

Schedule 1 to the Scotland Act 1998

As amended by:

- *Scottish Parliament (Constituencies) Act 2004*
- *The Scottish Parliament (Constituencies and Regions) Order 2010 (SI 2010/2691)*

Notes:

- The whole of the original Schedule 1 to the Scotland Act 1998 was replaced by the Scottish Parliament (Constituencies) Act 2004.
- Schedule 2 to the Scottish Parliament (Constituencies) Act 2004 states that references in this Schedule to the Electoral Commission or to the Boundary Committee for Scotland must be construed as being to the Boundary Commission for Scotland. The wording in this document has been amended accordingly.
- References to “the Parliament” in this Schedule signify the Scottish Parliament, in accordance with section 126 of the Scotland Act 1998.
- References to “Parliament” in this Schedule signify the Westminster Parliament, and references to “House of Parliament” signify the House of Commons or House of Lords of the Westminster Parliament.

SCHEDULE 1

CONSTITUENCIES, REGIONS AND REGIONAL MEMBERS

General

- (1) There are to be 73 constituencies for the purposes of this Act.
 - (2) The constituencies are —
 - (a) the Orkney Islands,
 - (b) the Shetland Islands, and
 - (c) the constituencies specified in the Scottish Parliament (Constituencies and Regions) Order 2010 (S.I. 2010/2691) (S8).¹
 - (3)²
- (1) There are to be eight regions for the purposes of this Act.
 - (2) The regions are those specified in the Scottish Parliament (Constituencies and Regions) Order 2010.³
 - (3) Seven regional members are to be returned for each region.

Reports of the Boundary Commission for Scotland

- (1) The Boundary Commission for Scotland must keep under review the

¹ Paragraph 1(2)(c) replaced by SI 2010/2691

² Paragraph 1(3) deleted by SI 2010/2691

³ Paragraph 2(2) replaced by SI 2010/2691

boundaries of the constituencies (other than those mentioned in paragraph 1(2)(a) and (b)).

- (2) The review must be conducted in accordance with the constituency rules.
 - (3) The Boundary Commission for Scotland must submit to the Secretary of State a report —
 - (a) showing the alterations they propose to the boundaries, or
 - (b) stating that in their opinion no alteration should be made.
 - (4) The first report of the Boundary Commission for Scotland under this paragraph must be submitted to the Secretary of State not later than 30 June 2010.
 - (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) The Boundary Commission for Scotland may also from time to time (but not before the submission of their first report) submit to the Secretary of State reports with respect to the area comprised in any two or more constituencies showing the constituencies into which they recommend 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 the Boundary Commission for Scotland which recommends an alteration to the boundaries of constituencies must state as respects each constituency —
 - (a) the name by which they recommend it is to be known;
 - (b) whether they recommend that it is to be a county or a burgh constituency.
 - (9) As soon as practicable after the Boundary Commission for Scotland have submitted a report to the Secretary of State under this paragraph he must lay before 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.
 - (11) The Boundary Commission for Scotland must at the same time as they submit a report in accordance with sub-paragraph (3) or (6) lay any report recommending an alteration in the constituencies before the Parliament.
- 4 (1) This paragraph applies if the Boundary Commission for Scotland submit a report to the Secretary of State recommending an alteration in a constituency.

(2) In the report the Boundary Commission for Scotland must recommend any alteration in any of the regions which they think 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 the Boundary Commission for Scotland think the region should be known.

5⁴

Orders in Council

6 (1) The draft of an Order in Council laid before Parliament by the Secretary of State for giving effect to the recommendations contained in a report by the Boundary Commission for Scotland under paragraph 3 may make provision for any matters which he thinks are incidental to or consequential on the recommendations.

(2) If the draft is approved by resolution of each House of Parliament the Secretary of State must submit it to Her Majesty in Council.

(3) If a motion for the approval of the draft is rejected by either House of Parliament or withdrawn by leave of the House the Secretary of State may amend the draft and lay the amended draft before Parliament.

