

Reply from Minister for Parliamentary Business to Fergus Ewing MSP 13th June 2023

Minister for Parliamentary Business
Ministear airson Gnothaichean na Pàrlamaid
George Adam MSP/BPA



Scottish Government
Riaghaltas na h-Alba
gov.scot

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Fergus Ewing MSP
[Redacted]

Our Reference: 202300361163

Your Reference: Boundaries Commission proposals - Holyrood constituencies

13 June 2023

Dear Fergus,

Thank you for your email of 1 June 2023 to the First Minister. As the sponsorship of Boundaries Scotland lies within my portfolio responsibilities, I have been asked to respond.

I would like to thank you for putting your views forward as part of the ongoing consultation process led by Boundaries Scotland. The perspectives of MSPs are valued alongside any member of the public who wishes to respond. I encourage everyone with views on the initial proposals for Scottish Parliament constituency boundary changes to respond to the consultation which closes on 17 June 2023.

I note from your consultation submission that you have enquired about whether a local inquiry could be held to discuss the concerns that you have raised. I would highlight to you the circumstances under which local inquiries can be held as part of the Scottish Parliament constituency review process, as set out in [section 9, schedule 1 of the Scotland Act 1998](#). Namely, that a local inquiry will be held if a representation is made to Boundaries Scotland by a local council for an area containing the relevant constituency, or by a body of 100 constituents of that constituency (or 500 constituents in relation to a Scottish Parliament region). Furthermore, Boundaries Scotland have discretion to choose to hold a local inquiry for a constituency or region if they see fit following the consultation period.

On the specific concerns you have raised about the proposed boundary changes, it is important that I highlight that Boundaries Scotland is an independent, non-political body legally responsible for carrying out reviews of Scottish Parliament boundaries.

This helps to ensure that the process of reviewing electoral boundaries is free from political pressure. As such it would be inappropriate for me to comment on the specific proposals, or to meet with you for this purpose.

The work of Boundaries Scotland is key in maintaining the integrity of the democratic process in Scotland. I would like to thank you for your ongoing interest in, and contribution to, their work.

Kind regards

A handwritten signature in black ink, appearing to read 'George Adam', written in a cursive style.

GEORGE ADAM

Email from Fergus Ewing MSP to FM 1st June 2023

From: [Redacted] **On Behalf Of** Ewing F (Fergus), MSP

Sent: 01 June 2023 12:29

To: First Minister <FirstMinister@gov.scot>

Subject: Boundaries Commission proposals - Holyrood constituencies.

Dear First Minister,

Boundaries Commission proposals for boundaries of Holyrood constituencies

I am writing to attach a copy of my submission to the Boundaries Commission regards their proposals to amend the current constituency boundaries in Scotland for the Scottish Parliament General Elections.

In doing so, I have argued that the Highlands with a population nearly that of Belgium deserves more than three seats out of 73. In particular I would suggest four seats would be fairer and redress what appears to me to be a democratic deficit. I would be grateful to meet you to discuss this proposal and to see if you will make representations to the Boundaries Commission to this end.

I know you are aware of concerns in the Highlands and Islands on many issues including the dualling of the A9, A96, HPMA's, health provision and other matters. Were you to signify your support for redressing what appears to be a severe imbalance in the size of constituencies as I have set out - and which sees one seat being over five hundred times larger than the size of the average Glasgow constituency.

I very much hope that you will give consideration to this matter and look forward to hearing from you regards a meeting.

Yours sincerely,



1. Fergus Ewing MSP

Member of Scottish Parliament for Inverness and Nairn

Office of Fergus Ewing MSP, 112 Church Street, Inverness, IV1 1EP

Telephone: 01463 713 004



Attachment:

From: [Redacted] on behalf of [Ewing F \(Fergus\), MSP](#)

To: [Boundaries Scotland](#)

Subject: Second Review of Scottish Parliament Boundaries

Date: 22 May 2023 11:12:17

[Redacted]

Dear Madam,

Second review of Scottish Parliament boundaries

I write to make representations regards the above proposals.

I do so as the MSP for Inverness and Nairn.

I have studied the proposals and the published information about the size and total electorate of each constituency. My recommendation is that these proposals are revised in such a way as to create a fourth constituency for the are of Highland Council which at present has only three constituencies. These are of course Caithness and Sutherland , Skye Lochaber and Badenoch and Inverness and Nairn. I do so for the following reasons:

1 The proposals as they stand would see two of the three seats in Highland have a greater number of voters than the average for the 8 Glasgow seats. My calculations are that the average of the 8 Glasgow seats is 61201. By contrast the electorate in my constituency , the largest in Scotland will be 69113 and that of Kate Forbes is 63573.

2. At the same time the geographical area of the Highland seats is ludicrously large in compared with that of Glasgow. The collective area of the three seats is 26474 square kilometres- just short of the total area of the country of of Belgium!

By contrast the average area of the eight Glasgow seats is just 24 sq km. Taking just one of the three Highland seats Skye Lochaber and Badenoch that is 12368.

That is a staggering 515 times the size of the average Glasgow seat of 24 square km.

3. I have represented one of the three Highland seats since 1999. I can say without fear of contradiction that the workload per voter is greater in rural and small communities than it is in cities. And of course in the seats I have had (Inverness East, Nairn and Lochaber originally) there were a very large number of towns and villages Each one with its own issues challenges and controversies.

For example I represented the following places then: Mallaig Arisaig Fort William Glencoe Ballachulish Duror Kinlochleven Roy Bridge Spean Bridge Laggan Kingussie Newtonmore , Aviemore, Carr-bridge Nethy Bridge Boat of Garten, Grantown on Spey, Nairn Auldearn Cawdor Croy and of course the city of Inverness.

Now I mention these to illustrate the point: the geographical size of the seat meant that my duty was to represent people in all of these areas - and I can assure you that this involved fairly regular surgeries. (nine per calendar month as a rule) and a very substantial amount of travel almost entirely by car.

I would content that the workload and responsibility of an MSP representing this type of enormous constituency as compared with a very compact urban area, with good public transport by and large is entirely different in scale.

4. Rule three of the rules that are contained in the guidance means that you can and presumably should take account of the factors set out therein. These are:

“Boundaries Scotland may depart from the strict application of Rules 1 and 2 if it thinks that special geographical considerations (including in particular the size, shape and accessibility of a constituency) render it desirable to do so. I contend that it is not only desirable but essential. The size of each constituency is enormous. I contend (with respect) that zero consideration has been given to that fact . I have calculated that were Glasgow to have one fewer seat then the average voters per seat there would be 69900.

That is of course very slightly higher than the number of voters that you think fair for Inverness and Nairn at 69113.

Therefore that would allow a fairer voice for people in the Highlands and without seeing a major departure from the quota. If 69000 were too many - and too big a departure above the quota, then how can you explain the decision to include that amount in Inverness and Nairn? 5. Finally

the inclusion of “accessibility“ as a factor should be taken into account. Public transport provision in the Highlands is very limited indeed with only a very few train services, and , outwith Inverness and Nairn, limited bus services. The connectability within the constituencies is such that the MSP must cover enormous distances in order to visit constituents and communities in all parts of the seat

Finally I very much hope that there will be an inquiry into these matters held, and note that the rules provide for a provision for a local inquiry. Can you please advise me whether this process would be one which could deal with the suggested approach I have made?

I have used Glasgow as an illustration, and it is of course for the Commission to make decisions as to where and whether there should be any reduction of constituencies in any part of the country
Yours sincerely

2. Fergus Ewing MSP

[Member of Scottish Parliament for Inverness and Nairn](#)

Office of Fergus Ewing MSP, 112 Church Street, Inverness, IV1 1EP

Telephone: 01463 713 004

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The information in this email may be confidential. If you think you have received this email in error please delete it and do not share its contents.

