

Standards, Procedures and Public Appointments Committee
Thursday 26 June 2025
12th Meeting, 2025 (Session 6)

Note by the Clerk on The Scottish Parliament (Constituencies and Regions) Order 2025 [draft]

Overview

1. At this meeting, the Committee will take evidence from the Minister for Parliamentary Business and officials on the Scottish Parliament (Constituencies and Regions) Order 2025 before debating a motion in the name of the Minister inviting the Committee to recommend approval of the instrument.
2. This is a draft Scottish Statutory Instrument (SSI), which requires approval by resolution of the Parliament before it can become law. More information about the instrument is summarised below:

Title of instrument: Scottish Parliament (Constituencies and Regions) Order 2025 [draft]

Laid under: The Scotland Act 1998

Laid on: 22 May 2025

Procedure: Affirmative

Lead committee to report by: 3 September 2025

Commencement: If approved, the instrument, with the exception of article 4, comes into force on the day after the day on which it is made. By virtue of paragraph 6(7) of Schedule 1 to the Scotland Act 1998, the coming into force date of this Order does not affect the return of any member to the Scottish Parliament or its constitution until the Scottish Parliament is dissolved. Article 4 comes into force on the dissolution of the Scottish Parliament.

Procedure

3. Under the affirmative procedure, an instrument must be laid in draft and cannot be made (or come into force) unless it is approved by resolution of the Parliament.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.

5. The lead committee, taking account of any recommendations made by the DPLR Committee (or any other committee), must report within 40 days of the instrument being laid.
6. The normal practice is to have two agenda items when an affirmative instrument is considered by the lead committee:
 - an evidence session with the Minister and officials, followed by
 - a formal debate on a motion, lodged by the Minister, inviting the lead committee to recommend approval of the instrument.
7. Only MSPs may participate in the debate, which may not last for more than 90 minutes. If there is a division on the motion, only committee members may vote. If the motion is agreed to, it is for the Chamber to decide, at a later date, whether to approve the instrument

Purpose of the instrument

8. The instrument gives effect to the recommendations contained in Boundaries Scotland's report *Second Review of Scottish Parliament Boundaries*, dated April 2025, which makes recommendations for the boundaries of the constituencies and regions of the Scottish Parliament.
9. The Policy Note accompanying the instrument is included in the annexe. The Policy Note describes the consultation undertaken by Boundaries Scotland in the course of its review. The Policy Note also provides links to the Equality Impact Assessment and Island Communities Impact Assessment that were carried out by Boundaries Scotland. The Scottish Government indicates that it has not carried out any other impact assessments noting "the requirement to lay the Order as soon as practicable" and "that Scottish Ministers have no discretion to amend the recommendations before laying the Order."

Evidence from Boundaries Scotland

10. The Committee took evidence from Professor Ailsa Henderson, Chair, and Kirsty Mavor, Secretary, of Boundaries Scotland on the Second Review at its meeting on [12 June 2025](#). The [paper](#) provided for that meeting provides background to the review and the recommendations that have been made in respect of the constituency and regional boundaries and names for elections to the Scottish Parliament.
11. In taking evidence from Boundaries Scotland, the Committee explored a number of issues, some of which are briefly summarised below.

The rules for constituencies and regions that Boundaries Scotland must consider when making proposals

12. The Committee noted that there are four rules that govern proposals for constituency boundaries and two that govern proposed boundaries for regions. The Committee discussed the operation of the rules, noting that they are not

strictly hierarchical but present a set of different tests that Boundaries Scotland must balance against each other when developing proposals. Boundaries Scotland noted that this does enable greater flexibility when developing proposals, noting that such flexibility may not be available to bodies in other jurisdictions that must observe a maximum percentage variation from the electoral quota in making proposals. The Committee also noted that constituency boundaries must be proposed prior to regional boundaries as constituencies must be wholly incorporated into a single region.

