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17 April 2024

Dear Ariane,

Thank you for your letter of 4 April seeking further detail on the Independent Review of the Process for Determining Electoral Boundaries in Scotland.

I attach a copy of the terms of reference for the Review with this letter for your information.

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

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.

I understand that a member of the secretariat supporting Mr Kerr has been in touch with your Clerks to organise a meeting. I hope you find the engagement with Mr Kerr useful. I look forward to considering his report and recommendations on these issues in due course.

Yours,

JAME HEPBURN

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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Independent Review of the Process for Determining Electoral Boundary Changes in Scotland

Terms of Reference

1. Boundaries Scotland (Crìochan na h-Alba) is responsible for reviewing and making recommendations for constituencies and regions in Scottish Parliament elections, local government electoral arrangements (i.e. the number of councillors and ward boundaries within each local authority), and reviews of local government areas. Under current legislation its recommendations need to be approved by the Scottish Parliament before they come into effect.
2. In a 2022 public consultation on elections related policy and legislation, the Scottish Government asked whether the process by which Boundaries Scotland reviews are implemented should be changed. Of those who noted their support for a change to the system, a form of automaticity was the preferred option.
3. 'Automaticity' is a system where the recommendations of the body that reviews electoral boundaries take effect automatically, without needing approval from the legislature. Forms of automaticity now apply to changes to electoral boundaries in the UK Parliament and the Welsh Senedd Cymru.

Objectives of the Review

4. The Review will consider the process for implementing changes to electoral boundaries in Scotland. In particular, the review will consider options for the introduction of a form of automaticity, taking account of the experience elsewhere in the United Kingdom and internationally, and make recommendations.
5. Where the Review considers that changes are required to other aspects of the boundary review process in consequence of the recommendations it makes about the process for implementing changes to boundaries, it can also recommend these. For example, recommendations might be made about engagement and consultation with the public and elected representatives or about the structure or resources of Boundaries Scotland.
6. Findings and recommendations from the review will be published in a report. The intended audience of the report is the Scottish Parliament, the Scottish Government and other public bodies with an interest in elections. Scottish Ministers will have no discretion to amend or modify the report before laying a copy of it in the Scottish Parliament.

Approach to the Review

7. The Review will take an open, transparent and participative approach to considering options and making recommendations, including consultation with

all parties and institutions it considers to have an interest, including voters. The consultation is at the discretion of the independent Chair of the review.

8. The Review will begin its work on 30 March 2025 and will report to the Scottish Ministers as soon as reasonably practicable. Scottish Ministers will lay a copy of the Report before the Scottish Parliament.