From: [Redacted]

To: [Redacted]

Subject: Fwd: Courier Column -

From: [Redacted]

Sent: Friday, May 19, 2023 10:21:30 AM

To: Newsdesk Inverness <newsdesk@hnmedia.co.uk>

Subject: Fwd: Courier Column -

Good morning,

Please find Mr Ewing's courier column below.

Kind regards,

[Redacted]

From: Ewing F (Fergus), MSP <Fergus.Ewing.msp@parliament.scot>

Sent: Wednesday, May 17, 2023 5:05 pm

To: [Redacted]

Cc: Forbes K (Kate), MSP <Kate.Forbes.msp@parliament.scot>

Subject: Courier Column -

New boundaries - Highlands deserve FOUR constituency seats in Holyrood.

Last week in Holyrood proposals were published for consultation on the boundaries of the constituencies in the next Holyrood election due in 2026. Of the total 73 Parliamentary seats, only three are in the Highlands: Caithness and Sutherland, Skye Lochaber and Badenoch, and Inverness and Nairn.

The boundaries are reviewed regularly to prevent the gap between the number of voters in each mainland seat varying too far from the “average” known as the quota, which is to be 59,902.

There are special provisions that the Western Isles Orkney and Shetland each have their own constituency - which is fair enough.

That said, there is now in my view a gross imbalance whereby the central belt cities are considerably over-represented, compared with rural or partly rural constituencies. No more so than in the Highlands. That can and should fairly be addressed by creating a new fourth seat in the Highlands. That would further increase the Highland voice in Holyrood:- a good thing. Such gigantic constituencies make it hard for any one person to cover such enormous areas with so many different communities. The urban central belt voice, whilst dominant would be better balanced.

Inverness and Nairn will have the largest number of voters of all 73 constituencies in Scotland - at 69113. But Caithness will have 56532 and Skye 63573. In comparison the average in the eight seats in Glasgow is 61201.

But when we look at the comparative geographical size of constituencies one sees just how glaring is the unfairness of these proposals. Kate Forbes MSP constituency would have an area of 12,368 square kilometres, from the Cuillins to Glencoe and to the Cairngorms! Her seat is a staggering 515 times larger than the average size of a Glasgow seat of just 24 sq km. Zero account has been taken of the size of that sea which will have more people than the Glasgow average. That is ludicrous.

My contention is that in the Highland Council area there should be four, not three constituencies. Even then, our four seats would still be massively larger than any urban ones. For example, my constituency of Inverness and Nairn, the smallest of the Highland three, will still be seven times the size of the whole of the 8 Glasgow seats.

One of the rules governing the process of setting the new boundaries is that the commission can take into account "special geographical considerations (including in particular the size, shape and accessibility of a constituency). So the Commission can make this change. And so they should.

Surely it is reasonable that in our constituencies here in the Highlands, the Commission should have regard to the huge size of each one and the relative inaccessibility of many communities? If Courier readers agree and wish to express your view please do so by the consultation deadline of 17th June on the website consult.boundaries.scot. If a 100 or more voters in any constituency make representations there should be a local inquiry. And contact my office if you wish at Fergus.ewing.msp@parliament.scot
Fergus Ewing MSP

Emails between SG and Boundaries Scotland 29 May to 2 June 2023

From: [Redacted] SG Elections Team
Sent: Friday, June 2, 2023 4:50 PM
To: [Redacted] Boundaries Scotland
Subject: RE: Meeting with Minsiter

Hi [Redacted]

,

Please find attached the note from the meeting last Thursday.

Have a good weekend.

[Redacted]

From: [Redacted] Boundaries Scotland
Sent: 29 May 2023 10:37
To: [Redacted] SG Elections Team
Subject: Meeting with Minsiter

[Redacted]

Can I just check if there'll be a an official note of the meeting we had with Mr Adam?
If so it'd be helpful to have, would that be possible?

[Redacted]

Attachment:

Note of a meeting between the Minster for Parliamentary Business and Boundaries Scotland 25th May 2023

Meeting between Minister for Parliamentary Business and Boundaries Scotland Thursday 25 May 2023 – 10.15 – 11am Note of meeting

Attendees

- George Adam MSP, Minister for Parliamentary Business
- Ronnie Hinds, Chair of Boundaries Scotland
- Ailsa Henderson, Deputy Chair of Boundaries Scotland
- [Officials' names redacted]

3. Welcome

Mr Adam welcomed everyone to the meeting, noting that Mr Hinds' tenure as Chair is coming to an end later this month. Mr Adam thanked Mr Hinds for his service as Chair and

welcomed Professor Henderson, who will take up her appointment as the new Chair of Boundaries Scotland on 1 June 2023.

4. Handover of Chair of Boundaries Scotland

Mr Hinds raised the concern that from 1 June a vacancy arises for the Deputy Chair as Professor Henderson had previously held this position. There is also a vacancy for one Commissioner. Two new Commissioners have recently been appointed.

Officials advised that they are drafting a business case which will be submitted to the to the Ethical Standards Commissioner to request if Dr Sue Walker, who is an experienced Commissioner whose appointment as such finishes on 31 May, can be appointed as Deputy Chair on an interim basis. Officials emphasised that the decision rests with the Ethical Standards Commissioner and is not guaranteed that approval will be given. However the case for the need for experienced Interim Deputy Chair when the Commission is in the midst of the Scottish Parliament Review will be strongly made. Mr Adam expressed his support for Dr Walker taking on the role of interim Deputy Chair.

Professor Henderson asked what the timescales would be for the full recruitment round for a replacement Deputy Chair and a Commissioner. Officials advised that it usually took 4-6 months but would check that timescale with Public Appointments Team colleagues, they would also investigate what can be done to expedite the process and advise Professor Henderson of the likely timescale and the steps in the process.

5. Review of Scottish Parliament Constituencies and Regions

There was a discussion about the current consultation on initial proposals for the constituencies of the Scottish Parliament. Mr Adam indicated that he planned to respond to the consultation in his capacity as an MSP. Mr Hinds explained the further steps in the process including the potential of local inquiries and a further one month consultation period on revised proposals.

1

Mr Adam commented on the importance of impartiality in the process, referring to issues which had arisen the recent 'Islands Review'. He has met with David McGill, Chief Executive of the Scottish Parliament, to discuss this. Boundaries Scotland reported they had also met with Mr McGill and had held an event in Parliament with MSPs to communicate the message that consideration of the boundary changes must be impartial and non-partisan.

6. Electoral Reform Consultation

Officials advised that the responses to the consultation are being analysed. It is a complex topic and officials are drawing upon the consultation responses, including Professor Henderson's submission, before providing advice to Ministers.

It was noted that Boundaries Scotland had suggested a list of other changes to legislation relating to their work which was also under consideration. Officials undertook to advise of likely milestone dates in relation to the preparation of the Bill to enable Professor Henderson and [Redacted] to plan future Commission meetings to ensure that relevant matters can be discussed. Officials advised that they would be very happy to attend Commission meetings to discuss the Bill proposals, if that was helpful.

7. AOB

Mr Adam thanked Mr Hinds again for all his work as Chair of Boundaries Scotland and closed the meeting.

Email from Boundaries Scotland to SG Elections Team 25th April 2023

From: [Redacted] Boundaries Scotland

Sent: Tuesday, April 25, 2023 5:21 PM

To: [Redacted] SG Elections Team

8. Subject: RE: SPs

Hi

This is a BCS meeting paper from 2008 – seems to confirm there's no statutory procedure. Reference to Sheriffs as well as Sheriffs Principal too.