The starting point in considering electorate data

13. The Committee explored why the calculation of the electoral quota for constituencies and regions was based on the data at the start of the review rather than the quotas that were established at the time of the first review. Boundaries Scotland explained it was:

“not comparing our design to the purity of the first design; we were comparing it to what the first design now looks like, given that there has been population movement. We looked at the 1 September electoral register because that was the date on which we designed the review and it was the comparison and examination of those data that allowed us to understand how what may at first have been an ideal solution has become imperfect over time because of passive malapportionment. The movement of people means that what was equal is now no longer equal, so we have to solve the problem of unequal representation. We had a situation where a vote in one constituency was worth less than two thirds of a vote in another constituency, which is not right.”

The number of responses received at the various rounds of consultation and triggers for inquiries

14. Boundaries Scotland noted that the number of responses at the initial round of consultation was lower than had been the case in the first review. Professor Henderson reflected on some of the changes that had taken place since the first review:

“There were about 4,300 responses submitted during this review. In the first review in 2010, 5,500 responses were submitted. Many of those were submitted by post and I understand that they all received a handwritten note in response. We have had fewer responses to this review. One interpretation of that is that there are fewer objections, but not all submissions are objections to what we are doing; some of them say that we are doing the right thing. There is an important point about who is responding to the consultations.

There was a marked change in the engagement of members of the public across the different consultation rounds... In the first round, 93 per cent of responses were from members of the public. That dropped to 83 per cent and then to 80 per cent by the end of the third round. When we moved to the fourth round, it dropped to only 27 respondents, of whom a third were members of the public. As we went on, it was increasingly elected representatives and local councils that were responding. Responses from members of the public were very much constrained to those first three rounds.”

15. In respect of the inquiry process, and the impact of evidence submitted, Professor Henderson noted:

“The trigger language is particularly oppositional, which is sometimes not particularly helpful, and it encourages a way of looking at things that is bilateral rather than multilateral. Councils are objecting to things and suggesting that other councils should be offered up as sacrificial lambs for different solutions. The process does not encourage people to come together and think about solutions for the whole of Scotland; it encourages a myopic view in which one area is considered at a time, which can cause knock-on problems elsewhere... Something in that structure is not quite working right.

If an individual writes in with a well-argued consultation response, it appears. We make changes to maps based on a single respondent saying, “I think you’ve got this wrong, here’s why I think you’ve got this wrong and here’s the fix that I think better fits your rules and solves this problem that I’ve identified.” We do not need a local inquiry to make such changes.”

16. Professor Henderson also considered the discussions that Boundaries Scotland is having around inquiries as part of its lessons learned process and how to:

“create space for a more open and multilateral discussion, possibly involving the Convention of Scottish Local Authorities, for example. We often found that the point of contention was where multiple local authority boundaries converge and we had to identify constituencies over that area, so it would have been helpful to be able to bring together three or four local authorities at the same time to try to identify a mutually acceptable solution. Because it was not in the legislation, and because the inability to call a local authority at any point also means that the timing is not in our own control, it meant that we were focused on making sure that we met our deadline rather than looking at what we could layer on top of the process to improve things. We are going to look at a number of things to see whether we can identify improvements. Another thing is that the legal advice that we got about local inquiries was that they have to be face to face, which is a massive inconvenience in this day and age, particularly if you are talking about large constituencies. It would be much more convenient for people to be able to join in online.”

Lessons learned

17. The Committee also explored how Boundaries Scotland undertakes a lessons learned exercise following any review and how this information is recorded and used to inform future reviews, particularly given the eight to twelve year period for carrying out reviews and the periods of appointment for the members of Boundaries Scotland. Professor Henderson said:

“That is an important issue because of the timing of our appointment periods, which are for four years and are renewable for four, and the timing of the reviews, which are every eight to 12 years...”

If we are thinking about our lessons learned from this time round, one is about understanding how the rules can constrain what we are able to do, one is about

challenges with different interpretations of the rules, and the third is around communicating our proposals. To a certain extent, the rules are not really in our gift, so we just deal with what we have. We are required to use public display notices to communicate our proposals, but the notices were only responsible for a very small part of the traffic that ended up on our consultation portal. We tried to move into social media advertising to get a response, and Facebook was remarkably responsible for most of the traffic that we got in our consultation portal.

