



The Scottish Parliament
Pàrlamaid na h-Alba

Local Government, Housing and Planning Committee

Andrew Kerr
Chair

Independent Review of the Process for Determining Electoral Boundaries

05 September 2025

Dear Mr. Kerr,

Independent Review of the Process for Determining Electoral Boundaries

The Local Government, Housing and Planning Committee of the Scottish Parliament has agreed to write to you in your role as Chair of the Independent Review of the Process for Determining Electoral Boundaries in Scotland on its experience of considering regulations on changes to local authority electoral areas and arrangements.

Our key messages are:

- The current system for approving local authority electoral areas and arrangements was approved by Parliament in 2020. It gives Parliament a role in scrutinising the proposals for changes to local authority electoral areas and arrangements presented by Boundaries Scotland. The legislation stipulates the use of the affirmative procedure and the role of a committee is to consider the regulations before making a recommendation to Parliament on whether they should be approved.
- The current system has been tested once and followed the process laid out in the legislation as intended. Boundaries Scotland expressed disappointment in the outcome.
- A system of automatic approval of the proposals presented by Boundaries Scotland is the preference of Boundaries Scotland and the Scottish Government. Were such a system introduced, it could remove the parliamentary role in considering the proposals put forward by Boundaries Scotland for amendments to local authority electoral boundaries. The Committee does not agree with the Minister's position that there is "consensus" on moving to such a system.

Contact: Local Government, Housing and Planning Committee, The Scottish Parliament, Edinburgh, EH99 1SP. Email localgov.committee@parliament.scot. We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

- The Committee notes that despite a lack of consensus on the issue, the Terms of Reference¹ of the review are to explore automaticity. While we recognise you are working to the terms of reference as presented to you, we do not believe the result of an independent review should be presumed.
- We urge you to explore the status quo with equal weighting to change.
- Boundaries Scotland has not reviewed local authority boundaries since the events of 2021. Delays to reform where required have the potential to exacerbate existing issues.

The detail of our views is contained in the Annexe to this letter. We hope you will find this helpful in compiling your report on your review.

We welcome the opportunity to contribute to the Review. We have unique experience as the only Committee to have scrutinised regulations laid under section 17 the Local Government (Scotland) Act 1973 (as amended by the Scottish Elections (Reform) Act 2020).

We also welcome your offer to meet to further discuss these views and the clerks to the Committee will contact the Secretariat.

Yours sincerely,

Ariane Burgess MSP
Convener

¹ [Letter](#) from the Minister for Parliamentary Business to the Convener – 24 April 2025

Annexe

Primary Legislation

The Local Government (Scotland) Act 1973 was amended by the Scottish Elections (Reform) Act 2020 to change the process for reviewing, proposing and confirming amendments to local government electoral areas and arrangements.

Specifically, it removed the ability of Scottish Government Ministers to alter the recommendations of the review body (now Boundaries Scotland, and formerly the Local Government Boundary Commission for Scotland (LGBCS)) upon receipt.

The Policy Memorandum² for the Scottish Elections (Reform) Bill highlighted the consultation analysis in advance of the Bill which said:

“A majority of respondents (56%) was opposed to Scottish Ministers being able to change the recommendations of the LGBC on constituency and council wards. However, there was general support for the Scottish Parliament being able to challenge the recommendations of the LGBC (75% were in favour). In addition, a majority (73%) did not think the recommendations of the LGBC should have to be implemented without change. In their comments, respondents offered a wide range of views, but emphasised the importance of independence, impartiality and scrutiny in the boundary review process.”

There was therefore support for a role for Parliament in scrutinising boundary reform proposals. This was incorporated into the current process by the Scottish Elections (Reform) Act 2020.

Current process

Section 17(4) of the Local Government (Scotland) Act 1973 was amended by the Scottish Elections (Reform) Act 2020. It now states that upon receipt of a report on a review of local authority electoral areas and arrangements from Boundaries Scotland, the Scottish Government must lay the report on the review in the Scottish Parliament. The Scottish Government must lay regulations to give effect to proposed changes.