[Redacted]

From: [Redacted] Boundaries Scotland

Sent: 25 April 2023 15:49

To: [Redacted] SG Elections Team

9. Subject: SPs

Hi there

These were initial notes from our review of what happened last time:

[Parliamentary Voting System and Constituencies Act 2011 \(legislation.gov.uk\)](https://legislation.gov.uk)

Chair of hearing

3 For each public hearing the Boundary Commission concerned shall appoint a person to chair the hearing.

It was normal practice for Local Inquiries that were part of Reviews by the Boundary Commission for Scotland to be conducted by Sheriffs Principal, appointed for the purpose by the Secretary of State for Scotland. Now that responsibility for Scottish Parliament reviews lies with Boundaries Scotland it is anticipated that this practice will continue although the arrangements are not described in detail in any of the formal legislation governing the work of either Commission.

6/2/08

Scotland Office writes to Courts Division asking for ok to contact SPs

13/2/08

Court Division gives ok

10. 22/2/08

HB for Commission writes to Sheriff Principal Bowen (Head SP?) seeking guidance on who is best placed to chair hearing in regions should an inquiry be required.

“It is normal practice for Local Inquiries that are part of Reviews by the Boundary Commission for Scotland to be conducted by Sheriffs Principal, appointed for the purpose by the Secretary of State for Scotland.”

“I enclose the Commission’s Descriptive Booklet on the Review which explains the process and procedures of the Review, and includes the text of the legislation governing the Review, which is Schedule 1 of the Scotland Act 1998, as amended by the Scottish Parliament (Constituencies) Act 2004. This is slightly different legislation than governed the review of Westminster Parliament boundaries in Scotland which you previously participated in.”

11. 31/3/08

HB writes again at conclusion of consultation.

“I am now seeking your assistance in identifying which Sheriff Principal should be appointed by the Secretary of State for Scotland to conduct the Local Inquiry in each area (we have identified).”
Timeline for inquiries is June then September and October.

12. April 2008

Deputy Chair of Commission writes to Secretary of State (now DFM?)

“The purpose of this letter is to invite you to appoint the following Sheriffs Principal to conduct local inquiries in the areas listed:”

13. July 2008

Briefing letters sent to Assistant Commissioners outlining details of local inquiry including all background docs, representations, statement of proposals etc

August 2008

Similar letter sent regarding appointment for Regional Inquiry

14. From the Final Report

*At our invitation, the Secretary of State for Scotland appointed a Sheriff Principal as an Assistant Commissioner to conduct each Local Inquiry on our behalf. The resulting **10 Local Inquiries took place between August and November 2008** at venues which we agreed with each Assistant Commissioner. The venues were generally provided by local authorities, with some Local Inquiries hearing evidence at two or three venues to ensure that the Inquiry was more conveniently accessible to a large number of people.*

The Local Inquiries were valuable in allowing us to hear evidence from all those concerned about our proposals. The reports on the Local Inquiries provided the recommendations and views of the Assistant Commissioners which we considered, together with the representations received, when reaching our decisions on whether to amend our proposals.

[Redacted]

Attachment:

Local Inquiries

February 2008

Boundary Commission for Scotland
3 Drumsheugh Gardens
EDINBURGH
EH3 7QJ

0131 538 7510 secretariat@bcomm-scotland.gov.uk

1. First Periodical Review of Scottish Parliament Boundaries
- 2.
3. Local Inquiries
- 4.
- 5.
6. Contents
 - 1 Background
 - 1.1 Local Inquiries
 - 1.2 Current review
 - 2 Proposals
 - 2.1 Publication and consultation
 - 2.2 Stages of a review
 - 3 Local Inquiry
 - 3.1 Decision to hold a Local Inquiry
 - 3.2 Announcement
 - 3.3 Arrangements
 - 3.4 Procedure
 - 4 Further stages
 - 4.1 Assistant Commissioner's Report
 - 4.2 Revised recommendations
 - 4.3 Final recommendations
 - 4.4 Report

7. Purpose of this Booklet

This booklet has been prepared by the Boundary Commission for Scotland to explain the context and workings of Local Inquiries conducted as part of the Commission's First Periodical Review of Scottish Parliament Boundaries. A more general description of the review appears in the Commission's Descriptive Booklet on the review which is available from the Commission and on its website www.bcomm-scotland.gov.uk.

This booklet is not intended to be a full statement of the law regarding the review which is set out in Schedule 1 of the Scotland Act 1998, as amended by the Scottish Parliament (Constituencies) Act 2004.

1.1 Background

1.1.1 Local Inquiries

1.1.2 Local Inquiries are an important part of the reviews of parliamentary boundaries which the Boundary Commission for Scotland carries out. Local Inquiries, in addition to the submission of written representations, present an opportunity for members of the public or organisations to comment on and influence the Commission's proposals.

1.1.3 The Commission decides whether to hold a Local Inquiry after the public have had the opportunity to make written representations on the Commission's proposals. The Commission would like members of the public or organisations to express views on the Commission's proposals, whether in support of the proposals or in opposition.

1.1.4 It is sometimes difficult for the Commission to obtain a true measure of local opinion if those who support or do not object to the Commission's proposals do not make their support or lack of objection known to the Commission.

1.1.5 The Commission wishes to ensure that members of the public or organisations have a full opportunity to express their views. The Commission therefore recommends that those with an interest in this matter should attend or send a representative to any Local Inquiry held in their area to put forward their views on the proposals. Attendance at a Local Inquiry will also give an opportunity to hear and comment on any counter-proposals put to the Assistant Commissioner and thereby assist the Commission to gauge more accurately the weight of local opinion on the various proposals.

1.1.6 Current review

1.1.7 The Boundary Commission for Scotland has a statutory obligation under Schedule 1 of the Scotland Act 1998 as amended by the Scottish Parliament (Constituencies) Act 2004 to review Scottish Parliament boundaries and to submit a report to the Secretary of State by 30 June 2010. It is also required to submit subsequent reports between 8 and 12 years later.

1.1.8 The 1998 Act as amended specifies the procedures for the review, including the role of Local Inquiries, and also the rules that must be followed for the design of constituencies and regions for the Scottish Parliament.

1.1.9 The review covers all of the constituencies for the Scottish Parliament, except those covering the Orkney Islands and the Shetland Islands whose extents are fixed by the relevant legislation. The review also covers all of the regions for the Scottish Parliament.

1.1.10 A full description of the review appears in the Commission's Descriptive Booklet on the First Periodical Review of Scottish Parliament Boundaries which is available from the Commission and on its website www.bcomm-scotland.gov.uk. That booklet includes the law regarding the review.

1.2 Proposals

1.2.1 Publication and consultation

1.2.2 A Local Inquiry can only be held after the Commission has published proposals for constituencies or regions, and has then considered all representations made in response to those proposals.

1.2.3 When it publishes proposals, the Commission publishes a Statutory Notice announcing its proposals in at least one newspaper circulating in the area affected, and issues a News Release. The Commission also agrees with local authorities a set of locations such as council offices and libraries where details of the proposals, illustrated by maps, may be inspected. The Statutory Notices, maps, News Release and associated electorate data are also published on the Commission's website www.bcomm-scotland.gov.uk.

1.2.4 The Commission's established practice is to publish proposals without prior consultation with local authorities and other interested parties. The Commission's proposals are independent of any political considerations or consequences.

1.2.5 When proposals are published, the public are encouraged to make representations regarding the proposals to the Commission within a period of one calendar month from the date of publication of the Statutory Notice. 1.2.6 Stages of a review

1.2.7 During a review, the Commission initially prepares and publishes provisional proposals. If it subsequently alters these provisional proposals, it will publish the resulting revised recommendations for consultation and again invite representations on them.

