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The Scottish Parliament
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10th December 2025

Dear Convener,

Independent Review of the Process for Determining Electoral Boundaries in Scotland

I am pleased to inform you that the [final report on the Independent Review of the Process for Determining Electoral Boundaries in Scotland](#) was published yesterday. I attach a copy of the report for your information. I understand that the report has also now been laid in Parliament by Scottish Ministers.

Electoral boundaries, and how they are set and changed over time, are fundamental tenets of fair elections and the democratic principle of equal representation. That is why I was grateful to be invited by Scottish Ministers to lead this Review, independently of Parliament and Government, to consider current laws and practice and put forward proposals for reforms which I believe can contribute to protecting and futureproofing this important aspect of Scotland's democracy.

In my report, I present a number of recommendations for change to the process of approving changes to electoral boundaries, and on modernising and improving the consultation and engagement processes. At its core, is the recommendation for a move to a process of automatic approval of boundary changes decided upon by Boundaries Scotland. I believe the package of 11 recommendations should be considered as a whole, and that they provide a blueprint for possible future legislation in this area.

Thank you for your letter of 14 November in response to the final round of consultation on a draft of my report, in which you raise several points I reflected on in drafting the final report. Thank you for clarifying the parliamentary process which took place in 2021 – I hope you agree the final report more accurately describes this process. On your points on the consultation undertaken during the Review, the [analysis of the public consultation](#) conducted has now been published, and can be accessed on the Scottish Government website. The [consultation responses have also been published](#) where respondents gave permission for me to do so.

In order to ensure as much transparency around the Review as I can, I have also added the Terms of Reference of the Independent Review as an Annex to the report. While I recognise that there are references to automaticity in these Terms of Reference, I would highlight that consideration of whether or not automaticity would be a positive and desirable change to recommend in Scotland was central to the Review. I believe the final report sets out the arguments and views gathered in a balanced way, and the thought process and rationale behind my recommendations.

I would particularly like to thank you for the time you and members of your committee gave in meeting me and the Review team, and for your ongoing engagement throughout the process. Your views and comments have been an important part of my considerations in drafting the report.

Yours sincerely,

Andrew Kerr OBE

Chair, Independent Review of the Process for Determining Electoral Boundaries in Scotland

10 December 2025

Independent Review of the Process for Determining Electoral Boundaries in Scotland

**Report commissioned by Scottish
Government**

December 2025

Foreword

Andrew Kerr OBE
Chair

I was pleased to be appointed by Scottish Ministers to chair this independent review of the process for determining electoral boundaries in Scotland. Electoral boundaries are a key feature of fair elections and a fundamental tenet of the democratic principle of equal representation.



Boundaries Scotland is the organisation, operationally independent of government, charged with reviewing electoral boundaries. The statutory rules to which it works seek to ensure the principle of equality is upheld in the number of people an MSP or councillor represents, while also allowing some leeway to take account of community and geographical considerations. Scotland's land mass and population patterns make it distinctive. Currently when Boundaries Scotland undertakes a review and recommends changes to electoral boundaries, these are scrutinised and ultimately approved or rejected by the Scottish Parliament. International best practice has moved to taking elected politicians out of the decision loop and towards a process known as automaticity: where the independent body reviewing electoral boundaries is the final decision-maker.

Given this wider international context, I was asked to lead a review to consider what form of automaticity might work best in Scotland. Although my principal focus was on the system for approving changes to boundaries, I also considered whether other parts of the review process may need to be adjusted, both to maximise the benefits of automaticity and to ensure the right checks and balances are in the system to underpin such a change. I also sought to ensure the benefits of automaticity were fully considered against current practice, both in the consultation and the research for this report.

Open and interactive consultation was at the heart of the approach I sought to take, with the public and bodies with knowledge, expertise and experience of the process of reviewing boundaries. I also engaged with MSPs and councillors, as well as officials from the Scottish Parliament and local authorities, all of whom clearly have a direct interest in these issues. I am grateful to all those who contributed with great expertise, openness and honesty.

My recommendations reflect the themes that emerged through the consultation and engagement that I undertook. I have recommended a move to an automatic process for the implementation of boundary changes. This would mean that elected

representatives are no longer the ultimate decision-makers on these matters but, recognising their unique position in such considerations, I have further recommended that they have a special status as statutory consultees on proposals, early in the process.

I have also made recommendations which I hope build on the best of existing practice and can modernise and improve the consultation exercises that Boundaries Scotland undertakes with the public. This includes proposals to simplify and make more readily understandable the entire consultation process and timescales, and a new system of open public events which I hope can ensure greater transparency and opportunity for engaging members of the public.

In addition, I have recommended introducing a new assurance role for the Electoral Commission, the independent body which oversees and regulates elections across the UK, in the process for changing electoral boundaries in Scotland. This would be the first time in the UK that the Electoral Commission is involved in this way. I consider that the formal inclusion of its expertise and operational independence will add value and an appropriate level of additional scrutiny to the work undertaken by Boundaries Scotland. In doing so I consider it will help promote trust and confidence both in the process and the decisions made.

As a package I hope that my recommendations provide a way forward and make a contribution to protecting and strengthening participation, trust and faith in Scotland's democracy, in which electoral boundaries are a bedrock.

I would like to thank the individuals and organisations who responded to the consultation paper, as well as the organisations listed below who engaged with me extensively throughout the Review. The views expressed through all strands of this engagement have helped shape my thinking as I compiled this report.

Boundaries Scotland

The Electoral Commission

The Electoral Management Board for Scotland

The Scottish Parliament

COSLA

The Scottish Parliament Local Government, Housing and Planning Committee

The Scottish Parliament Standards, Procedures and Public Appointments Committee

Community Council Liaison Officers

Scottish Youth Parliament

Scottish Parliament Political Parties Panel

Boundary Commission for Scotland

I present this report to Scottish Ministers, and to the Scottish Parliament.

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Introduction

Electoral boundaries are a fundamental part of our electoral system. Reviews of the numbers of electors within each constituency or ward are an important part of maintaining the electoral map, ensuring that the numbers of voters remain largely equal, and that each person's vote counts equally across the country or council area. It is therefore critical that in Scotland, we have the right processes in place to review and amend electoral boundaries.

There are a range of views on how best to approve electoral boundary changes in Scotland, with strength of feeling on all sides. It is this diversity of views which has underlined the importance of the independence of this Review. While the Scottish Government and some key stakeholders have made their views on automaticity known in the past, it should be noted the first question I asked in the consultation for this Review was whether a change to an automatic approval system for boundary reviews was seen as desirable in Scotland. Systems where parliaments do not vote on changes to electoral boundaries are referred to as 'automaticity', and this term will be used throughout this report.

Currently, Scottish Parliament and local government electoral boundaries are reviewed by Boundaries Scotland, an independent public body made up of non-political Commissioners. Boundaries Scotland conducts reviews of electoral boundaries every 8 to 12 years for the constituencies and regions of the Scottish Parliament and every 15 years for local government wards and councillor numbers.

I was appointed by Scottish Ministers to consider the process by which proposals for boundary changes are approved and implemented. The Terms of Reference of this Review can be found at **Annex C** of this report. I have examined the existing process and compared it to what is considered international best practice in this field. One of the options was to recommend that these reviews should be approved without a vote in the Scottish Parliament. Currently, reviews of both Scottish Parliament constituencies and regional boundaries, and local government electoral arrangements must be first scrutinised by a Parliamentary Committee and then approved by a vote in the Scottish Parliament.