Separately, we pay for a mapping facility on the portal, but only 141 people used that function in the first round of more than 3,000 responses, so we have questions about the extent to which the money that allows that mapping is well spent. Are there different ways that we can reach people, particularly offline communities, to ensure that they are aware of our work? We also have the enduring issue of misunderstanding and people not knowing that what we are doing is changing electoral boundaries rather than local authority boundaries. You will know yourselves that the social media environment has moved on quite a bit, even during the course of this review. Platforms that we might have used previously to reach people, such as Twitter, became functionally useless as the review went on. Therefore, some of the lessons learned that would be applicable now might be different in eight years' time because the media landscape might be entirely different then.

We are trying to give advice that identifies the principles—what the best thing to do is, what an effective use of our budget is and how we can reach people—so that people can then evaluate them in light of whatever political or media environment they are in in eight years' time.”

18. As referenced in the Policy Note, there is an independent review underway to consider the future process for consideration of such changes. While that is a separate process to the Committee's consideration of this instrument, Boundaries Scotland indicated that it was preparing a response to the review and would be happy to discuss the review with the Committee at a future date.

Delegated Powers and Law Reform Committee consideration

19. The DPLR Committee considered the instrument on 10 June 2025 and reported on it in its [46th Report, 2025](#). The DPLR Committee drew the instrument to the attention of the Parliament on the general reporting ground in relation to an error in the preamble to the instrument. The DPLR Committee highlights that the preamble suggests that both the draft Order and the report require approval by resolution of the Parliament but notes that the report requires only to be laid, and there is no basis in the Act for a motion to approve the report. In its response to the DPLR Committee, the Scottish Government agreed that the report does not require approval and stated its intention is to correct the preamble to make the position clear before the draft instrument is submitted to His Majesty in Council. In drawing this matter to the attention of the Committee and the Parliament, the DPLR Committee's notes in its report that it “wishes to make clear that it is not expressing a view on the proposed method of correction.”

Report

20. Following today's meeting, a draft report will be prepared by the clerks. As the reporting deadline falls before the Committee's next meeting, the Committee should either:

- agree to consider the draft report by correspondence, and delegate to the Convener responsibility for resolving any differences of view (if members wish the report to make points of substance or recommendations); or
- delegate to the Convener responsibility for approving the draft for publication (if members are content with a short, factual report only).

Clerks to the Committee
June 2025

Annexe: Scottish Government Policy Note

POLICY NOTE

THE SCOTTISH PARLIAMENT (CONSTITUENCIES AND REGIONS) ORDER

2025

SSI 2025/XXX

The above instrument was made in exercise of the powers conferred by paragraph 6(5) of schedule 1 of the Scotland Act 1998. The instrument is subject to affirmative procedure.

Summary Box

This Order gives effect to the recommendations contained in Boundaries Scotland's report *Second Review of Scottish Parliament Boundaries*¹, dated April 2025, which makes recommendations for the boundaries of the constituencies and regions of the Scottish Parliament.

Policy Objectives

The purpose of this Order is to give effect to the final proposals made by Boundaries Scotland following its review of the boundaries of the Scottish Parliament.

Background

Boundaries Scotland is an independent, advisory non-departmental public body that is responsible for:

- reviews of Scottish Parliament constituencies and regions.
- reviews of local authority areas in Scotland.
- reviews of electoral arrangements in those local authority areas.

The Second Review of Scottish Parliament Boundaries is required by the Scotland Act 1998, which provides that the boundaries of the Scottish Parliament must be reviewed by Boundaries Scotland every eight to twelve years so that they better reflect changes in the population.

There are 73 constituencies and eight regions for Scottish Parliament elections. These numbers are set in the Scotland Act 1998. Three constituencies, Na h-Eileanan an Iar, Orkney Islands and Shetland Islands are defined directly by the Scotland Act 1998 (as amended by the Islands (Scotland) and were not within the scope of Boundaries Scotland's review.