1.2.8 On each occasion of publication, a Local Inquiry may be held in response to the representations made. Due to the legislation, and as explained in 3.1 below, a Local Inquiry is most commonly held in response to representations made concerning the Commission's provisional proposals.

1.3 Local Inquiry

1.3.1 Decision to hold a Local Inquiry

1.3.2 The Commission is required to arrange a Local Inquiry if representations objecting to its proposal for a constituency are received from a local authority for the area within the constituency or a body of 100 or more parliamentary electors for such a constituency.

1.3.3 For proposals regarding Scottish Parliament regions, the Commission is required to arrange a Local Inquiry if representations objecting to its proposals are received from a local authority for the area within the region or a body of 500 or more parliamentary electors for such a region.

1.3.4 Where the representations are made in response to the publication of revised recommendations after a Local Inquiry has already been held, the Commission has the discretion to decide that a further Local Inquiry is not justified.

1.3.5 The Commission has the discretion to arrange a Local Inquiry even if objections meeting these criteria have not been received.

1.3.6 Announcement

- 1.3.7 The Commission gives advance notice of a Local Inquiry so that interested parties have time to prepare the evidence that they may want to give, and to make arrangements to be represented at the Local Inquiry if they so wish. It does so by issuing a News Release and publishing a Statutory Notice in local newspapers, which gives the time, date and venue of the Local Inquiry and the name and contact details of the Assistant Commissioner.
- 1.3.8 The Commission also issues a statement summarising the context of the Local Inquiry, the Commission's reasons for its published proposals, and the issues raised by representations. This statement is made known to the Local Inquiry by the Assistant Commissioner when it begins.
- 1.3.9 Prior to the Local Inquiry, the Assistant Commissioner will provisionally determine the order in which representations offering alternative proposals for constituency boundaries, names or designations, received during the consultation period will be considered.
- 1.3.10 The Statutory Notice, the Commission Statement, the provisional proposals, a summary of the representations received, and the provisional order of business for the Local Inquiry is made available for public inspection at locations within the area concerned. These same materials are also placed on the Commission's website. Publication of representations allows the public to be aware of any counter-proposals or other comments.
- 1.3.11 The Commission informs individuals and organisations who have made written representations in respect of its provisional proposals of the time, date and venue of the Local Inquiry.
- 1.3.12 Arrangements
- 1.3.13 The Local Inquiry is conducted on behalf of the Commission by an Assistant Commissioner, usually a Sheriff Principal or Sheriff, appointed by the Secretary of State for Scotland at the request of the Commission. The Local Inquiry is conducted at a convenient public place within the area under review, such as the Council Chamber of a local authority. Any interested person or organisation may, if they wish, attend in person, or send a representative to make known their views, whether or not they have previously submitted a written representation to the Commission.
- 1.3.14 Where the area subject to the Local Inquiry is extensive, the Local Inquiry may be held at more than one location.
- 1.3.15 A transcript of the proceedings of the Local Inquiry will be prepared.
- 1.3.16 The Commission will not be represented at the Local Inquiry, although members of the Secretariat may be present as observers and to assist with the running of the Local Inquiry. The Commission will not seek to defend its proposals at the Local Inquiry because it considers that to do so may give the impression that it is unwilling or reluctant to alter its published proposals.
- 1.3.17 Procedure

1.3.18 No statutory procedure is prescribed for the conduct of a Local Inquiry: this is left to the discretion of the Assistant Commissioner. Evidence can be given without any prior formality such as taking an oath or affirming. The purpose of a Local Inquiry is:

- to get to know local opinion;
- to hear criticisms of, and support for, the published proposals;
- to receive counter-proposals; and
- to enable everyone who wishes to comment on these, or on the Commission's proposals, to do so.

1.3.19A record of those attending is kept to enable the Secretariat to inform them of subsequent progress in the review.

1.3.20 At the start of the Local Inquiry the Assistant Commissioner will make the Commission's statement known, and may, at his discretion, read it out.

1.3.21 The Assistant Commissioner will then ask the organisations or individuals listed in the provisional order of business if they would confirm that they wish to offer oral evidence. Where a sponsor is representing a person or organisation, a note will be made of that person's name. Thereafter, the Assistant Commissioner will ask for and note the name of any individual or organisation represented but not included in the provisional order of business wishing to offer evidence to the Local Inquiry.

1.3.22 Assistant Commissioners find it helpful if organisations or individuals wishing to propose elaborate or substantial counter-proposals disclose this fact at the beginning of the Local Inquiry when giving their names.

1.3.23 Copies of any written submissions, schemes or maps should be provided for the Assistant Commissioner, verbatim reporters and, if possible, others attending the Local Inquiry, to give them an opportunity to study and comment on counter-proposals at the Local Inquiry. The Assistant Commissioner might consider it necessary to adjourn the Local Inquiry for a short period in order to allow time for consideration to be given to complex counter-proposals.

1.3.24 After the Assistant Commissioner has heard each speaker, he may, at his discretion, invite questions to be asked through him of that speaker and he may have questions of his own.

1.3.25 When the Local Inquiry has closed, the Assistant Commissioner will write his report and submit it to the Commission. The Assistant Commissioner is fully entitled to comment on the Commission's proposals and on any representations or submissions. The report may recommend that the Commission's proposals be accepted intact or with alterations or that a counter-proposal be adopted. However, the Assistant Commissioner is also at liberty to offer completely revised proposals within the terms of the statutory rules which, in his opinion, are likely to be acceptable within the area under review.

- 1.4 Further stages
- 1.4.1 Assistant Commissioner's Report
 - 1.4.2 A copy of the Assistant Commissioner's Report is made available on the Commission's website and through the same public display points used to display the proposals. Those attending the Local Inquiry are informed of the publication of the Assistant Commissioner's Report.
 - 1.4.3 A copy of the transcript of the Local Inquiry proceedings is also published on the Commission's website.
 - 1.4.4 Revised recommendations
 - 1.4.5 The Commission considers the Assistant Commissioner's Report and the matters discussed at the Local Inquiry, together with any other relevant information. If the Commission decides to alter its published proposals, its revised recommendations are made available for public consultation in the same way as the published proposals.
 - 1.4.6 Representations about these revised recommendations can then be made within a statutory consultation period and are considered as for the earlier proposals. The Commission will decide in accordance with section 3.1 above whether to hold a further Local Inquiry.
 - 1.4.7 Final recommendations
 - 1.4.8 If the Commission decides not to alter its published proposals, these will be published as the Commission's final recommendations, and those who participated in any Local Inquiry for that area will be informed of its decision. 1.4.9 Report
 - 1.4.10 Once it has decided on its final recommendations for the whole of Scotland, the Commission submits its Report to the Secretary of State for Scotland. The process around the submission of the Report and its passage into legislation is explained in more detail in the Commission's Descriptive Booklet on the review.

Emails between SG Elections Team and Boundaries Scotland 20th April 2023

15. From:[Redacted] Boundaries Scotland
Sent: Thursday, April 20, 2023 2:09 PM
To: [Redacted] Scottish Government
Cc: [Redacted]
Subject: RE: Review local inquiries - Sheriffs Principal

[Redacted]
That's ok for me but [Redacted] is on leave at the moment.
Can you send a meeting request for that time and [Redacted] will confirm on Monday.
Thanks

From: [Redacted] Scottish Government
Sent: 20 April 2023 14:07
16. **To:** [Redacted] Boundaries Scotland
Cc: [Redacted]
Subject: RE: Review local inquiries - Sheriffs Principal

Thanks [Redacted],

Would Tuesday at 15:30 be alright for you?