In my view, and as raised among the responses to the consultation, automaticity should not mean a lack of, or reduction in, scrutiny compared to the current system. While the type of scrutiny would change under an automatic system, it is important that any move to automaticity includes robust checks and balances that the public and institutions can have trust in.

A key part of this Review was to take account of international best practice, and compare the current process in Scotland to a number of other countries with

comparable electoral systems and boundary commissions. There are a range of models which are used elsewhere, and I believe that we can and should, learn from these countries' experiences. In particular, I looked at the systems and processes used in the UK (Westminster), Wales, Australia, New Zealand, and Canada. However, while it was important that I considered international practice, I have endeavoured to propose recommendations that I consider to be best for the specific circumstances of Scotland. I have given my independent view on the approval process for changes to electoral boundaries in Scotland, having been informed by and taken account of the broad engagement undertaken, and the evidence that has been presented to me throughout this Review.

It also became clear to me early on that I could not make recommendations on the process for the approval of boundary changes in isolation. A move to automaticity would inevitably have implications for other parts of the process. I therefore considered how automaticity would work best in a Scottish context and my recommendations can be seen to fall into three main categories: changes to the approval process; impact on consultation requirements during reviews; and the structure and scrutiny of Boundaries Scotland.

It may be helpful to note that while there are also boundary reviews in Scotland for UK Parliament (Westminster) constituencies, these are the responsibility of the UK Government so have not been considered by this Review (except within the context of international comparisons).

Background

When conducting reviews, Boundaries Scotland makes initial proposals for Scottish Parliament constituency and region boundaries which are then subject to a public consultation. For reviews of wards and councillor numbers, Boundaries Scotland must initially consult the relevant local councils for a 2-month period before holding a public consultation. For Scottish Parliament constituency and region reviews, further rounds of public consultation are held if any changes are made to the initial proposals. Events called local inquiries are held if Boundaries Scotland chooses, or if local councils or a body of at least 100 electors (500 for regions) lodge an objection to the recommendations. Following the review, Boundaries Scotland submits its report with recommendations to Scottish Ministers, who then lay legislation in the Scottish Parliament which would give effect to those proposed changes. It is first scrutinised by a Parliamentary Committee and then put to a vote of the whole Parliament. If the vote passes, the boundaries change in line with the recommendations.

In recent years, some of Boundaries Scotland's recommendations for local government electoral arrangements have not been implemented. In these instances,

this was as a result of the scrutinising Parliamentary Committee recommending that Parliament should not approve the changes proposed by Boundaries Scotland, and the Scottish Government consequently withdrawing the legislative instruments that would have given effect to them. Concerns have been raised by some that these reports were rejected despite Boundaries Scotland correctly following the process it was required to. The most recent review of Scottish Parliament constituencies and regions was recently passed by the Parliament and the revised boundaries will be in place for the election scheduled for next year.

Consultation

Throughout this Review, I have consulted directly with a broad range of stakeholders, as well as holding a formal 12-week online public consultation on the questions addressed in this report. I am very grateful to those who engaged and contributed, whether that be in face-to-face meetings with members of the public, via consultation responses, or extensive discussions with electoral and other bodies. I believe that a mix of formal and informal consultation has allowed me to gather views from a wide range of interested bodies and members of the public.

The public consultation on the Review ran for 12 weeks, and received 33 written responses – 24 from individuals and 9 from organisations. The views of the individuals and organisations who responded have been considered as part of this report and recommendations. The [analysis report of the consultation responses](#) can be found on the Scottish Government website. The responses demonstrate a wide spectrum of views on the topics, and there will inevitably be people who disagree with some of the recommendations made in this report, in particular in relation to the introduction of automaticity. The public consultation did not attract a high number of responses but they were diverse, and many were detailed, providing a rich resource for my deliberations. I am grateful to all those who contributed and I have considered all perspectives and views carefully in reaching my own conclusions.

The consultation asked questions about whether the current system continues to be the best way to approve boundary changes in Scotland, or whether a system of automatic approval would be an improvement. Its findings have informed my recommendations on moving to a system which is designed to improve the overall process for everyone, but in particular for the public.

Summary of Recommendations

In this report, I make a number of recommendations for changes to the process of implementing Boundaries Scotland's reviews of Scottish Parliament and local government electoral boundaries. The first thing I considered as part of this Review was whether a move to automaticity would be an improvement on current practice or not, and whether other changes would be warranted as a result of such a change. Following extensive consultation with stakeholders and the public, and a review of practice in selected comparable countries, I recommend that Scotland does adopt a form of automaticity for approving electoral boundary changes. Automaticity would mean that Boundaries Scotland would go from being a body which makes recommendations to a body which makes decisions on electoral boundaries for Scottish Parliament and local government elections. It is only right that with this change, the wider process of how reviews are conducted is examined, and that the level of scrutiny and safeguards present in the current system are not downgraded as a result.

1. Scotland should adopt a process of automaticity for reviews of Scottish Parliament constituencies and regions, and for local government ward boundaries and councillor numbers. Boundary reviews should not be subject to a vote in Parliament as they are at present but, following consultation, Boundaries Scotland will be able to make the final decisions on electoral boundaries.

Automaticity would mean that proposals and subsequent decisions on boundary changes would be made by Boundaries Scotland at all stages of the process. This would align Scotland with international good practice, as I have concluded from the research during this Review, which is that many comparable countries do not allow politicians to vote on boundary changes. This does not, in my view, mean that politicians should not be able to contribute to boundary reviews. Indeed, to the contrary, they have invaluable experience, perspective and local knowledge that can help inform proposals for change. In my view, it is most appropriate for Parliamentarians to contribute in the early formulation of proposals.

2. The Scottish Parliament and local authorities should be statutory consultees for the relevant electoral boundary reviews. This should take place as the first round of consultation.

While I have concluded that the Scottish Parliament should not be able to approve or reject proposals made by Boundaries Scotland, it is important that politicians, as the elected representatives in the democratic process, have an appropriate status and place to express views during boundary reviews. Currently, local authorities are consulted for 2 months at the beginning of reviews of local government electoral

arrangements – a system which Boundaries Scotland and COSLA have indicated works well the majority of the time. I believe that a comparable system for Scottish Parliament reviews, where the Scottish Parliament is formally consulted at the start of a review, would strike the correct balance of appropriately including politicians in the process without giving them a power to veto changes.

3. Boundaries Scotland should publish notifications of upcoming consultations as part of its reviews, giving individuals and groups information on the key issues which will be considered as part of the review. Boundaries Scotland should consider how best to improve communication with the public about upcoming and ongoing reviews.

Early information about an upcoming boundary review will help the public and community and other groups to better understand the aims of the review and prepare for engaging in it. An information document could, for example, set out timescales of consultations and public events, data on the demographic changes expected to impact on certain parts of the country or council area, and make clear what changes to electoral boundaries would – and would not – mean in practical terms for local areas. This information document could be published in tandem with the statutory consultation with Parliament or local authorities. In their responses to the consultation for this Review, a number of members of the public said they felt they had insufficient notice of boundary reviews which affected their areas. This, coupled with the view expressed by some that there was insufficient time to respond to consultations (particularly for Scottish Parliament reviews), suggests that a ‘pre-consultation’ period may benefit public understanding and knowledge of the process, and provide enhanced opportunities for as wide and full a formal consultation period as possible.

4. Consultation processes for reviews of Scottish Parliament constituencies and regions, and local government electoral arrangements should be made as similar as possible to aid public understanding and consistency of process.

