

Status: Point in time view as at 31/03/2022.

Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading: Orders in Council. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 1

CONSTITUENCIES, REGIONS AND REGIONAL MEMBERS

Textual Amendments

- F1** Sch. 1 substituted (22.7.2004 with effect subject to transitional modifications set out in Sch. 2 of the amending Act until "the appropriate date", see s. 1(2)(3) of the amending Act) by [Scottish Parliament \(Constituencies\) Act 2004 \(c. 13\)](#), s. 1(1)-(4), [Sch. 1](#) (however, paras. 3-14 of Sch. 1 as so substituted or as so substituted and modified (as the case may be) have no effect until 30.6.2007, see s. 1(4))

Orders in Council

- 6 (1) The draft of an Order in Council laid before [^{F2}the Parliament] by [^{F3}the Scottish Ministers] for giving effect to the recommendations contained in a report by [^{F4}Boundaries Scotland] under paragraph 3 may make provision for any matters which [^{F3}the Scottish Ministers][^{F5}think] are incidental to or consequential on the recommendations.
- (2) If the draft is approved by resolution of [^{F6}the Parliament][^{F3}the Scottish Ministers] must submit it to Her Majesty in Council.
- (3) If a motion for the approval of the draft is rejected by [^{F6}the Parliament] or withdrawn ^{F7}...[^{F3}the Scottish Ministers] may amend the draft [^{F8}to make such minor or technical alterations as they consider appropriate] and lay the amended draft before [^{F2}the Parliament].
- [^{F9}(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 [^{F6}the Parliament][^{F3}the Scottish Ministers] must submit it to Her Majesty in Council.
- [^{F10}(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(4B), a further review of the alterations proposed to the boundaries by the draft Order which was rejected or withdrawn.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—

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- (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 [F6the Parliament] must not be called in question in any legal proceedings whatsoever.]

Textual Amendments

- F2** Words in Sch. 1 paras. 3-7 substituted (18.5.2017) by [Scotland Act 2016 \(c. 11\)](#), **ss. 8(4)(b)**, 72(4)(a); [S.I. 2017/608](#), [reg. 2\(1\)\(f\)](#)
- F3** Words in Sch. 1 para. 6(1) substituted (18.5.2017) by [Scotland Act 2016 \(c. 11\)](#), **ss. 8(3)**, 72(4)(a); [S.I. 2017/608](#), [reg. 2\(1\)\(f\)](#)
- F4** Words in Sch. 1 para. 6(1) substituted (S.) (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, **sch. para. 3(2)(c)**; [S.S.I. 2021/124](#), [reg. 2](#), [sch.](#)
- F5** Word in Sch. 1 para. 6(1) substituted (18.5.2017) by [Scotland Act 2016 \(c. 11\)](#), **ss. 8(8)**, 72(4)(a); [S.I. 2017/608](#), [reg. 2\(1\)\(f\)](#)
- F6** Words in Sch. 1 paras. 3-7 substituted (18.5.2017) by [Scotland Act 2016 \(c. 11\)](#), **ss. 8(4)(a)**, 72(4)(a); [S.I. 2017/608](#), [reg. 2\(1\)\(f\)](#)
- F7** Words in Sch. 1 para. 6(3) repealed (S.) (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 30(2)(a)**, 35; [S.S.I. 2021/124](#), [reg. 2](#), [sch.](#)
- F8** Words in Sch. 1 para. 6(3) inserted (S.) (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 30(2)(b)**, 35; [S.S.I. 2021/124](#), [reg. 2](#), [sch.](#)
- F9** Sch. 1 para. 6(3A)(3B) inserted (S.) (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 30(3)**, 35; [S.S.I. 2021/124](#), [reg. 2](#), [sch.](#)
- F10** Sch. 1 para. 6(4A)-(4D) inserted (S.) (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 30(4)**, 35; [S.S.I. 2021/124](#), [reg. 2](#), [sch.](#)

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