(4) If the draft as so amended is approved by resolution of each House of Parliament the Secretary of State must submit it to Her Majesty in Council.

(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 each House of Parliament must not be called in question in any legal proceedings whatsoever.

Notice of proposed report or recommendations

7 (1) If the Boundary Commission for Scotland intend to consider making a report under this Schedule —

- (a) they must inform the Secretary of State by notice in writing;
- (b) they must publish a copy of the notice in the Edinburgh Gazette.

⁴ Paragraph 5 deleted by Schedule 2 to the Scottish Parliament (Constituencies) Act 2004

(2) If the Boundary Commission for Scotland have provisionally determined to make recommendations affecting a constituency they must publish in at least one newspaper circulating in the constituency a notice stating —

- (a) the effect of the 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 Commission before the end of the period of one month starting the day after the notice is published. ⁵

(3) The Boundary Commission for Scotland must take into account any representations made in accordance with the notice.

(4) If the Boundary Commission for Scotland revise any proposed recommendations after publishing notice of them under sub-paragraph (2) they must comply again with sub-paragraphs (2) and (3) in relation to the revised recommendations as if no earlier notice had been published.

(5) ⁶

(6) ⁷

8 (1) This paragraph applies if the Boundary Commission for Scotland provisionally determine to make recommendations which would involve any alteration in a constituency. ⁸

(2) The Boundary Commission for Scotland must consider whether any alteration within paragraph 4(2) would be required in order to give effect to the regional rules.

(3) ⁹

(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) The Boundary Commission for Scotland may if they think fit cause a local inquiry to be held in respect of any constituency or constituencies.

(2) If the Boundary Commission for Scotland receive any relevant representations objecting to a proposed recommendation for the alteration of a constituency they must not make the recommendation unless since the publication of the notice under paragraph 7(2) a local inquiry has been held in

⁵ Sub-para. 7(2) amended by Schedule 2 to the Scottish Parliament (Constituencies) Act 2004

⁶ Sub-para. 7(5) deleted by Schedule 2 to the Scottish Parliament (Constituencies) Act 2004

⁷ Sub-para. 7(6) deleted by Schedule 2 to the Scottish Parliament (Constituencies) Act 2004

⁸ Sub-para. 8(1) amended by Schedule 2 to the Scottish Parliament (Constituencies) Act 2004

⁹ Sub-para. 8(3) deleted by Schedule 2 to the Scottish Parliament (Constituencies) Act 2004

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 the Boundary Commission for 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) The Boundary Commission for Scotland may if they think fit cause a local inquiry to be held in respect of any region or regions.

(2) If the Boundary Commission for Scotland receive any relevant representations objecting to a proposed recommendation for the alteration of a region they 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 the Boundary Commission for 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 local authority areas.

(2) “Area” and “local authority” have the same meanings as in the Local Government (Scotland) Act 1973.¹⁰

Rule 2

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

(2) The Boundary Commission for Scotland may depart from the strict application of Rule 1 if they think 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 71.

(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 Orkney and Shetland).

(8) The enumeration date is, in relation to a report of the Boundary Commission for Scotland, the date on which notice with respect to the report is published in the Edinburgh Gazette in accordance with paragraph

¹⁰ References to a local authority under the Local Government (Scotland) Act 1973 are to be construed to be to a council under the Local Government etc (Scotland) Act 1994, as required by section 183 of the Local Government etc (Scotland) Act 1994.

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

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

Rule 4

The Boundary Commission for Scotland need not aim at giving full effect in all circumstances to Rules 1 to 3 but they must take account (so far as they 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 the Boundary Commission for 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.

(4) Sub-paragraphs (2) and (3) also apply for the purpose of construing references to the regional electorate in relation to a report of the Boundary Commission for Scotland made for the purposes of a report as mentioned in sub-paragraph (2).