I believe that, as raised in a number of responses to the consultation, creating greater consistency between the different types of boundary review, where possible, may aid public understanding of what can be a complex and difficult to navigate system. While there is still some divergence between the system and processes used for boundary reviews at a UK-level (i.e. for Westminster boundaries), and the recommendations I make here for Scottish Parliament and local government reviews, there would be increased alignment across all three systems, and in particular for the latter two.

It is worth noting that alignment of boundaries across elections, which is a suggestion I heard raised during my engagement, is not feasible due to the

differences in electoral systems and significant differences in size of constituencies and wards.

5. Public consultation on proposals should last for 12 weeks. This should come after the statutory consultation with Parliament or local authorities, and be followed by a final round of consultation on the revised proposals lasting at least 4 weeks.

Current practice is that Boundaries Scotland consults publicly for a 12-week period when conducting reviews of local government electoral arrangements (following a consultation with local authorities) but the length of the public consultation is not set in legislation. I recommend a similar process takes place during Scottish Parliament reviews, replacing the current system of repeated rounds of one month consultations. This will give a longer period for individuals and organisations to respond to the public consultation, and provide certainty over the length and number of consultations. Holding an additional, final consultation on revised proposals will allow a last opportunity for feedback and refinement of proposals, which should be manageable in a 4 week period but could be extended if deemed helpful to finalising the changes. This is similar to what takes place during reviews of Westminster constituencies. These rounds of public consultation should take place after the statutory consultation with Parliament or local authorities.

6. Local inquiries should be replaced with public hearings, as the format is more in line with current public expectations of consultation events. There should be a set number of public hearings, with sufficient geographical spread.
7. Boundaries Scotland should have discretion to hold public consultation events, including public hearings, in the format that allows for most effective engagement, including the option to hold digital, or hybrid events.

The current system of local inquiries are evidence-gathering sessions which are often chaired by senior judges (Sheriffs Principal in recent years) and at which Boundaries Scotland does not play an active part in the discussions. In contrast, public hearings are a more flexible, consultative event, where Boundaries Scotland would be better able to interact with members of the public. I believe that local inquiries are no longer in line with what the public expects from events of this nature, and that the restrictive nature of local inquiries means Boundaries Scotland is not always able to communicate outwards or gather the information it would wish or require. I suggest that public hearings would provide a space where members of the public can voice concerns or support for proposed boundary changes but also allow Boundaries Scotland to respond to issues, concerns and questions at the time and in an interactive manner. Public events should, above all, promote understanding of the issues being considered among the public.

These public hearings should be set from the start of a review, and not arranged in response to objections lodged by local authorities or others at various stages of the review as they are at present. There should be sufficient geographical spread to allow in-person attendance for those who wish, for example, one per Scottish Parliament region, or one or two per local authority for local government reviews. Consideration should be given as to how best to reach residents of remote, rural and island communities. Boundaries Scotland should have sufficient flexibility to choose how many events are held for any given review. These events, and others, should be able to be held in a range of formats, including hybrid or digital, to better reflect modern consultation practices. The accessibility of consultations, and consultation events should be a central concern during boundary reviews.

8. Boundaries Scotland and the Scottish Government should consider how best to simplify language used around reviews of electoral boundaries, and take steps to ensure that processes and proposals are clearly communicated to the public.

Throughout the course of engagement and consultation to inform this Review, much of the feedback I heard from members of the public noted the complexity and difficulty of engaging with consultations on changes to electoral boundaries. I believe that both Boundaries Scotland, when consulting and publishing reports, and the Scottish Government, when designing legislation and policy, should ensure that the language used is more accessible and meaningful to the public. I acknowledge that there are by necessity technical and detailed aspects of legislation and the processes which underpin boundary changes, however every effort should be made to remove jargon and simplify explanations where possible, in order to aid as full and meaningful a process for as many people as possible.

9. The Electoral Commission should provide an extra level of scrutiny by reviewing the process followed by Boundaries Scotland and reporting on it after the final stages of an electoral boundary review.

Automaticity means that a form of scrutiny under the existing process, Parliamentary Committee scrutiny and a vote in the Scottish Parliament, will no longer take place. I believe that scrutiny of Boundaries Scotland's proposals should not be 'downgraded' as a result of automaticity, and consider that the Electoral Commission is the relevant body to bring additional and appropriate scrutiny by reporting on the process followed by Boundaries Scotland. This would not be a full audit of Boundaries Scotland's reviews or an audit of its spending, nor a veto over its decisions, which should still rightly sit with Boundaries Scotland. It would, though, provide feedback on best practice and an additional expert and independent assessment of Boundaries Scotland's adherence to the rules in reaching its final decisions. This

would be accompanied by ongoing engagement between Boundaries Scotland and the Electoral Commission throughout the course of reviews taking place.

10. The rules Boundaries Scotland follows when drawing boundaries should be clarified to aid understanding of the criteria. There should be a 15% limit to the degree to which parity can be deviated from.

I received clear feedback from members of the public, and some stakeholders, that the rules which dictate how boundaries are drawn, and how they interact with each other, are sometimes difficult to understand and interpret. I suggest that one way to improve clarity around these rules is to re-emphasise that parity is the most important factor when drawing boundaries. A limit on the deviation from parity means that while local ties and communities can and should very much continue to be taken into account, this is always balanced against ensuring the value of each elector's vote is not deviated from too significantly.

11. Legislation flowing from recommendations in this report should ensure that Boundaries Scotland's independence, and its role in making final decisions, is clear.

The importance of the perception of objectivity and independence cannot, in my view and as raised by many respondents to the consultation, be underestimated and this needs to be clear in any legislative changes. The central aim of a move to automaticity is to ensure the continuing independence of Boundaries Scotland, and to ensure that it is able to review and adjust electoral boundaries in an apolitical and independent manner. In order to do this, legislation will be necessary to change the existing system and to introduce automaticity. While not every recommendation or suggestion in this report requires a change in law in order to be implemented, the Scottish Parliament should progress legislation which, above all, ensures Boundaries Scotland can continue to work independently, and in the interests of the Scottish people.

Parliamentary Process

At the heart of what I have considered as part of this Review is the method by which changes to electoral boundaries are implemented. Currently, that means the process by which Parliament considers, and approves or rejects, proposed changes, however under a form of automaticity, that approval process would be quite different. Automaticity, or the automatic approval of boundary changes, comes in a range of different forms which can be seen across a number of comparable countries. What these different forms of automaticity have in common is that politicians do not have the final say over where boundaries are drawn, or whether or not to approve proposed changes. I have considered firstly, whether to recommend a form of automaticity be introduced, and if so, what model is the best fit for Scotland and the particular circumstances that apply here.

It is worth noting that this Review considered the approval process for changes to Scottish Parliament electoral boundaries, and local government electoral arrangements (ward boundaries and councillor numbers). Currently, both of these sets of reviews are conducted by Boundaries Scotland and then considered by a Scottish Parliament Committee before being subject to a vote by all members of Parliament.

Internationally, there are many different processes by which electoral boundaries are set and approved. This review has considered comparable countries with electoral systems which allow for electoral boundary reviews to be held in a similar manner to Scotland. While the following countries all implement changes to electoral boundaries through a process of automaticity, there are different approaches to how this is achieved.

Reviews of UK Parliamentary (Westminster) constituencies and Welsh Senedd constituencies are not subject to a vote in Parliament, nor is there an opportunity for elected representatives or Ministers to contribute to the review outside of the public consultation. The boundary changes are implemented through legislation that is not subject to a vote in Parliament. Similar processes take place in Australia and New Zealand – there are differences in who considers boundary proposals at different stages – however both countries implement changes to boundaries without the decision being subject to a vote in Parliament.

