota is the number obtained by dividing the total electorate by.

(4) The electorate of a constituency is the aggregate of the persons falling within paragraphs (5) and (6) below.

(5) A person falls within this paragraph if his name appears on the register of local government electors in force on the enumeration date under the Representation of the People Acts for a local government area which is situated wholly in the constituency.

(6) A person falls within this paragraph if his name appears on the register of local government electors in force on the enumeration date under the Representation of the People Acts for a local government area which is situated partly in the constituency and his qualifying address is situated in the constituency.

(7) The total electorate is the total number of persons whose names appear on the registers of local government electors in force on the enumeration date under the Representation of the People Acts for all of the local government areas in Scotland (except the local government areas of Comhairle nan Eilean Siar, Orkney and Shetland).

(8) The enumeration date is, in relation to a report of Boundaries Scotland, the date on which notice with respect to the report is published in the Edinburgh Gazette in accordance with paragraph 7(1) above.

(9) “Qualifying address” and “local government area” have the same meanings as in the Representation of the People Act 1983 (c. 2).

Rule 3

Boundaries Scotland may depart from the strict application of Rules 1 and 2 if it thinks that special geographical considerations (including in particular the size, shape and accessibility of a constituency) render it desirable to do so.

Rule 4

Boundaries Scotland need not aim at giving full effect in all circumstances to Rules 1 to 3 but it must take account (so far as it reasonably can)—

- (a) of the inconveniences attendant on alterations of constituencies other than alterations made for the purposes of Rule 1, and
- (b) of any local ties which would be broken by such alterations.

The regional rules

13 These are the regional rules.

Rule 1

A constituency must fall wholly within a region.

Rule 2

The regional electorate of a region must be as near the regional electorate of each of the other regions as is practicable, having regard (where appropriate) to special geographical considerations.

- 14 (1) This paragraph applies for the purposes of the regional rules.
- (2) For the purposes of a report of Boundaries Scotland in relation to a region, the regional electorate is the number of persons—
- (a) whose names appear on the enumeration date on the registers of local government electors in the region, and
 - (b) who are registered at addresses within a constituency included in the region.
- (3) The enumeration date is the date on which notice with respect to the report is published in the Edinburgh Gazette in accordance with paragraph 7(1) above.

www.legislation.gov.uk/ukpga/1998/46/schedule/1