Where these proposals abolish or alter the boundaries of any local government area or electoral ward, or amend the number of councillors to be returned in a ward, these regulations must be subject to the affirmative procedure for consideration by the Scottish Parliament (s17(4)).

The affirmative procedure requires approval before an instrument becomes law (as opposed to the absence of an objection). The role of a committee is (emphasis added):

² Scottish Elections (Reform) Bill – [Policy Memorandum](#) (SP Bill 53-PM, Session 5 (2019)), paragraph 112.

“In the case of any instrument or draft instrument which is subject to the affirmative procedure.....the lead committee shall decide **whether to** recommend that the instrument or draft instrument be approved.”³

Further details of how the affirmative procedure operates can be found in the [Scottish Parliament’s Standing Orders Chapter 10 \(see Rule 10.6\)](#).

The process, including use of the affirmative procedure, was included in the Scottish Elections (Reform) Bill as introduced at Stage 1.⁴

Test of the current system

The first use of the process contained in the amended section 17 of the Local Government (Scotland) Act 1973 was in 2021.

The Islands (Scotland) Act 2018 placed a duty on Boundaries Scotland to review the electoral boundary arrangements for the six local authorities in Scotland which contain inhabited islands “as soon as practicable”. The review formally commenced in January 2019 and Boundaries Scotland reported to the Scottish Government in May and June 2021.⁵

Regulations were laid in Parliament in August 2021 and referred to the Local Government, Housing and Planning Committee for consideration. These were:

- Draft SSI 2021/Na h-Eileanan an Iar (Electoral Arrangements) Regulations 2021
- Draft SSI 2021/ Orkney Islands (Electoral Arrangements) Regulations 2021
- Draft SSI 2021/ Shetland Islands (Electoral Arrangements) Regulations 2021
- Draft SSI 2021/ Highland (Electoral Arrangements) Regulations 2021
- Draft SSI 2021/ Argyll and Bute (Electoral Arrangements) Regulations 2021
- Draft SSI 2021/ North Ayrshire (Electoral Arrangements) Regulations 2021

The Local Government, Housing and Planning Committee took evidence on the instruments from the relevant local authorities, Boundaries Scotland and the Scottish Government. It also hosted a call for views from people and organisations within the relevant local authority areas.⁶

³ Scottish Parliament, [Standing Orders](#), (6th edition, 10th revision, July 2024)

⁴ [Scottish Elections \(Reform\) Bill](#), as introduced (SP Bill 53, Session 5 (2019))

⁵ Details of the reports can be accessed via this link: <https://boundaries.scot/2019-reviews-electoral-arrangements>

⁶ A summary of the call for views can be found here: <https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-local-government-housing-and-planning/business-items/regulations-on-proposals-made-by-boundaries-scotland/summary-of-responses-to-boundaries-scotland-proposals>

The Committee considered the instruments and recommended approval of the instruments, with the exceptions of those relating to Highland Council and Argyll and Bute Council.

The Committee [reported to Parliament](#) on the 30 September.⁷ The report includes the Committee's conclusions on the evidence heard.

Section 17(6) of the 1973 Act states that an instrument proposing amendments to local authority electoral areas or numbers of councillors to be returned in wards cannot be withdrawn without the approval of Parliament. The Scottish Government lodged motions⁸ seeking the approval of the Parliament to withdraw the instruments relating to Highland Council and Argyll and Bute Council areas. The then Deputy First Minister said:

“The committee disagreed with some of the recommendations for Highland Council and Argyll and Bute Council. As a consequence of that decision by the committee, I consider that the appropriate action for ministers to take is to ask Boundaries Scotland to take a further look at the proposals.”