In carrying out its review, Boundaries Scotland were required by legislation to recommend constituencies, and regions, of similar electorate size while also taking

¹[https://boundaries.scot/sites/default/files/SPReview2_FinalRecs/second_review_of_scottish Parliament_boundaries_report.pdf](https://boundaries.scot/sites/default/files/SPReview2_FinalRecs/second_review_of_scottish_Parliament_boundaries_report.pdf)

account of local authority areas, special geographical circumstances, maintenance of local ties and any inconveniences caused by the alteration of the existing boundaries.

Report recommendations and effect of the Order

Boundaries Scotland submitted the report containing its recommendations to Scottish Ministers on 30 April 2025.

The report recommends for constituencies:

- 25 constituencies remain unchanged.
- 22 constituencies have new boundaries but their names are unchanged
- 20 constituencies have both new boundaries and new names.
- Three constituency boundaries are unchanged but the constituency is renamed.

The report recommends for regions:

- One region is unchanged (Mid Scotland and Fife).
- Two regions have minimal changes to their boundaries and their names remain the same (Highlands and Islands; and North East Scotland).
- Three recommended regions have changes to their boundaries but retain their existing names (Glasgow; South Scotland; and West Scotland).
- Two recommended regions have changes to their boundaries and are renamed (Central Scotland and Lothians West; and Edinburgh and Lothians East)

Boundaries Scotland's full report *Second Review of Scottish Parliament Boundaries* can be read on their website: www.boundaries.scot.

Paragraph 3(9) of schedule 1 of the Scotland Act 1998 places a duty on Scottish Ministers to lay a draft Order in Council which would give effect to the recommendations contained in Boundaries Scotland's report.

The Scottish Parliament (Constituencies and Regions) Order 2025 defines the name, status and area of 70 of the 73 Scottish Parliament constituencies, and the name and area of each Scottish Parliament region. Na h-Eileanan an Iar, Orkney Islands and Shetland Islands constituencies are not included in the Order because paragraph 1(2) of schedule 1 to the Scotland Act 1998, as amended by the Islands (Scotland) Act 2018, provides for them directly.

If subsequently approved by the Scottish Parliament, the new boundaries will be effective from the next Scottish Parliament election, scheduled for 7 May 2026. Any by-election held in the current session of the Parliament will be carried out under the existing boundaries set by the Scottish Parliament (Constituencies and Regions) Order 2020.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

Scottish Ministers are under a duty to lay an Order giving effect to the recommendations made by Boundaries Scotland, and as such, the Scottish Government has not consulted on this instrument.

In carrying out its duties under the Scotland Act, Boundaries Scotland conducted five rounds of public consultation and held nine local inquiries over the course of the review.

Summarised in the timeline below:

1 Sep 2022	Start of Review
May 2023	Consultation on Provisional Proposals for constituencies
Dec 2023 – Jan 2024	Six local inquiries held
Apr – May 2024	Consultation on Revised Proposals for constituencies
August 2024	One local inquiry held
Sep – Oct 2024	Consultation on Further Proposals for constituencies Consultation on Provisional Proposals for regions
Nov – Dec 2024	Two local inquiries held
Jan – Feb 2025	Consultation on Additional Proposals for constituencies Consultation on Revised Proposals for regions
Mar – Apr 2025	Consultation on Supplementary Proposals for constituencies Consultation on Further Proposals for regions
30 April 2025	Report with Final Recommendations submitted to Scottish Ministers

Impact Assessments

Boundaries Scotland has conducted an Equality Impact Assessment for the Second Review of Scottish Parliament Boundaries, the results have been published on their website:

https://boundaries.scot/sites/default/files/Bound_Scot_Equality_Impact_Assessment_Results.pdf

Boundaries Scotland has also conducted an Islands Community Impact Assessment, the results have been published on their website:

<https://boundaries.scot/sites/default/files/ICIA%20March%202025.pdf>

Scottish Ministers are under a duty to lay an Order giving effect to Boundaries Scotland's recommendations as soon as practicably possible. Given that Scottish Ministers have no discretion to amend the recommendations before laying the Order, and noting the requirement to lay the Order as soon as practicable, no separate impact assessments have been prepared.

Financial Effects

The Minister for Parliamentary Business confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Constitution Directorate
22 May 2025