In Canada, Parliamentarians have an opportunity to formally table objections to proposed boundary changes if they have concerns about process, however any written objection must be co-signed by a minimum of 10 MPs. The boundary commission consider objections and a final report is written. Parliamentarians still do not vote on the final changes.

In this context, Scotland, therefore, is currently something of an outlier internationally. In the countries considered by this Review, there is a clear pattern where politicians are not responsible for approving changes to electoral boundaries. Fundamentally, this means that there is no conflict, or perceived conflict, of interest whereby elected representatives are able to legislate for changes (or block changes) to their own seats. I believe that implementing a similar process in Scotland would help aid public trust in the boundary-setting process. While I do not believe that partisan 'gerrymandering' (changing electoral boundaries for political gain) is currently an issue in Scotland, it is important that the public perception of the process is that it is apolitical and that it is one that is future-proofed against any accusation or perception of politicisation. Politicians voting for or against changes to the boundaries of their own, or their party's, existing seats could give a perception of politicising an important foundation of our elections, and automaticity would help protect the independence of the boundary-setting process. Across the world, democratic norms have been eroded in recent years, and I believe that future-proofing systems such as this against bad-faith actors is an important step to take.

In the public consultation I held, the first question I asked was whether Scotland should adopt a system of automaticity. Of the responses received, there was not a clear consensus on whether the process should be changed to automaticity or not. There was a range of views put forward on the matter by members of the public and organisations, however the main themes that came through the consultation were ensuring that boundary reviews were, and appeared, politically impartial, and the need to ensure there was sufficient scrutiny throughout the process. On the question of how best politicians should interact with boundary reviews, individual respondents largely thought there should be a formal role for parliamentarians, however most respondents thought their contributions would be most appropriately made as part of the public consultation. A clear thread through the diverse views put forward was that scrutiny of proposed boundary changes was important, whether this scrutiny role rests with Parliament or through improved and enhanced consultation processes.

Taking the views expressed in the public consultation and stakeholder engagement into account, I recommend that the process used to implement reviews of electoral boundaries change to one of automaticity:

1. Scotland should adopt a process of automaticity for reviews of Scottish Parliament constituencies and regions, and for local government ward boundaries and councillor numbers. Boundary reviews should not be subject to a vote in Parliament as they are at present but, following consultation, Boundaries Scotland will be able to make the final decisions on electoral boundaries.

Automaticity would mean that proposals and subsequent decisions on boundary changes would be made by Boundaries Scotland at all stages of the process. I believe that this would offer protection from possible perceptions that the approvals process is in some way political, or subject to pressure from political figures. Automaticity would align Scotland with international best practice, where many comparable countries do not allow politicians to vote on boundary changes. While legislation would continue to be required to implement boundary changes and make them law, this legislative process should be one where there is no discretion as to whether the changes are approved or not.

2. The Scottish Parliament and local authorities should be statutory consultees for the relevant electoral boundary reviews. This should take place as the first round of consultation.

It is my view that while the Scottish Parliament should not be able to approve or reject recommendations made by Boundaries Scotland, it is important for politicians to have an appropriate place to express their views during boundary reviews. There should be sufficient time for a meaningful period of engagement with parliamentarians, such as an 8-week consultation period, however the exact method by which the Parliament gathers views and responds during this period should be up to the Parliament itself to decide. I anticipate that under current practices of scrutiny, a Parliamentary Committee may be the most appropriate forum for gathering and reporting on views of interested MSPs, however it may be that a wider whole Parliament exercise is deemed a more appropriate way of enabling a greater number of parliamentarians to contribute.

This recommendation would bring the way that elected representatives are consulted during reviews of Scottish Parliament constituencies and regions into alignment with how, under the current system, local authorities are consulted during reviews of local government electoral arrangements. Currently, local authorities are consulted at the beginning of reviews of local government electoral arrangements – a system which Boundaries Scotland and COSLA have indicated works well most of the time.

Consulting the Scottish Parliament at the beginning of a review, I believe, strikes a balance by ensuring that politicians with valuable experience and local knowledge of their communities are consulted early and can fully contribute to boundary reviews. However, they would no longer have an effective power of veto over changes to their own seats for Scottish Parliament reviews. Furthermore, removing the ability of MSPs to vote on local government electoral arrangements removes the potential opportunity for councillors or party representatives to lobby Parliamentarians to accept or reject boundary recommendations.

Public Consultation

While the primary focus of this Review, and my report, has been to consider the way electoral boundary changes are approved and implemented, I am firmly of the view that any recommendation for changes to the end of the boundary-setting process should come with improvements to all stages of the process. Public consultation rightfully makes up a key part of the current system, but feedback from the public and stakeholders throughout this Review has made clear that existing practice could be improved.

Currently when Boundaries Scotland undertake reviews, the consultation process for Scottish Parliament and local government boundaries are different from each other.

For Scottish Parliament boundaries, Boundaries Scotland makes initial proposals which are then subject to a public consultation. This consultation lasts 4 weeks, after which Boundaries Scotland considers the consultation responses and publishes any updated proposals for the boundaries. Another one month round of consultation is then held, and this process repeats until final recommendations are made. Feedback from members of the public and from Boundaries Scotland has shown that this system is not fit for purpose. Many people feel that 4 weeks is not a long enough time for a consultation, as groups such as local authorities or community councils often need longer than that to consider, draft and approve a response. This is particularly difficult for some community council groups who meet less regularly than every 4 weeks. The repeating rounds of consultation do not have a set out end point, and this makes planning reviews difficult for Boundaries Scotland.

For reviews of local government wards and councillor numbers, Boundaries Scotland must initially consult with local authorities for a 2-month period before holding a public consultation. Recommendation 2 is to maintain this period of engagement with local authorities and introduce a comparable process for reviews of Scottish Parliament boundaries.

During local government ward and councillor reviews, after consulting local authorities, Boundaries Scotland holds a 12-week public consultation. This consultation allows members of the public and organisations to respond to the initial proposals, and indicate support for or raise any issues or concerns they may have about proposed changes to boundaries.

There are a variety of approaches to public consultation in other countries whose systems were considered during this Review. In the UK when Westminster constituencies are reviewed, there are three rounds of consultation with the public, lasting 8 weeks, 6 weeks, then 4 weeks. A similar process takes place for reviews of Welsh Senedd constituencies. In Australia, the public are first asked for suggestions

for how existing boundaries should change in a 5-week period. This is followed by a 2-week period where people can comment on the suggestions, before the Redistribution Committee (a boundary commission equivalent) draw proposed boundary changes which are then subject to a 4-week public consultation period. These examples suggest that there is not an obvious single case of best practice for how to conduct a public consultation, with varying formats and lengths of public consultation.

The public consultation I conducted as part of this Review asked a number of questions relating to Boundaries Scotland's consultation processes, and possible ways to improve them. A theme that was evident in a number of consultation responses, and in my ongoing engagement with stakeholder organisations and members of the public throughout the Review, was that the process of consulting was complex and sometimes confusing. Some people felt they were unable to engage meaningfully with the process, either due to not knowing a review that might affect their boundaries was happening until it was too late, or feeling that the time to respond to consultations was insufficient.

I suggest that 'front-loading' the information that is available to the public could help improve general understanding of the purpose of the boundary review, as well as the broad principles that will inform any proposed changes.