[Redacted]

17. From: [Redacted] Boundaries Scotland
Sent: 20 April 2023 13:40
To: [Redacted] Scottish Government
Cc: [Redacted]
Subject: RE: Review local inquiries - Sheriffs Principal

Thanks [Redacted]

Myself and [Redacted] are busy on Monday but any other date next week is ok with us.

Cheers

[Redacted]

From: [Redacted] Scottish Government
Sent: 20 April 2023 09:17
18. To: [Redacted] Boundaries Scotland
Cc: [Redacted]
Subject: Review local inquiries - Sheriffs Principal

Good morning [Redacted],

I'm just getting in touch to discuss the arrangements needed for Sheriffs Principal to attend any local inquiries Boundaries Scotland arranges for the coming reviews – would either of you be free for a quick chat early next week to go over some of the details around this? Really would just be looking to discuss how this has been arranged in the past, and rough estimates for dates and numbers of inquiries expected based off past reviews.

Let me know if there is a date that works for you and I can arrange something in diaries.

Many thanks,
[Redacted]

Emails from Boundaries Scotland to SG Elections Team 25th April 2023

From: [Redacted] Boundaries Scotland
Sent: Tuesday, April 25, 2023 5:21 PM
To: [Redacted] SG Elections Team
19. Subject: RE: SPs

Hi

This is a BCS meeting paper from 2008 – seems to confirm there's no statutory procedure. Reference to Sheriffs as well as Sheriffs Principal too.

[Redacted]

From: [Redacted] Boundaries Scotland
Sent: 25 April 2023 15:49
To: [Redacted] SG Elections Team
20. Subject: SPs

Hi there

These were initial notes from our review of what happened last time:

[Parliamentary Voting System and Constituencies Act 2011 \(legislation.gov.uk\)](https://legislation.gov.uk)

Chair of hearing

3 For each public hearing the Boundary Commission concerned shall appoint a person to chair the hearing.

It was normal practice for Local Inquiries that were part of Reviews by the Boundary Commission for Scotland to be conducted by Sheriffs Principal, appointed for the purpose by the Secretary of State for Scotland. Now that responsibility for Scottish Parliament reviews lies with Boundaries Scotland it is anticipated that this practice will continue although the arrangements are not described in detail in any of the formal legislation governing the work of either Commission.

6/2/08

Scotland Office writes to Courts Division asking for ok to contact SPs

13/2/08

Court Division gives ok

21. 22/2/08

HB for Commission writes to Sheriff Principal Bowen (Head SP?) seeking guidance on who is best placed to chair hearing in regions should an inquiry be required.

“It is normal practice for Local Inquiries that are part of Reviews by the Boundary Commission for Scotland to be conducted by Sheriffs Principal, appointed for the purpose by the Secretary of State for Scotland.”

"I enclose the Commission's Descriptive Booklet on the Review which explains the process and procedures of the Review, and includes the text of the legislation governing the Review, which is Schedule 1 of the Scotland Act 1998, as amended by the Scottish Parliament (Constituencies) Act 2004. This is slightly different legislation than governed the review of Westminster Parliament boundaries in Scotland which you previously participated in."

22. 31/3/08

HB writes again at conclusion of consultation.

"I am now seeking your assistance in identifying which Sheriff Principal should be appointed by the Secretary of State for Scotland to conduct the Local Inquiry in each area (we have identified)."
Timeline for inquiries is June then September and October.

23. April 2008

Deputy Chair of Commission writes to Secretary of State (now DFM?)

"The purpose of this letter is to invite you to appoint the following Sheriffs Principal to conduct local inquiries in the areas listed:"

24. July 2008

Briefing letters sent to Assistant Commissioners outlining details of local inquiry including all background docs, representations, statement of proposals etc

August 2008

Similar letter sent regarding appointment for Regional Inquiry

25. From the Final Report

*At our invitation, the Secretary of State for Scotland appointed a Sheriff Principal as an Assistant Commissioner to conduct each Local Inquiry on our behalf. The resulting **10 Local Inquiries took place between August and November 2008** at venues which we agreed with each Assistant Commissioner. The venues were generally provided by local authorities, with some Local Inquiries hearing evidence at two or three venues to ensure that the Inquiry was more conveniently accessible to a large number of people.*

The Local Inquiries were valuable in allowing us to hear evidence from all those concerned about our proposals. The reports on the Local Inquiries provided the recommendations and views of the Assistant Commissioners which we considered, together with the representations received, when reaching our decisions on whether to amend our proposals.

[Redacted]

Attachment:

Local Inquiries

February 2008

Boundary Commission for Scotland
3 Drumsheugh Gardens
EDINBURGH
EH3 7QJ

0131 538 7510 secretariat@bcomm-scotland.gov.uk

1. First Periodical Review
of Scottish Parliament Boundaries
- 2.
3. Local Inquiries
- 4.
- 5.
6. Contents
 - 1 Background
 - 1.1 Local Inquiries
 - 1.2 Current review
 - 2 Proposals
 - 2.1 Publication and consultation
 - 2.2 Stages of a review
 - 3 Local Inquiry
 - 3.1 Decision to hold a Local Inquiry
 - 3.2 Announcement
 - 3.3 Arrangements
 - 3.4 Procedure
 - 4 Further stages
 - 4.1 Assistant Commissioner's Report
 - 4.2 Revised recommendations
 - 4.3 Final recommendations
 - 4.4 Report

7. Purpose of this Booklet

This booklet has been prepared by the Boundary Commission for Scotland to explain the context and workings of Local Inquiries conducted as part of the Commission's First Periodical Review of Scottish Parliament Boundaries. A more general description of the review appears in the Commission's Descriptive Booklet on the review which is available from the Commission and on its website www.bcomm-scotland.gov.uk.

This booklet is not intended to be a full statement of the law regarding the review which is set out in Schedule 1 of the Scotland Act 1998, as amended by the Scottish Parliament (Constituencies) Act 2004.

1.1 Background

1.1.1 Local Inquiries

1.1.2 Local Inquiries are an important part of the reviews of parliamentary boundaries which the Boundary Commission for Scotland carries out. Local Inquiries, in addition to the submission of written representations, present an opportunity for members of the public or organisations to comment on and influence the Commission's proposals.

1.1.3 The Commission decides whether to hold a Local Inquiry after the public have had the opportunity to make written representations on the Commission's proposals. The Commission would like members of the public or organisations to express views on the Commission's proposals, whether in support of the proposals or in opposition.

1.1.4 It is sometimes difficult for the Commission to obtain a true measure of local opinion if those who support or do not object to the Commission's proposals do not make their support or lack of objection known to the Commission.

1.1.5 The Commission wishes to ensure that members of the public or organisations have a full opportunity to express their views. The Commission therefore recommends that those with an interest in this matter should attend or send a representative to any Local Inquiry held in their area to put forward their views on the proposals. Attendance at a Local Inquiry will also give an opportunity to hear and comment on any counter-proposals put to the Assistant Commissioner and thereby assist the Commission to gauge more accurately the weight of local opinion on the various proposals.

1.1.6 Current review

1.1.7 The Boundary Commission for Scotland has a statutory obligation under Schedule 1 of the Scotland Act 1998 as amended by the Scottish Parliament (Constituencies) Act 2004 to review Scottish Parliament boundaries and to submit a report to the Secretary of State by 30 June 2010. It is also required to submit subsequent reports between 8 and 12 years later.

1.1.8 The 1998 Act as amended specifies the procedures for the review, including the role of Local Inquiries, and also the rules that must be followed for the design of constituencies and regions for the Scottish Parliament.