He also said:

“The committee has called for the councils involved to engage with Boundaries Scotland on new reviews for those areas. I echo that call. However, I stress to members that an independent boundary commission is widely considered to be a key feature of democratic societies. It will not always be possible for Boundaries Scotland to resolve all concerns that are raised, but I believe that Parliament should have confidence in how Boundaries Scotland carries out its functions. We will monitor progress with the new reviews closely, and will include that experience in our post-legislative assessment of the new laws surrounding boundary reviews. I therefore propose that the instruments in relation to Highland and Argyll and Bute councils be withdrawn.”⁹

Parliament approved the withdrawal of the instruments on 7 October 2021.¹⁰

Boundaries Scotland wrote to the Committee expressing its disappointment in the Committee's recommendation on 4 October¹¹ and 2 November 2021¹².

The Committee executed its role in considering the proposals in the instruments in accordance with the process laid out in section 17 of the Local Government (Scotland) Act 1973, as amended by the Scottish Elections (Reform) Act 2020. Use of the affirmative procedure in this Act means it is

⁷ Local Government, Housing and Planning Committee, [Electoral Arrangements Regulations](#), 1st Report, 2021 (Session 6) – 30 September 2021

⁸ Motions [S6M-01597](#) and [S6M-01598](#)

⁹ Scottish Parliament, [Official Report](#), 7 October 2021, Col 114

¹⁰ Scottish Parliament, [Official Report](#), 7 October 2021, Col 120

¹¹ [Letter](#) from Boundaries Scotland to the Local Government, Housing and Planning Committee – 4 October 2021

¹² [Letter](#) from Boundaries Scotland to the Local Government, Housing and Planning Committee – 2 November 2021

intended a committee should consider proposals from Boundaries Scotland as presented in draft instruments and come to a view *on whether* to recommend approval. It is inherent in the process contained in the 2020 Act that a committee may not recommend approval where the affirmative procedure is applied.

Scottish Elections (Representation and Reform) Bill

The Scottish Government [consulted again on electoral reform in 2022](#). The [consultation](#) included questions on the process for setting electoral boundaries.

The consultation offered respondents the chance to say whether they thought the system of approving electoral boundaries should be amended, along with several options for reform. The results in the consultation analysis have been reproduced below (emphasis added) and, for clarity, Option 3 is a preference for a system of automaticity.¹³

	N=	% No Change	% Option 1	% Option 2	% Option 3	% Other Option
All answering	452	39	6	18	34	4
Individuals	444	39	6	18	33	4
Organisations	8	13	0	13	75	0

The [Scottish Elections \(Representation and Reform\) Bill](#) was introduced in January 2024.

The Standards, Procedures and Public Appointments Committee considered the Bill at Stage 1. The Local Government, Housing and Planning Committee wrote to the then Deputy First Minister noting it would not scrutinise the Bill at Stage 1 but would monitor progress.¹⁴

The Bill did not contain proposals for change to the current system for considering boundaries. However, the then Minister for Parliamentary Business told the Local Government, Housing and Planning Committee:

“Following the Electoral Reform Consultation, the Scottish Government has made a commitment in the policy memorandum for the Scottish Elections (Representation and Reform) Bill to consider further how best to approach any future changes to the boundary approval process.”¹⁵

¹³ Scottish Government, 2023. [Electoral Reform Consultation Analysis](#)

¹⁴ [Letter](#) from the Convener to the then Deputy First Minister on the Scottish Elections (Representation and Reform) Bill – 14 February 2024

¹⁵ [Letter](#) from the Minister for Parliamentary Business to the Convener of the Local Government, Housing and Planning Committee – 15 March 2024

The Policy Memorandum expresses the Scottish Government's preference for automaticity, saying the Scottish Government is "sympathetic" to this system. We highlighted this in our correspondence to the Deputy First Minister:

"The Committee notes that the Policy Memorandum confirms that the Scottish Government has consulted on a number of options to prevent political influence on the boundary-setting process and is "sympathetic" to the automatic approval of recommendations made by independent boundary commissions but that further consideration on the best way to approach such a reform is required."¹⁶