3. Boundaries Scotland should publish notifications of upcoming consultations as part of its reviews, giving individuals and groups information on the key issues which will be considered as part of the review. Boundaries Scotland should consider how best to improve communication with the public about upcoming and ongoing reviews.

I believe that if members of the public had an early understanding of why electoral boundaries need to be amended periodically, this could help diffuse tension which sometimes occurs once changes have been suggested. For example, demographic changes and population movement across the relevant area could be described in broad terms in a publicly available document. One such example from the most recent review of Scottish Parliament constituencies and regions is the gradual shift of population from the west to the east of Scotland resulted, in essence, in an additional constituency in the east of Scotland, with a corresponding loss of one constituency from the west. While this description is a simplification of complex population data and its impact on electoral boundaries, this kind of early information and explanation could help inform people's views before proposed changes to boundaries are published.

This would also be a helpful point in the process to remind people what electoral boundaries do and do not affect, and what impact they have on local communities. It

is clear that some people misunderstand their electoral boundaries, confusing them with local authority boundaries or changes to local services. I believe there are some who would benefit from an information document clearly setting out that these kinds of boundary reviews only change the constituency or ward represented by an elected member, and not, for example, access to local services, school catchment areas, or council tax rates. This document could also clearly set out the process and timescales for when the public can make their views heard, whether that be in public consultation, or in consultation events. In terms of timing, this information document could be published in tandem with the statutory consultation with Parliament or local authorities, but I believe Boundaries Scotland should have the flexibility to judge how best to inform people of the document and reviews.

4. Consultation processes for reviews of Scottish Parliament constituencies and regions, and local government electoral arrangements should be made as similar as possible to aid public understanding and consistency of process.

Consistency in the processes between the different types of boundary reviews, where possible, should aid public understanding of what can be a complex and difficult to navigate system. Feedback from some stakeholders and members of the public was that in some cases, it felt like boundary reviews were taking place too regularly, with confusion between the boundaries for different levels of government.

Alignment of boundaries across elections, as some called for in the consultation and other engagement throughout this Review, is not possible due to the differences in electoral systems and significant differences in size and electorate of constituencies versus wards. The systems are further complicated by the fact that UK-wide Westminster constituency reviews are outwith the control of the Scottish Parliament to legislate on. However, while there will always be a degree of divergence between the system at UK-level, and the recommendations I have made for Scottish Parliament and local government reviews, there would be increased alignment through the collective recommendations I make in this report.

5. Public consultation on proposals should last for 12 weeks. This should come after the statutory consultation with Parliament or local authorities, and be followed by a final round of consultation on the revised proposals lasting at least 4 weeks.

Currently, Boundaries Scotland consults publicly for a 12-week period when conducting reviews of local government electoral arrangements (following a consultation with local authorities). This contrasts to the one month repeating rounds of consultation which take place during Scottish Parliament boundary reviews.

I recommend that both kinds of electoral boundary reviews should have the same process, where the first round of public consultation takes place for 12 weeks. This will give a longer period for individuals and organisations to respond to the public consultation, and provide certainty over the length of consultations.

A desire for a longer consultation period was a key response put forward in the public consultation held as part of this Review. While the most popular timeframe given by consultees was an 8-week period, I believe the 12 weeks available for consultation during reviews of local government electoral arrangements, which is the current practice, works well for most people and organisations. A point of view put forward by some consultees, and by organisations and people I met, was that the public consultation during boundary reviews should be open long enough for community groups and other interested parties that meet infrequently to consider and respond. One example is community councils that might meet less frequently than monthly needing more time to respond.

In similar fashion to the way Westminster constituency reviews are conducted, I recommend that after Boundaries Scotland has considered the responses from the public consultation and made any amendments to its proposals, there should be a final consultation period of at least 4 weeks for people to provide final views on the proposals. I anticipate that this final consultation period will result in far less significant changes to boundaries than the previous rounds of proposals. Instead, it allows for smaller details to be corrected or improved. The shorter time frame for consultation at this stage reflects this different emphasis of the kind of consultation which is being sought.

In totality, what this process would look like for both Scottish Parliament and local government electoral boundary reviews is:

- An initial consultation with the Scottish Parliament or local authorities is held, lasting 8 weeks.
- At the same or similar time, Boundaries Scotland publishes an information document aimed at informing the public of the start of a review, the planned timeline of consultation, and the broad principles informing the review.
- A 12-week public consultation on the initial proposals is held, and following this Boundaries Scotland publishes revised proposals.
- A further consultation period of at least 4 weeks is held on the final proposals, following which Boundaries Scotland can make further changes and refinements if necessary.

Consultation Events and Engagement

Alongside the opportunities for people to provide written responses to Boundaries Scotland through the public consultation process, consultation events are also held as part of most boundary reviews. During reviews of Scottish Parliament and local government electoral boundaries, these are called local inquiries.

Under current rules, for both types of reviews, local inquiries are held if Boundaries Scotland so chooses, or if local councils or a body of at least 100 electors (500 for Scottish Parliament regions) lodge an objection to the recommendations. Local inquiries are meetings chaired by an independent figure, often a judge or Sheriff Principal, and allow people to put their views forward on changes in a specific area. A summary of the issues raised is then prepared by the Chair of the inquiry.

Through discussions with members of the public, and with Boundaries Scotland, it became clear to me that the format of local inquiries has become outdated, and does not fully meet expectations around modern engagement and consultation. Local inquiries are primarily evidence gathering sessions, where members of the public or organisations can make representations to the Chair of the inquiry. While Boundaries Scotland provides a briefing and short speech for the Chair to use at the meeting, there is no opportunity for Boundaries Scotland to respond to questions or provide further explanation on the day as to why a particular boundary change was proposed, or other relevant information. Public consultation events should, above all, promote understanding of the issues being considered among the public and help them provide meaningful feedback to Boundaries Scotland. This was a point of view that was frequently raised in the public consultation conducted as part of this Review, with many calling for modernisation of the consultation process and consultation events, in order to maximise understanding and participation.

I suggest that public hearings are a more appropriate forum for meaningful consultation, as while they are still often chaired by a senior independent figure, the format allows for more conversation and explanation between parties. The term 'local inquiry' may also put off members of the public from taking part as it is not a common form of consultation and risks being confused with public inquiries or other events with different legal status.

6. Local inquiries should be replaced with public hearings, as the format is more in line with current public expectations of consultation events. There should be a set number of public hearings, with sufficient geographical spread.

7. Boundaries Scotland should have discretion to hold public consultation events, including public hearings, in the format that allows for most effective engagement, including the option to hold digital, or hybrid events.

The rules which determine when local inquiries are held can be challenging for members of the public to navigate. The ability for a 'body of at least 100 electors' to lodge an objection to the recommendations and trigger a local inquiry is a high hurdle to clear, as the types of body that would qualify are less common than in the past, and 100 electors represents an increasingly arbitrary figure. I believe there should be a clear number of public hearings that are known early on in the process and not contingent on the number of objections being lodged as they are at present. There should be sufficient geographical spread to allow in-person attendance for those who wish, for example, one per Scottish Parliament region, or one or two per local authority for local government reviews. Consideration should be given as to how best to reach residents of remote, rural and island communities.

Notwithstanding a requirement to hold public hearings, I believe Boundaries Scotland should have sufficient flexibility to choose how many events are held for any given review. These events, and others, should be able to be held in a range of formats, including hybrid or digital, to better reflect modern consultation practices. The geographical challenges of conducting in-person events, particularly in rural and island communities means that technology should be employed where possible to widen access. It is the ability to access consultations and consultation events that many members of the public feel is lacking or needs improved, and my experience of holding a mix of in-person, hybrid, and online engagements throughout this Review is that it helped people up and down the country to engage and contribute to the results discussed in this report.