1.1.9 The review covers all of the constituencies for the Scottish Parliament, except those covering the Orkney Islands and the Shetland Islands whose extents are fixed by the relevant legislation. The review also covers all of the regions for the Scottish Parliament.

1.1.10 A full description of the review appears in the Commission's Descriptive Booklet on the First Periodical Review of Scottish Parliament Boundaries which is available from the Commission and on its website

www.bcomm-scotland.gov.uk. That booklet includes the law regarding the review.

1.2 Proposals

1.2.1 Publication and consultation

1.2.2 A Local Inquiry can only be held after the Commission has published proposals for constituencies or regions, and has then considered all representations made in response to those proposals.

1.2.3 When it publishes proposals, the Commission publishes a Statutory Notice announcing its proposals in at least one newspaper circulating in the area affected, and issues a News Release. The Commission also agrees with local authorities a set of locations such as council offices and libraries where details of the proposals, illustrated by maps, may be inspected. The Statutory Notices, maps, News Release and associated electorate data are also published on the Commission's website www.bcomm-scotland.gov.uk.

1.2.4 The Commission's established practice is to publish proposals without prior consultation with local authorities and other interested parties. The Commission's proposals are independent of any political considerations or consequences.

1.2.5 When proposals are published, the public are encouraged to make representations regarding the proposals to the Commission within a period of one calendar month from the date of publication of the Statutory Notice.

1.2.6 Stages of a review

1.2.7 During a review, the Commission initially prepares and publishes provisional proposals. If it subsequently alters these provisional proposals, it will publish the resulting revised recommendations for consultation and again invite representations on them.

1.2.8 On each occasion of publication, a Local Inquiry may be held in response to the representations made. Due to the legislation, and as explained in 3.1 below, a Local Inquiry is most commonly held in response to representations made concerning the Commission's provisional proposals.

1.3 Local Inquiry

1.3.1 Decision to hold a Local Inquiry

1.3.2 The Commission is required to arrange a Local Inquiry if representations objecting to its proposal for a constituency are received from a local authority for the area within the constituency or a body of 100 or more parliamentary electors for such a constituency.

1.3.3 For proposals regarding Scottish Parliament regions, the Commission is required to arrange a Local Inquiry if representations objecting to its proposals are received from a local authority for the area within the region or a body of 500 or more parliamentary electors for such a region.

1.3.4 Where the representations are made in response to the publication of revised recommendations after a Local Inquiry has already been held,

the Commission has the discretion to decide that a further Local Inquiry is not justified.

- 1.3.5 The Commission has the discretion to arrange a Local Inquiry even if objections meeting these criteria have not been received.
- 1.3.6 Announcement
- 1.3.7 The Commission gives advance notice of a Local Inquiry so that interested parties have time to prepare the evidence that they may want to give, and to make arrangements to be represented at the Local Inquiry if they so wish. It does so by issuing a News Release and publishing a Statutory Notice in local newspapers, which gives the time, date and venue of the Local Inquiry and the name and contact details of the Assistant Commissioner.

- 1.3.8 The Commission also issues a statement summarising the context of the Local Inquiry, the Commission's reasons for its published proposals, and the issues raised by representations. This statement is made known to the Local Inquiry by the Assistant Commissioner when it begins.

- 1.3.9 Prior to the Local Inquiry, the Assistant Commissioner will provisionally determine the order in which representations offering alternative proposals for constituency boundaries, names or designations, received during the consultation period will be considered.

- 1.3.10 The Statutory Notice, the Commission Statement, the provisional proposals, a summary of the representations received, and the provisional order of business for the Local Inquiry is made available for public inspection at locations within the area concerned. These same materials are also placed on the Commission's website. Publication of representations allows the public to be aware of any counter-proposals or other comments.

- 1.3.11 The Commission informs individuals and organisations who have made written representations in respect of its provisional proposals of the time, date and venue of the Local Inquiry.
- 1.3.12 Arrangements
- 1.3.13 The Local Inquiry is conducted on behalf of the Commission by an Assistant Commissioner, usually a Sheriff Principal or Sheriff, appointed by the Secretary of State for Scotland at the request of the Commission. The Local Inquiry is conducted at a convenient public place within the area under review, such as the Council Chamber of a local authority. Any interested person or organisation may, if they wish, attend in person, or send a representative to make known their views, whether or not they have previously submitted a written representation to the Commission.

- 1.3.14 Where the area subject to the Local Inquiry is extensive, the Local Inquiry may be held at more than one location.

1.3.15 A transcript of the proceedings of the Local Inquiry will be prepared.

1.3.16 The Commission will not be represented at the Local Inquiry, although members of the Secretariat may be present as observers and to assist with the running of the Local Inquiry. The Commission will not seek to defend its proposals at the Local Inquiry because it considers that to do so may give the impression that it is unwilling or reluctant to alter its published proposals.

1.3.17 Procedure

1.3.18 No statutory procedure is prescribed for the conduct of a Local Inquiry: this is left to the discretion of the Assistant Commissioner. Evidence can be given without any prior formality such as taking an oath or affirming. The purpose of a Local Inquiry is:

- to get to know local opinion;
- to hear criticisms of, and support for, the published proposals;
- to receive counter-proposals; and
- to enable everyone who wishes to comment on these, or on the Commission's proposals, to do so.

1.3.19A record of those attending is kept to enable the Secretariat to inform them of subsequent progress in the review.

1.3.20At the start of the Local Inquiry the Assistant Commissioner will make the Commission's statement known, and may, at his discretion, read it out.

1.3.21 The Assistant Commissioner will then ask the organisations or individuals listed in the provisional order of business if they would confirm that they wish to offer oral evidence. Where a sponsor is representing a person or organisation, a note will be made of that person's name. Thereafter, the Assistant Commissioner will ask for and note the name of any individual or organisation represented but not included in the provisional order of business wishing to offer evidence to the Local Inquiry.

1.3.22 Assistant Commissioners find it helpful if organisations or individuals wishing to propose elaborate or substantial counter-proposals disclose this fact at the beginning of the Local Inquiry when giving their names.

1.3.23 Copies of any written submissions, schemes or maps should be provided for the Assistant Commissioner, verbatim reporters and, if possible, others attending the Local Inquiry, to give them an opportunity to study and comment on counter-proposals at the Local Inquiry. The Assistant Commissioner might consider it necessary to adjourn the Local Inquiry for a short period in order to allow time for consideration to be given to complex counter-proposals.

1.3.24 After the Assistant Commissioner has heard each speaker, he may, at his discretion, invite questions to be asked through him of that speaker and he may have questions of his own.

1.3.25 When the Local Inquiry has closed, the Assistant Commissioner will write his report and submit it to the Commission. The Assistant Commissioner is fully entitled to comment on the Commission's proposals and on any representations or submissions. The report may recommend that the Commission's proposals be accepted intact or with alterations or that a counter-proposal be adopted. However, the Assistant Commissioner is also at liberty to offer completely revised proposals within the terms of the statutory rules which, in his opinion, are likely to be acceptable within the area under review.

1.4 Further stages

1.4.1 Assistant Commissioner's Report

1.4.2 A copy of the Assistant Commissioner's Report is made available on the Commission's website and through the same public display points used to display the proposals. Those attending the Local Inquiry are informed of the publication of the Assistant Commissioner's Report.

1.4.3 A copy of the transcript of the Local Inquiry proceedings is also published on the Commission's website.

1.4.4 Revised recommendations

1.4.5 The Commission considers the Assistant Commissioner's Report and the matters discussed at the Local Inquiry, together with any other relevant information. If the Commission decides to alter its published proposals, its revised recommendations are made available for public consultation in the same way as the published proposals.

1.4.6 Representations about these revised recommendations can then be made within a statutory consultation period and are considered as for the earlier proposals. The Commission will decide in accordance with section 3.1 above whether to hold a further Local Inquiry.

