



Scottish Elections (Reform) Act 2020

2020 asp 12

PART 4

BOUNDARIES SCOTLAND

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).

Status: This is the original version (as it was originally enacted).

- (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.

Status: This is the original version (as it was originally enacted).

- (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”.