8. Boundaries Scotland and the Scottish Government should consider how best to simplify language used around reviews of electoral boundaries, and take steps to ensure that processes and proposals are clearly communicated to the public.

Throughout the course of consulting for this Review, much of the feedback I heard from members of the public was about the complexity and difficulty of engaging with consultations on changes to electoral boundaries. I believe that both Boundaries Scotland, when consulting and publishing documents and reports, and the Scottish Government, when designing legislation and policy, should ensure that the language used is as accessible and meaningful to the public as possible.

I acknowledge that there are by necessity technical and detailed aspects of legislation and the processes which underpin boundary changes, however every effort should be made to remove jargon and simplify explanations, in order to aid as

full and meaningful a process for as many people as possible. I heard from members of the public who struggle to engage with boundary reviews due to the complexity and jargon-heavy technical language that is sometimes used. While, of course, Boundaries Scotland should ensure the information it publishes is accurate, I believe more emphasis on clearer language that members of the public who are less confident engaging with these kinds of processes can engage with would be advantageous.

Structure of Boundaries Scotland and Additional Scrutiny

As part of this Review, it was necessary to consider whether any supplementary changes would be required or desired as a result of a change to the approvals process for electoral boundary changes. The structure and resources of Boundaries Scotland was a logical area to consider in this context.

Automaticity would mean that Boundaries Scotland goes from being an advisory body which makes recommendations, to a decision-making body. It is therefore important to consider whether the processes and rules around who makes these decisions are fit for purpose.

Boundaries Scotland is an advisory non-departmental public body which is made up of a number of Commissioners. Commissioners are politically neutral people who are appointed by Scottish Ministers, after being recommended through a public appointments process which is overseen by the Ethical Standards Commissioner. There are no specific requirements such as experience or professional qualifications that dictate who can and cannot be a Commissioner, however it is common for Commissioners to have experience in fields such as academia, local government, public administration, data processing or communications.

While Ministers have the power to appoint Commissioners, Boundaries Scotland works independently and makes its own decisions about how reviews are conducted, as set out in legislation. It is supported by a small secretariat team made up of civil servants, who manage the administration of Boundaries Scotland. Boundaries Scotland's budget is provided by the Scottish Government, and is used for paying for the operating costs, for example, the costs of conducting reviews, secretariat salaries and Commissioners' fees.

Different countries have a range of different approaches to who sits as members of boundary commissions. In the UK (Westminster), Australia, New Zealand and Canada, a current or retired judge sits on or chairs the boundary commission. Some consider the involvement of the judiciary in these kinds of processes as a way of improving trust in the independence of the boundary commission.

It is also common to have senior public servants in specific roles either sit as members or as advisors on boundary commissions. For example, the Director General of Ordnance Survey (a mapping expert) and the Registrar General from the National Records of Scotland sit as advisors to the Boundary Commission for Scotland (the Commission which reviews Westminster constituency boundaries in Scotland). Similarly, in Australia membership includes the Surveyor-General and the Auditor General.

In some other countries, the Electoral Commission (or comparable body) plays a role in boundary reviews. In Australia, the state Electoral Commissioner sits on the boundary commission (called the Redistribution Committee) for each review of constituencies within a state. Similarly in New Zealand, the Chief Electoral Officer from the Electoral Commission sits on the boundary commission for national constituencies. The Electoral Commission also provides secretariat support to boundary commissions in some other countries.

In the consultation for this Review, I asked whether any changes should be made to the membership of Boundaries Scotland, or the appointment process. There were a variety of views. While there was a split in people and organisations who said changes should be made or not, there was a general consensus among respondents that the important aspect of the membership of Boundaries Scotland was the political independence of its Commissioners. While some responses questioned whether the Ministerial appointment process was the most appropriate one for selecting Commissioners, there did not appear to be a strength of feeling that the current process of appointments was not fit for purpose.

Some consultation responses noted that the inclusion of public servants with particular skill sets (such as surveyors or mapping experts) would be welcome, however there was again no broad consensus on this point among respondents. Boundaries Scotland in its response noted that existing powers allow for persons with expert knowledge to be appointed to assist Boundaries Scotland, and that it welcomed this flexibility.

I have considered the engagement and consultation responses on whether a move to a system of automaticity would merit changes to the membership of Boundaries Scotland. While there was not a clear consensus on membership and the appointment process among those who responded to the consultation, there was also limited criticism of the existing process and make-up of Boundaries Scotland. While I can see merit in requiring advice from professional bodies such as Ordnance Survey, I believe the existing appointment process has sufficient flexibility to allow for particular skills or experience to be specifically addressed. I am therefore not recommending changes to the membership of Boundaries Scotland be made as a result of a move to automaticity.

That said, I believe that there are further ways that public trust in the changes that would be made by Boundaries Scotland can be improved. I believe it is important that scrutiny and accountability are central components of automaticity, despite the removal of Parliamentarians from deciding on recommendations passing or not. For this reason, I recommend that the Electoral Commission be required to report on Boundaries Scotland reviews as a statutory part of the process.

9. The Electoral Commission should provide an extra level of scrutiny by reviewing the process followed by Boundaries Scotland and reporting on it after the final stages of an electoral boundary review.

Automaticity means that a form of scrutiny under the existing process, Parliamentary Committee consideration and a vote in the Scottish Parliament, will no longer take place. I believe that scrutiny of Boundaries Scotland's proposals should not be 'downgraded' – or be seen to be – as a result of automaticity, and consider that the Electoral Commission would be the appropriate body to report on the process followed by Boundaries Scotland, as well as engage with Boundaries Scotland throughout the process of conducting reviews.

The Electoral Commission is the independent electoral regulator for elections in all parts of the UK, and is responsible for overseeing elections and electoral finance. One of the Electoral Commission's responsibilities is to consider and report on aspects of the electoral process. Some examples of its reports are those published after each major election, how Returning Officers fulfilled their legal duties in delivering an election, and reporting on the accuracy and completeness of the electoral register. In this context, the Electoral Commission is the logical body to report on the process Boundaries Scotland follows when conducting a review of electoral boundaries.

The purpose of the Electoral Commission considering and reporting on Boundaries Scotland's reviews would be to scrutinise the process that has been followed throughout the review, as well as the adherence to legislation when setting boundaries. I do not suggest the purpose of this report to be for the Electoral Commission to propose alternate boundaries, or to attempt to 'edit' the boundaries drawn by Boundaries Scotland in its reports, nor is it for the Electoral Commission to be involved in auditing spending by Boundaries Scotland. Instead, it would be an opportunity to scrutinise the process followed by Boundaries Scotland, which would also receive recommendations from an independent body with expertise working in electoral and legislative contexts. I anticipate that this would resemble a kind of 'lessons learned' report alongside some form of declaration of assurance which, as well as providing independent assurance of the process followed, would allow Boundaries Scotland to constantly build on and refine its processes and practice across reviews.

As well as publishing a report after the end of the review has taken place, the Electoral Commission would engage with Boundaries Scotland on a more informal basis throughout boundary reviews, to discuss best practice and planned public engagement. This informal engagement would allow Boundaries Scotland to address any potential issues before they impact on the end product of the review.

Other considerations

Through the process of consulting with stakeholders and the public during this Review, it became clear that there were strong views that aspects of the wider rules around reviewing electoral boundaries are not as clear or as good as they could be. This was expressed most strongly in discussions about the current criteria Boundaries Scotland follow when deciding where to draw electoral boundaries as part of a review.