In evidence to the SPPA Committee at Stage 1, the Minister for Parliamentary Business confirmed this was the Scottish Government's settled position, saying automaticity is the "international standard"¹⁷ and "...is our chosen direction and, inevitably, it is where we will end up."¹⁸

The SPPA Committee published its Stage 1 report on 18 June 2024¹⁹ and welcomed the Scottish Government's commitment to automaticity. Support for these proposals came from Boundaries Scotland²⁰ and the Scottish Government²¹ during the Committee's evidence sessions. Analysis of other responses to the Committee's call for views notes a submission from Boundaries Scotland.²²

During the Stage 1 debate on the Bill, the Minister said automaticity:

"...has been raised by Boundaries Scotland. I am broadly sympathetic to the idea, which I recognise and see the merits of. We would all recognise that it would involve a fairly substantial change from where we are now, so it merits further consideration. I will engage with the chair of Boundaries Scotland to begin that process."

Independent Review of the Process for Determining Electoral Boundaries in Scotland

The Minister for Parliamentary Business [wrote to the Local Government, Housing and Planning Committee on 10 December 2024](#) ahead of Stage 3 consideration of the Scottish Elections (Representation and Reform) Bill. He announced the establishment of a review of the process for determining electoral boundaries in Scotland. In doing so he said there was a "broad consensus" for a change in the system from one including parliamentary approval to one of automaticity.

¹⁶ [Letter](#) from the Convener to the then Deputy First Minister on the Scottish Elections (Representation and Reform) Bill – 14 February 2024

¹⁷ Standards, Procedures and Public Appointments Committee, [Official Report, 2 May 2024](#), Col 27

¹⁸ Standards, Procedures and Public Appointments Committee, [Official Report, 2 May 2024](#), Col 27

¹⁹ Standards, Procedures and Public Appointments Committee, [Stage 1 Report on the Scottish Elections \(Representation and Reform\) Bill](#), 3rd Report, 2024 (Session 6)

²⁰ Standards, Procedures and Public Appointments Committee, [Official Report, 28 March 2024](#), Col 12 - 14

²¹ Standards, Procedures and Public Appointments Committee, [Official Report, 2 May 2024](#), Col 27

²² A summary of the call for views can be found here: https://www.parliament.scot/-/media/files/committees/standards-procedures-and-public-appointments-committee/scottish_elections_franchise_representation_bill_call_for_views_summary.pdf

The Minister said:

“Since the SPPA Committee’s consideration earlier in the Bill’s passage, I have met the Chair of Boundaries Scotland to hear her perspective directly and have taken Professor Henderson’s views into account and will continue to do so as the review goes forward.”

We wrote to the Minister seeking evidence of the broad consensus on which the review, and premise that change is needed, appear to be based²³. In his response on 27 February, the Minister said:

“On your question as to the emergence of a broad position of consensus for automaticity, my impression is that during the passage of the Elections (Representation and Reform) Act 2025 the position emerged on automaticity as the way forward and it was welcomed by the Standards, Procedures and Public Appointments Committee in their Stage 1 Report.

Ultimately, however, it will require primary legislation to introduce automaticity and Parliament will have the final say if the process is to be changed.”²⁴

In his letter of 18 March 2025, the Minister for Parliamentary Business said (emphasis added):

“The review will consider the process for implementing changes to electoral boundaries in Scotland, **in particular options for the introduction of a form of automaticity**, taking account of the experience elsewhere in the United Kingdom and internationally. It has also been tasked with considering whether changes should be made to the processes that form part of boundary reviews, such as engagement and consultation with the public and elected representatives, and the supporting structures and resources.”