1.4.7 Final recommendations

1.4.8 If the Commission decides not to alter its published proposals, these will be published as the Commission's final recommendations, and those who participated in any Local Inquiry for that area will be informed of its decision. 1.4.9 Report

1.4.10 Once it has decided on its final recommendations for the whole of Scotland, the Commission submits its Report to the Secretary of State for Scotland. The process around the submission of the Report and its passage into legislation is explained in more detail in the Commission's Descriptive Booklet on the review.

Email from SG Election Team to Boundaries Scotland 3rd May 2023

From: Redacted [SG Elections Team]
Sent: Wednesday, May 3, 2023 5:41 PM
To: [Redacted]Boundaries Scotland
Cc: [Redacted]
Subject: Boundaries Scotland consultation response

Good afternoon [Redacted]

I'm still waiting to hear back from colleagues on the question of the Sheriffs Principal as discussed last week, but in the meantime I thought I would get in touch regarding Boundaries Scotland's consultation submission.

As you discussed with us previously, you included a list of suggestions where wider boundaries legislation could be updated or modernised. With the exception of changes to the approval process, which we are already considering, would you be able to send us some more information on the changes suggested?

Before we can put any advice to Ministers as to what could be included in the Electoral Reform Bill, it would be helpful to have some more detail on each of the points, specifically:

- what the current problem is;
- a short rationale for how changing the legislation would help mitigate the problem;
- is there any cost or savings to be made from making the change.

I'm on leave for the next week, but happy to answer any questions on my return, or alternatively [Redacted] should be available to help if needed.

Kind regards,
[Redacted]

Emails from SG Elections Team, Courts and Tribunals Office and Boundaries Scotland 6th June – 26th June 2023

From: [Redacted] Boundaries Scotland
Sent: Monday, June 26, 2023 3:47 PM
To: [Redacted] Scottish Government Elections Team
Subject: RE: Boundaries Scotland local inquiries - request to Sheriffs Principal

Great, will keep in touch, thanks for your help

From: [Redacted] Scottish Government Elections Team
Sent: Monday, June 26, 2023 3:41 PM
To: [Redacted] Boundaries Scotland
Cc: Subject: RE: Boundaries Scotland local inquiries - request to Sheriffs Principal

Hi [Redacted]

I think following the approach from the last time as much as possible would be the best way – probably yourself or the Commission writing to the Minister/elections team with the details of what SP has agreed to which local inquiry etc. would be best.

The advice we've received is that this won't be subject to a full public appointments process taking 6 months or anything, it will be a temporary appointment of an expert to assist the Commission in exercising it's duties.

We anticipate it will just be a matter of the Minister writing to the SPs to confirm this. We'll follow up with lawyers etc. on our side to confirm this part of the appointment process, but happy for you to crack on with the logistics side of it!

[Redacted]

From: [Redacted] Boundaries Scotland
Sent: Monday, June 26, 2023 2:31 PM
To: [Redacted] Scottish Government Elections Team
Subject: RE: Boundaries Scotland local inquiries - request to Sheriffs Principal

Thanks [Redacted] , no I hadn't heard from them so that's useful confirmation. Once we know who we need to do what will there be a formal appointment process?

[Redacted]

From: [Redacted] Scottish Government Elections Team
Sent: Monday, June 26, 2023 2:25 PM
To: [Redacted] Boundaries Scotland
Cc: [Redacted]

Subject: FW: Boundaries Scotland local inquiries - request to Sheriffs Principal

Good afternoon [Redacted]

[Redacted] from the Judicial Office has got back to me with details for contacting the SPs – this may be the same info you got from them recently, but thought I'd best pass it on to you in any case!

I think you would be better placed than us to contact them given you'll have the most up to date details about when any local inquiries would be taking place and the expectations etc, but let me know if there's anything me and [Redacted] can help out with.

Many thanks,
[Redacted]

From: [Redacted] Scottish Courts and Tribunals Office
Sent: Monday, June 26, 2023 10:27 AM
To: [Redacted] Scottish Government Elections Team
Cc: [Redacted]
Subject: RE: Boundaries Scotland local inquiries - request to Sheriffs Principal

Dear [Redacted]

I have spoken to the Sheriffs Principal and the Lord President. I can confirm that the Sheriffs Principal are willing to assist. Best that contact is made with them directly.

Sheriff Principal Anwar AY – [Redacted]
Sheriff Principal Dowdalls C – [Redacted]
Sheriff Principal Murphy – [Redacted]
Sheriff Principal Pyle D – [Redacted]
Sheriff Principal Ross - [Redacted]

Sheriff Principal Lewis will be retiring from office on 31 July 2023. Sheriff Gillian Wade will take up post as Sheriff Principal on 1 August 2023, her email address is:
[Redacted]

Kind regards,

[Redacted]

From: [Redacted] Scottish Government Elections Team
Sent: 06 June 2023 14:26
To: [Redacted] Scottish Courts and Tribunals Office
Cc: [Redacted]

Subject: Boundaries Scotland local inquiries - request to Sheriffs Principal

CAUTION: This email is from an external sender, please take extra care to consider its context, intent and veracity before clicking on links or opening attachments.

Dear [Redacted]

I am a member of the Scottish Government's Elections Team, and part of the sponsorship team for Boundaries Scotland. We have been approached by Boundaries Scotland asking for some help in arranging chairs to lead local inquiries that are required as part of the ongoing reviews of Scottish Parliament constituencies. Our colleagues in Judicial policy kindly recommended getting in touch with you.

This is the first time Boundaries Scotland have had to conduct SP constituency reviews themselves, as this was previously carried out by the Boundary Commission for Scotland (which completes UK Constituency reviews in Scotland). The last review took place in 2008, and the process used at this time was to have a Sheriff Principal assisting the Commission by chairing any local inquiries held.

We are looking to appoint a Sheriff Principal or similar person to chair the upcoming local inquiries, likely to be taking place from September onwards. We are aware that SPs have significant time pressures at the moment, so were keen to raise the local inquiries with them as soon as possible to identify any available persons.

We were hoping for some advice on the most appropriate way to make contact with the office of the Sheriffs Principal in the first instance. If you would like any more information we would be more than happy to chat further on this.

Kind regards,
[Redacted]

Email from Boundaries Scotland to SG Elections team 7th June 2023

From: [Redacted] Boundaries Scotland
Sent: Wednesday, June 7, 2023 7:44 AM
To: [Redacted] SG Elections Team
Subject: Local Inquiries

Hi [Redacted]

Not sure if you'd seen this before but might be of interest. Can we agree at some point what all the steps for appointing each SP are and who's doing what?

[Redacted]

Attachment 1/4:

Local Inquiries

July 2008

3 Drumsheugh Gardens
EDINBURGH
EH3 7QJ

0131 538 7510 secretariat@scottishboundaries.gov.uk

1. First Periodical Review
of Scottish Parliament Boundaries
- 2.
3. Local Inquiries
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 - 2.2 Stages of a review
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 - 3.1 Decision to hold a Local Inquiry
 - 3.2 Announcement
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 - 4.1 Assistant Commissioner's Report
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 - 4.3 Final recommendations
 - 4.4 Report

7. Purpose of this Booklet

This booklet has been prepared by the Boundary Commission for Scotland to explain the context and workings of Local Inquiries conducted as part of the Commission's First Periodical Review of Scottish Parliament Boundaries. A more general description of the review appears in the Commission's Descriptive Booklet on the First Periodical Review of Scottish Parliament Boundaries which is available from the Commission and on its website www.bcomm-scotland.gov.uk.