One of the considerations when drawing electoral boundaries is to ensure each constituency or ward within an area contains the same number of people on the electoral register – this is often referred to as *parity*. Boundaries Scotland must abide by parity as much as possible, but reviews for Scottish Parliament or local council boundaries currently do not have a rule for a strict percentage of leeway, as seen in some other countries. For example, UK Parliamentary constituencies can be no more than 5% higher or lower than strict parity, and Welsh Senedd constituencies can be no more than 10% higher or lower than strict parity.

Other countries also have limits on the deviation from parity, such as in Australia where constituencies must be within 3.5% of parity (using forecasted electorate data), or New Zealand where parity can deviate by no more than 5%. Further detail on international comparisons can be found at **Annex B** of this report. The Council of Europe's [Venice Commission report 'Code of Good Practice in Electoral Matters'](#) sets out guidelines on equal voting power, noting that in terms of departure from the idea of parity:

“The permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances...”

When setting Scottish Parliament constituencies, Boundaries Scotland also has to take into account local authority boundaries, special geographical considerations and local ties and inconveniences caused by altering existing boundaries. For local authority ward boundaries, effective and convenient local government is the fundamental principle. Other factors to be considered are, special geographical considerations, future electoral change, local ties and whether boundaries will be easily identifiable. These may include electoral wards (when reviewing Scottish Parliament constituencies), traditional village boundaries, or natural boundaries such as rivers or mountain ridges. When local government ward boundaries and councillor numbers are reviewed, Boundaries Scotland is permitted to allocate wards with only 1 councillor when the ward is wholly or mainly comprised of inhabited islands. Non-island wards can have between 2 and 5 councillors.

Many members of the public, and some organisations noted the complexity of the rules and the way that they intersect. There was a significant amount of confusion

about the purpose of boundary reviews and the practical impact of changes to electoral boundaries. There were comments made by some local councillors which suggested that they believed that reviews of electoral arrangements in their council area would have impacts on council taxes, when in fact these reviews only impact the ward boundaries and numbers of councillors elected in each ward. Similarly, there were strongly held views by members of the public that electoral boundaries had a significant impact on local communities, with impacts on services, and a view that changes in electoral boundaries were divisive for communities. This was sometimes framed as Boundaries Scotland 'playing a numbers game', demonstrating a lack of understanding of the principle of parity in reviewing electoral boundaries, and the relationship between parity and considering local ties.

I believe that in order to clarify the rules Boundaries Scotland follows when reviewing electoral boundaries, there should be a clear limit on the extent to which it can deviate from parity.

10. The rules Boundaries Scotland follows when drawing boundaries should be clarified to aid understanding of the criteria. There should be a 15% limit to the degree to which parity can be deviated from.

While acknowledging the impact some members of the public feel that changes to electoral boundaries have on community ties, I believe that the core reason that electoral boundaries are regularly reviewed should be re-emphasised and left in no doubt. That is to ensure that votes in different parts of the country or local authority are worth roughly the same, and that representatives represent a similar number of electors.

A limit on the deviation from parity means that while local ties and communities can and should very much continue to be taken into account, this would be balanced against ensuring the value of each elector's vote is not deviated from too significantly. The existing rules offer significant flexibility for Boundaries Scotland to amend electoral boundaries while respecting a broad range of local ties, and the ability to amend the number of councillors within each ward is another tool available to Boundaries Scotland to ensure that parity is maintained.

There are parts of the country where limits on the deviation from parity would be felt more sharply than others. In particular, island communities have distinct geographical considerations, as well as obviously defined community boundaries in most places. For this reason, I recommend that wards which contain inhabited islands be exempt from the 15% parity rule when Boundaries Scotland conducts reviews of local government electoral arrangements. This would ensure the principles of the Islands Act 2018 are respected. For local ward boundaries, each calculation for parity would continue to take place within each review of local

government electoral arrangements (i.e. each local government area would have its own calculation) rather than one parity calculation taking place across all of Scotland.

The 15% rule would also be in place for Scottish Parliament constituency reviews, with the exception of the protected island constituencies (Orkney, Shetland, and Na h-Eileanan an Iar). It would not apply to the reviews of Scottish Parliament electoral regions, as this would cause difficulty to resolve issues for the region that consistently includes all three of the protected constituencies listed above.

11. Legislation flowing from recommendations in this report should ensure that Boundaries Scotland's independence, and its role in making final decisions, is clear.

The central aim of a move to automaticity is to protect and enhance the independence of Boundaries Scotland, and to ensure that it is able to review and adjust electoral boundaries in an apolitical and independent manner. In order to do this, legislation will be necessary to change the existing system and to introduce automaticity. While not every recommendation or suggestion in this report requires a change in law in order to be implemented, the Scottish Parliament should progress legislation which, above all, ensures Boundaries Scotland can continue to work independently, and in the interests of the Scottish people.

Annex A - Proposed process of reviews of electoral boundaries

- Pre-review period: Boundaries Scotland publicises upcoming review, key dates, and broad parameters for change. Boundaries Scotland prepares initial proposals.
- Stage 1: **8-week statutory consultation** on initial proposals with Scottish Parliament or local authority
- Boundaries Scotland may amend initial proposals in response to Stage 1 statutory consultation.
- Stage 2: **12-week public consultation** on proposals, including events such as public hearings.
- Boundaries Scotland may revise proposals in response to Stage 2 public consultation.
- Stage 3: **public consultation lasting at least 4 weeks** on revised proposals.
- Boundaries Scotland may make **final amendments** to the proposals, and **publish final changes**. The Electoral Commission publishes a 'certificate of assurance' alongside the final report.
- Boundaries Scotland's Report is submitted to Scottish Ministers who are required to **lay legislation to give effect to the changes** and which is not subject to Parliamentary approval.

Annex B – International comparisons

UK (Westminster constituencies)

When the four UK Boundary Commissions recommend boundary changes for the UK Parliament, they are approved by an automatic process.

Boundaries criteria: In redrawing UK Parliamentary constituency boundaries, the following criteria must be followed or taken into account:

- Number of electors in each constituency cannot be more than 5% over or under the electorate quota. This is subject to an area rule. If a constituency is greater than 12,000 km² the Commission can recommend a constituency outwith the 5% rule. However no constituency can be greater than 13,000km²;
- Account paid to special geographical considerations (size, shape, accessibility), local government boundaries and local ties.
- There are a small number of 'protected' constituencies which are not subject to regular reviews.

Approval Process: Final recommendations made by the Boundary Commissions are submitted to the Speaker of the House of Commons and the relevant UK Secretary of State. A draft Order in Council must then be submitted which gives effect to the recommendations made within four months of the final recommendations being submitted. There is no parliamentary debate or opportunity for MPs or Ministers to vote on or reject the recommendations made by the Boundary Commissions. However, a statement of modifications can be made in that four month period.

Consultation: The Boundary Commissions publish initial proposals which are subject to an 8-week public consultation period. Once the representations are published, another 6-week secondary consultation follows. Public hearings across the UK are held during the secondary consultation and between 2-5 can be held in Scotland. Following these public hearings and the secondary consultation, revised proposals are published and a further 4-week consultation period is held. Final recommendations are then laid before Parliament.

Commission membership: Each of the four Boundary Commissions is chaired by the Speaker of the House of Commons (who takes no part in the review), with the deputy chair being a judge of the Court of Session (Scotland) or High Court (other UK countries). The Commissions have two other members appointed by a Secretary of State through a public appointments process. They are assisted by the Director General of Ordnance Survey, as well as the Registrar General of National Records (in Scotland) or Statistics Board but they are not full members of the commissions.