We sought details of how the terms of reference for the Review would “take into account the historical, community and geographical links to electoral boundaries which are not determined by population numbers (for example in island and rural communities).”²⁵

On 17 April, the Minister said (emphasis added):

“As you will see, the Review will consider the process for implementing changes to electoral boundaries in Scotland, and **makes clear that this consideration should focus on identifying a form of ‘automaticity’ for that process**. The Review also has scope to recommend further changes which it may consider appropriate alongside any new approval process. This

²³ [Letter](#) from the Convener of the Local Government, Housing and Planning Committee to the Chair of Boundaries Scotland – 7 February 2025

²⁴ [Letter](#) from the Minister for Parliamentary Business to the Local Government, Housing and Planning Committee – 18 March 2025

²⁵ [Letter](#) from the Convener of the Local Government, Housing and Planning Committee to the Minister for Parliamentary Business – 27 February 2025

could, for example, include aspects of existing legislation such as consultation requirements when conducting boundary reviews.”²⁶

In the same letter, he noted:

“I would emphasise that the Review is independent of Scottish Ministers. It will be entirely up to the Chair of the Review, Andrew Kerr OBE, to make recommendations for change after a consultation process. Mr Kerr’s report will be published and laid in Parliament.”

We are concerned by the justification for this Review as we do not agree there is a “broad consensus” in favour of removing Parliamentary oversight. This is not demonstrated by the results of the Scottish Government’s consultation.

We are also concerned the result of the Review has been pre-determined.

The Committee believes the Terms of Reference should have focused on whether change is needed, with options for change as a secondary concern, rather than the Scottish Government’s preferred outcome. We urge you to include consideration of whether change is needed in your report on the outcomes of the Review.

Local Government boundary reviews since 2021

No reviews of local authority electoral areas or arrangements have taken place in the period since 2021, including the new reviews of the Highland and Argyll and Bute council areas. The impetus for the original reviews, as mandated by the Islands (Scotland) Act 2018, remains and the Committee has continued to question when these reviews will take place. It is not clear whether the Scottish Government has notified Boundaries Scotland that it is required to conduct a further review of the proposals for Highland and Argyll and Bute Councils as required by section 17(6)(b) of the Local Government (Scotland) Act 1973.

The Committee has sought updates on this from Boundaries Scotland and the Scottish Government since 2021, given the time available before the next local authority elections.²⁷

In August 2023, Boundaries Scotland said it had no plans for further review of local authority areas.

In evidence to the SPPA Committee in 2024, the now Chair of Boundaries Scotland, Professor Ailsa Henderson, told the SPPA Committee:

“...after the fifth review, some of our proposals were rejected, and then after the islands review, some others were rejected. We then went to the Deputy First Minister at the time and said that, until the approvals process is clarified, it does not make sense for us to continue to generate proposals. We would be

²⁶ [Letter](#) from the Minister for Parliamentary Business to the Convener of the Local Government, Housing and Planning Committee - 17 April 2025

²⁷ We wrote to the Scottish Government on [28 June 2024](#).

fulfilling our statutory duties and doing the job appropriately, but those proposals could be rejected for questionable reasons.”²⁸

She also said:

“In a Scottish context, the rejection of boundary reviews means that we are facing passive malapportionment at the moment, because solutions that were equal at the time of the fourth reviews are equal no longer. The most striking example of that is in the Highland Council area, which has among the top underrepresented and overrepresented wards in Scotland.”²⁹

In February 2025, we heard there were “no immediate plans to commence a review of local government electoral arrangements” due to the current focus on Scottish Parliament constituency boundaries.³⁰ Professor Henderson noted the organisation is looking at its work programme in light of the amended deadline of local authority boundary reviews to 2030 (from 2028) (noting the next local government elections due to take place in 2027).³¹

The Committee is concerned that delays to further reviews of local authority boundaries, including those still required for Highland Council and Argyll and Bute, exacerbates existing issues.

²⁸ Standards, Procedures and Public Appointments Committee, [Official Report](#), 28 March 2024, Col 4

²⁹ Standards, Procedures and Public Appointments Committee, [Official Report](#), 28 March 2024, Col 12

³⁰ [Letter](#) from the Chair of Boundaries Scotland to the Local Government, Housing and Planning Committee – 25 February 2025

³¹ [Letter](#) from the Chair of Boundaries Scotland to the Local Government, Housing and Planning Committee – 25 February 2025