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Standards, Procedures and Public Appointments Committee

Subordinate legislation considered by the Standards, Procedures and Public Appointments Committee on 12 and 26 June 2025



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Standards, Procedures and Public Appointments Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- (a) the practice and procedures of the Parliament in relation to its business;
- (b) whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;
- (c) the adoption, amendment and application of any Code of Conduct for members;
- (d) matters relating to public appointments in Scotland;
- (e) matters relating to the regulation of lobbying; and
- (f) matters falling within the responsibility of the Minister for Parliamentary Business.

2. Where the Committee considers it appropriate, it may by motion recommend that a member's rights and privileges be withdrawn to such extent and for such period as are specified in the motion."



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Scottish Parliament (Disqualification) Order 2025

About the Order

1. A draft Order was laid before the Parliament on 22 May 2025. Following questions being raised with the Scottish Government by the Delegated Powers and Law Reform (DPLR) Committee, the instrument was withdrawn on 3 June 2025 and re-laid on 6 June 2025.
2. The purpose of the Order is to update the list of office-holders who are disqualified from being a member of the Scottish Parliament. The objective is to provide a sufficient degree of separation between the Parliament and the holders of various public offices so as to help guarantee their independence from one another.

Consideration by the Delegated Powers and Law Reform Committee

3. As noted above, [questions were put to the Scottish Government](#) by the DPLR Committee. Those questions related to the names of a number of the bodies identified in the instrument and to the order in which bodies are set out.
4. The DPLR Committee considered the re-laid instrument on 17 June 2025 and reported on it in its [48th Report, 2025](#). The DPLR Committee made no recommendations in relation to the instrument but noted that it had been withdrawn and re-laid and welcomed the undertaking from the Scottish Government to consider the order in which entries appear to make it as clear as possible in the future.

Consideration by the Standards, Procedures and Public Appointments Committee

5. The Committee considered the Order at its meeting on 26 June 2025., taking evidence from the Minister for Parliamentary Business ('the Minister') and Scottish Government officials before considering whether to recommend approval of the Order to the Parliament.
6. The Minister outlined the purpose of the Order, the steps through which amendments to the list of office-holders disqualified from holding office as Members of the Scottish Parliament were identified and the reasons for the withdrawal and re-laying of the Order.
7. The Committee explored a number of issues with the Minister, including:

- Whether there were any steps that the Government had considered to improve the process for identifying relevant office-holders
 - Whether consideration had been given to identifying the additions, removals and amendments being made in the Order
 - The tests for identifying those office-holders that should be included in the Order.
8. Following the meeting, the [Minister wrote to the Committee](#) with a further response in relation to the question of providing more detail of the additions, removals and amendments being made, either in the Order or in accompanying documentation. In his letter, the Minister set out that "while under the terms of the law as currently prescribed for, including such detail in the legislation is unlikely to be possible, I do believe there may be scope for the Scottish Government to ensure such detail is set out in accompanying documents going forward." The list of changes made in this Order is included in the Minister's letter.
9. Following questions the Minister moved motion SM6-17706— That the Standards, Procedures and Public Appointments Committee recommends that the Scottish Parliament (Disqualification) Order 2025 [draft] be approved. The motion was agreed to.

Scottish Parliament (Constituencies and Regions) Order 2025

About the Order

10. The Scotland Act 1998 requires Boundaries Scotland to keep under review the boundaries of the Scottish Parliament. The [first review](#) was carried out in 2010 and was considered by the UK Parliament. Following the Scotland Act 2016, Boundaries Scotland were required to make a report to Scottish Ministers on the second review of Scottish Parliament Boundaries by 1 May 2025. Scottish Ministers are then required “as soon as practicable” after the submission of the report to lay before the Parliament a copy of the report and a draft of an Order in Council for giving effect to the recommendations contained in the report. The report and draft Order in Council were laid by Scottish Ministers on 22 May 2025.
11. The review by Boundaries Scotland began in September 2022 and encompassed 70 of the 73 Scottish Parliament constituencies and all 8 regions. The Na h-Eileanan an Iar, Orkney Islands and Shetland Islands constituencies are excluded from the constituency reviews but are included in the regional review. The [full report](#) can be viewed on the Boundaries Scotland website, along with maps showing details of the final proposed constituency and regional boundaries.
12. 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.
13. 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).

Consideration by the Delegated Powers and Law Reform Committee

14. 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."

Consideration by the Standards, Procedures and Public Appointments Committee

Evidence from Boundaries Scotland

15. The Committee took evidence on the review at its meeting on 12 June 2025. At that meeting the Committee took evidence from Professor Ailsa Henderson, Chair of Boundaries Scotland and Kirsty Mavor, Secretary to Boundaries Scotland.

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

16. 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

17. 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 [2022] 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

18. 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.”

19. 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.”

20. 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.”

Maps or descriptions

21. The Committee also sought to clarify with Boundaries Scotland what the ultimate arbiter is of boundaries - the maps set out in the report or the written descriptions. In response, Professor Henderson indicated that her understanding is that it is "the written descriptions as then applied to the digitised boundaries."

Lessons learned

22. 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.”

Evidence from the Minister

23. At its meeting on 26 June 2025, the Committee took evidence from the Minister and Scottish Government officials. In response to questions from the Committee, the Minister indicated his agreement with the importance of a lessons learned process to ensure that experiences from the conduct of the second review could be taken into account in the development of the third review.
24. The Committee also discussed with the Minister the separate independent review of the process for determining electoral boundaries being undertaken on behalf of the Scottish Government by Andrew Kerr. The Minister noted that this review, along with a lessons learned exercise being carried out by Boundaries Scotland, may identify future changes to primary legislation.
25. Following questions the Minister moved motion SM6-17707— That the Standards, Procedures and Public Appointments Committee recommends that the Scottish

Parliament (Constituencies and Regions) Order 2025 [draft] be approved. The motion was agreed to.

Conclusion

The Committee recommends to the Parliament that the Scottish Parliament (Disqualification) Order 2025 [draft] and the Scottish Parliament (Constituencies and Regions) Order 2025 [draft] be approved.