Wales (Senedd constituencies)

The Senedd Cymru (Members and Elections) Act 2024 renamed the boundary commission to the Democracy and Boundary Commission Cymru (DBBC) and saw the body adopt the responsibility to conduct periodic reviews of Senedd Cymru constituencies, as well as its previous responsibilities pertaining to Local Government. The first review will create 16 Senedd constituencies by pairing the 32 parliamentary constituencies recently recommended by the Boundary Commission for Wales. The new constituencies will take effect at the 2026 Senedd elections. Constituencies will be reviewed every eight years and the legislation implementing proposals is laid under no procedure (ie no parliamentary vote).

Boundaries criteria:

- Each Senedd constituency must be within an electoral quota variance of no less than 10% over or under the electoral quota. The electoral quota is the electorate of Wales divided by 16 (which is the number of Senedd constituencies).
- The Commission must seek to minimise the number of changes to Senedd constituencies and have regard to the inconveniences caused by the making of any changes.

Commission membership: A Chair, Deputy Chair and between 1 - 7 Commissioners. All members are appointed by Welsh Ministers in a public appointments process.

Consultation: The DBCC publish an initial report with proposals for an eight-week period of consultation. Once the representations are published, the second period for representations commences and lasts for six weeks. During the second period for representations, the Commission must hold between two and five public hearings. At the end of the second period the Commission must make and publish a second report, which sets out the detail of any changes made to the initial proposals and an explanation of why those changes have been made, or a statement that they do not consider any change appropriate. A third and final period for representations lasts four weeks (beginning with the date the second report is published). Following the third period, the Commission make and publish a final report and submit it to Welsh Ministers.

Approval process: Where changes are required to be made to Senedd constituencies, Welsh Ministers must make regulations giving effect to the determinations made in a final report of the Commission as soon as reasonably practicable after laying the report before the Senedd and, unless there are exceptional circumstances, before the end of the period of 4 months. Regulations under this section are to be made by statutory instrument, and while they are not subject to any procedure within the Senedd, the statutory instrument containing the

regulations must be laid before the Senedd as soon as reasonably practicable after the regulations are made. The effect of these changes has been to align the Welsh boundary approval process with the procedure used for UK electoral boundaries.

Australia (Federal constituencies)

Australia reviews its Federal constituencies (national, House of Representatives) through a process of automatic approval through an augmented commission, at the level of each state or territory. The initial recommendations made by a Redistribution Committee are then publicly consulted on, and responses considered by a larger committee, before being automatically approved.

Boundaries criteria: In redrawing constituency boundaries within each state or territory, the following criteria are followed:

- Numerical quota of within 3.5% of electoral parity. Projections for future population are taken into consideration, and some constituencies are deliberately under or over-estimated to account for expected population change within 3 and a half years (half of the maximum 7-year period between reviews).
- Community interests within the proposed electoral division, including economic, social and regional interests.
- Means of communication and travel within the proposed electoral division.
- Physical features and area of the proposed electoral division.
- Existing boundaries of divisions in the state or territory.

Commission membership: A Redistribution Committee is formed for each state and territory when a boundary review commences. The membership of the Committee is the Electoral Commissioner, the Australian Electoral Officer for that state or territory (in most cases), the Surveyor-General and the Auditor-General. The Augmented Commission consists of the initial Redistribution Committee, with the addition of the Chair of the Electoral Commission (generally a current or retired Federal judge), and an additional member of the Electoral Commission. The appointments of these Commissioners is set out in the Australian Constitution, and a senior Federal judge recommends a short list of judges to the Governor-General, who appoints the Chair of the AEC.

Consultation: The Redistribution Committee invites initial written suggestions for changes to constituencies over a 5-week period, which is followed by a 2-week period where the public can respond to any of these suggestions. The Redistribution Committee then draws proposed boundary changes which are subject to a 4-week period where the public can make objections. The Augmented Electoral Commission then considers these objections, and may hold public inquiries as part of this.

Approval process: The Augmented Electoral Commission then proposes a final recommendation, which is sent to the relevant Minister, and then must be tabled in Parliament within 5 days. There is no opportunity for parliamentarians to amend or reject the proposed changes in any way, nor are the proposals subject to any appeal or legal challenge. It is an offence punishable by fine or imprisonment to seek to influence improperly members of either the Redistribution Committee or the Augmented Electoral Commission.

New Zealand

New Zealand reviews its constituency boundaries using a system of automaticity. Constituencies are divided between the North and South Islands, and also provide for distinct Māori electorates.

Boundaries criteria: The following criteria are taken account of when redrawing constituency boundaries:

- The number of people in each constituency cannot be more than 5% above or below electoral parity – population, not number of electors is used.
- existing electorate boundaries.
- communities of interest — including indigenous affiliations in Māori electorates.
- the infrastructure that links communities, such as main roads.
- topographic features such as mountains and rivers.
- projected variations in electoral populations over the next 5 years.

Commission membership: Boundaries are reviewed by a Representation Committee made up of public officials and political figures. The Commission is generally chaired by a current or retired judge. The most recent Commission also consisted of the Surveyor-General, the Deputy Government Statistician, the Chief Electoral Officer, the Local Government Commission Chair, and one political representative each from the Government and the Opposition. When considering Māori electorates, the Commission also included a Deputy Secretary from the Ministry of Māori Development, and a Government and Opposition Māori representative.

Consultation: The Representation Committee publishes initial proposals for constituency boundaries, which are subject to public consultation. Any submissions by the public or by political parties are considered, and final recommendations are made for the revised boundaries.

Approval process: The Electoral Commission presents its recommendations directly to the Governor-General at the same time as they are tabled in Parliament, however outside of the public consultation period, there is no opportunity for Parliamentarians to object to or vote on the recommendations.

Canada (Federal constituencies)

Canada reviews its Federal constituency boundaries using a form of return automaticity. Proposals are written by a commission for each Province, and are sent to Parliament where written objections can be filed by MPs. The objections are then considered by the Commissions, and final recommendations are passed automatically.

Boundaries criteria: The following factors are taken into account when redrawing constituency boundaries:

- Population should be as close as possible to parity (may depart from parity by no more than 25% if other factors are taken into consideration).
- the community of interest or community of identity in or the historical pattern of an electoral district in the province.
- a manageable geographic size for districts in sparsely populated, rural or northern regions of the province.

Commission membership: As in the UK there is not a single boundary commission but federal constituencies are drawn by separate provincial commissions. They consist of the following: a judge chairs the commission, and is appointed by the chief justice of the province. Two further members are appointed by the Speaker of the House of Commons, who chooses two residents of the province they deem appropriate. The commission also considers population reports and maps prepared by the Chief Statistician and Chief Electoral Officer.

Consultation: For federal constituencies, each provincial commission publishes a boundary proposal for its province, and a public consultation period is held which includes at least one public hearing per province. The commission finalises its report following the consultation, and the report is sent to the Speaker of the House of Commons, where it is tabled and referred to a parliamentary committee.

Approval process: MPs are able to table objections to the report, however any written objection must be co-signed by a minimum of 10 MPs. The report is returned to the commission with any approved objections, and a final report is written by the commission. The Electoral Commission drafts an Order describing the electoral districts published by the boundaries commission, and it is sent to the responsible Minister. Within five days of receipt by the Minister, the Order is declared to be in force by the Governor-in- Council.

Annex C – Terms of Reference of the Review

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.



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