

**EXPLANATORY MEMORANDUM TO
THE SCOTTISH PARLIAMENT (CONSTITUENCIES AND REGIONS)
ORDER 2014**

2014 No. [DRAFT] (S.)

1. This explanatory memorandum has been prepared by the Scotland Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order sets out the constituencies and regions for the Scottish Parliament and gives effect to the recommendations contained in the Report on Interim Review of Scottish Parliament Boundaries at Princes Gate and Greenacres by Robroyston by the Boundary Commission for Scotland dated October 2013.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 Paragraph 6(8) of Schedule 1 to the Scotland Act 1998 has the effect that the Order cannot be called into question in any legal proceedings.

4. Legislative Context

4.1 The Scotland Act 2012 amended Schedule 1 to the Scotland Act 1998 (“the 1998 Act) to provide that the constituencies for the Scottish Parliament are to be set out by Order in Council under paragraph 6 of Schedule 1 to the 1998 Act (with the exception of the Scottish Parliament constituencies of the Orkney Islands and Shetland Islands). The Scotland Act 2012 also amended Schedule 1 to the 1998 Act to provide that the regions for the Scottish Parliament are to be set out by Order in Council under paragraph 6 of Schedule 1 to the 1998 Act. This is the first time an order has been made under paragraph 6 of Schedule 1 to the 1998 Act following the amendments made by the Scotland Act 2012.

4.2 Schedule 1 to the 1998 Act allows for periodic reviews by the Boundary Commission for Scotland which are to be given effect through Orders in Council. (The constituencies of the Orkney Islands and the Shetland Islands are excluded from the scope of these reviews). The Boundary Commission for Scotland are required to submit these reviews to the Secretary of State and, where they recommend an alteration to constituency or region boundaries, lay them before the Scottish Parliament. The Secretary of State is then required to lay the report before Parliament. The Secretary of State is required, as soon as practicable after submission of the report, to lay before Parliament the draft of an Order in Council giving effect to the recommendations contained in the Report.

5. Territorial Extent and Application

5.1 This instrument extends to the whole of the United Kingdom.

6. European Convention on Human Rights

6.1 The Parliamentary Under Secretary of State at the Scotland Office, the Rt Hon David Mundell MP, has made the following statement regarding Human Rights:

“In my view the provisions of the Scottish Parliament (Constituencies and Regions) Order 2014 are compatible with the Convention rights.”

7. Policy background

- 7.1 The Boundary Commission for Scotland submitted its Report on the Interim Review of Scottish Parliament Boundaries at Princes Gate and Greenacres by Robroyston to the Secretary of State on 30 October 2013 and the report was laid before Parliament on the same day. The Secretary of State is required, as soon as practicable after submission of the report, to lay before Parliament the draft of an Order in Council giving effect to the recommendations contained in the Report.
- 7.2 The Interim Review was undertaken in response to changes to the boundary between East Dunbartonshire and Glasgow City Council areas which were made by Scottish Ministers and came into force on 1 April 2011. Following these changes, the Scottish Parliament constituency and region boundaries in the vicinity of Princes Gate differed from the administrative boundary between Glasgow City and East Dunbartonshire council areas. The changes made by this Order, which affect about 20 electors, will align the Scottish Parliament constituency and region boundaries with the council area boundaries.
- 7.3 The Order defines the name, status and area of 71 of the 73 Scottish Parliament constituencies and the name and area of each Scottish Parliament region. (The Orkney Islands constituency and the Shetland Islands constituency are not included in the Order because Schedule 1 to the 1998 Act provides for them directly). Other than the changes made to the Glasgow Provan constituency and Strathkelvin and Bearsden constituency and the Glasgow region and West Scotland region, the constituencies and regions are the same as set out in the Scottish Parliament (Constituencies and Regions) Order 2010 (S.I. 2010/2691).
- 7.4 The boundary changes will not affect the Scottish Parliament (or elections to the Parliament) until the next general election to that Parliament (whether it is an ordinary or extraordinary general election). Neither will they affect any by-election held before the dissolution of the Scottish Parliament.
- 7.5 As was the case with the Report on the First Periodic Review of Scottish Parliament Boundaries which was published on 26 May 2010, the Boundary Commission for Scotland have submitted two DVD-ROMs containing geographical information system data defining the constituency boundaries. While the effect of the Order is just to change the area of two Scottish Parliament constituencies, and their respective regions' the two DVD-ROMs referred to in article 2(2) of the Order sets out the geographical areas of all Scottish Parliament constituencies. The Order sets out all the constituencies and regions for the Scottish Parliament to ensure that information on all Scottish Parliament constituencies is available from a single source.

- 7.6 The use of DVD-ROMS is necessary because a number of the recommended Scottish Parliament constituencies have boundaries which do not follow existing local government ward boundaries. The level of detail required to define the constituency boundaries means that the boundaries could not practically be shown on traditional maps at an appropriate scale.
- 7.7 The DVD-ROMs have been deposited with the Secretary of State for Scotland for safe keeping. Maps of the boundaries are available online from the Boundary Commission for Scotland's website or in hard copy by writing to the Commission.

8. Consultation outcome

- 8.1 The Boundary Commission for Scotland's statutory consultation process allows for consideration of representations and concerns about the Commission's proposals raised by politicians, local authorities and others during the review. Final decisions on recommendations are ultimately a matter for the Commission. Details of the consultation and representations, which were both in favour of the proposals, are included in the Commission's report.

9. Guidance

- 9.1 The Electoral Commission issues guidance to returning officers about the conduct of elections. No further guidance is likely to be required as a result of the changes made by these regulations.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 The impact on the public sector is limited to the two local authorities concerned having to review the affected polling districts and Electoral Registration Officers being required to adapt their electoral registers accordingly.
- 10.3 An impact assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation does not apply to small business.

12. Monitoring & review

- 12.1 The Order does not introduce new policy so there is no policy to monitor and review. The boundary changes the Order introduces will be subject to review by the Boundary Commission in accordance with Schedule 1 to the 1998 Act. The boundaries will remain in place until such time as they are altered by further legislation.

13. Contact

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