This booklet is not intended to be a full statement of the law regarding the review which is set out in Schedule 1 of the Scotland Act 1998, as amended by the Scottish Parliament (Constituencies) Act 2004.

1.1 Background

1.1.1 Local Inquiries

1.1.2 Local Inquiries are an important part of the reviews of parliamentary boundaries which the Boundary Commission for Scotland carries out. Local Inquiries, in addition to the submission of written representations, present an opportunity for members of the public or organisations to comment on and influence the Commission's proposals. A Local Inquiry is conducted on behalf of the Commission by an Assistant Commissioner who is appointed for the purpose by the Secretary of State for Scotland.

1.1.3 The Commission agrees whether a Local Inquiry is needed after the public have had the opportunity to make written representations on the Commission's proposals.

1.1.4 The Commission wishes to ensure that members of the public or organisations have a full opportunity to express their views whether in objection to or in support of its proposals. The Commission therefore recommends that those with an interest should attend or send a representative to any Local Inquiry held in their area to put forward their views on the proposals. Attendance at a Local Inquiry will also give an opportunity to hear and comment on any counter-proposals put to the Assistant Commissioner and thereby assist the Commission in gauging more accurately the weight of local opinion on the various proposals.

1.1.5 Current review
1.1.6 The Boundary Commission for Scotland has a statutory obligation under Schedule 1 of the Scotland Act 1998, as amended by the Scottish Parliament (Constituencies) Act 2004, to review Scottish Parliament boundaries and to submit a report to the Secretary of State for Scotland by 30 June 2010. It is also required to submit subsequent reports between 8 and 12 years later.

1.1.7 The 1998 Act as amended specifies the procedures for the review, including the role of Local Inquiries, and also the rules that must be followed for the design of constituencies and regions for the Scottish Parliament.

1.1.8 The review covers all of the constituencies for the Scottish Parliament, except those covering the Orkney Islands and the Shetland Islands whose extents are fixed by the relevant legislation. The review also covers all of the regions for the Scottish Parliament.

1.1.9 A full description of the review appears in the Commission's Descriptive Booklet on the First Periodical Review of Scottish Parliament Boundaries which is available from the Commission and on its website www.bcomm-scotland.gov.uk. That booklet includes the text of the legislation regarding the review.

1.2 Proposals

1.2.1 Stages of a review

1.2.2 During a review, the Commission initially prepares and publishes provisional proposals, and invites representations on them. If it subsequently alters these provisional proposals, it will publish the resulting revised recommendations for consultation and again invite representations.

- 1.2.3 For this review, the Commission will first publish its provisional proposals for constituencies. After considering representations and holding any Local Inquiries on those, the Commission will publish its revised recommendations for constituencies and its provisional proposals for regions.
- 1.2.4 On each occasion of publication, a Local Inquiry may be held in response to the representations made. Due to the legislation, and as explained in 3.1 below, a Local Inquiry is most commonly held in response to representations made concerning the Commission's provisional proposals.
- 1.2.5 Publication and consultation
- 1.2.6 A Local Inquiry can only be held after the Commission has published proposals for constituencies or regions, and has then considered all representations made in response to those proposals.
- 1.2.7 When it publishes proposals, the Commission publishes a Statutory Notice announcing its proposals in at least one newspaper circulating in the area affected, and issues a News Release. The Commission also agrees with local authorities a set of locations such as council offices and libraries where details of the proposals, illustrated by maps, may be inspected. The Statutory Notices, maps, News Release and associated electorate data are also published on the Commission's website www.bcomm-scotland.gov.uk.
- 1.2.8 The Commission's established practice is to publish proposals without prior consultation with local authorities and other interested parties. The Commission's proposals are independent of any political considerations or influences.
- 1.2.9 When proposals are published, the public are encouraged to make representations about the proposals to the Commission within a period of one calendar month from the date of publication of the Statutory Notice. The period is set in the relevant legislation.
- 1.3 Local Inquiry
 - 1.3.1 Decision to hold a Local Inquiry
 - 1.3.2 For proposals regarding Scottish Parliament constituencies, the Commission is required to arrange a Local Inquiry if representations objecting to its proposal for a constituency are received from a local authority for the area within the constituency or a body of 100 or more parliamentary electors for such a constituency.
 - 1.3.3 For proposals regarding Scottish Parliament regions, the Commission is required to arrange a Local Inquiry if representations objecting to its proposals are received from a local authority for the area within the region or a body of 500 or more parliamentary electors for such a region.
 - 1.3.4 Where representations are made in response to the publication of revised recommendations after a Local Inquiry has already been held, the Commission has the discretion to decide whether or not a further Local Inquiry is justified.
 - 1.3.5 The Commission has the discretion to arrange a Local Inquiry even if objections meeting these criteria have not been received.

- 1.3.6 Announcement
- 1.3.7 The Commission gives advance notice of a Local Inquiry so that interested parties have time to prepare the evidence that they may want to give, and to make arrangements to be represented at the Local Inquiry if they so wish. It does so by issuing a News Release and publishing a Statutory Notice in local newspapers, which gives the time, date and venue of the Local Inquiry and the name and contact details of the Assistant Commissioner.
- 1.3.8 The Commission also issues a statement summarising the context of the Local Inquiry, the Commission's reasoning for its published proposals, and the issues raised by representations. This statement is made known at the start of the Local Inquiry by the Assistant Commissioner holding the Local Inquiry.
- 1.3.9 Prior to the Local Inquiry, the Assistant Commissioner will provisionally determine the order in which representations offering alternative proposals for constituency boundaries, names or designations that were received during the consultation period will be considered.
- 1.3.10 The Statutory Notice, the Commission Statement, the provisional proposals, a summary of the representations received, and the provisional order of business for the Local Inquiry are made available for public inspection at locations within the area concerned. These same materials are also placed on the Commission's website. Summarising representations allows the public to be aware of any counter-proposals or other comments.
- 1.3.11 The Commission informs individuals and organisations who have made written representations of the time, date and venue of the Local Inquiry.
- 1.3.12 Arrangements
- 1.3.13 The Local Inquiry is conducted on behalf of the Commission by an Assistant Commissioner, usually a Sheriff Principal or Sheriff, appointed by the Secretary of State for Scotland at the request of the Commission. The Local Inquiry is conducted at a convenient public place within the area under review, such as the Council Chamber of a local authority. Any interested person or organisation may, if they wish, attend in person, or send a representative to make known their views, whether or not they have previously submitted a written representation to the Commission.
- 1.3.14 Where the area subject to the Local Inquiry is extensive, the Local Inquiry may be held at more than one location.
- 1.3.15 A transcript of the proceedings of the Local Inquiry will be prepared.
- 1.3.16 The Commission will not be represented at the Local Inquiry, although members of the Secretariat may be present as observers and to assist with the running of the Local Inquiry. The Commission will not seek to promote its proposals at the Local Inquiry.
- 1.3.17 Procedure
- 1.3.18 No statutory procedure is prescribed for the conduct of a Local Inquiry: this is left to the discretion of the Assistant Commissioner. Evidence can be given

without any prior formality such as taking an oath or affirming. The purpose of a Local Inquiry is:

- to get to know local opinion;
- to hear criticisms of, and support for, the published proposals;
- to receive counter-proposals; and
- to enable everyone who wishes to comment on any counter-proposals, or on the Commission's proposals, to do so.

1.3.19A record of those attending is kept to enable the Secretariat to inform them of subsequent progress in the review.

1.3.20At the start of the Local Inquiry the Assistant Commissioner will make the Commission's statement to the Local Inquiry known, and may, at his discretion, read it out.

1.3.21 The Assistant Commissioner will then ask the organisations or individuals listed in the provisional order of business if they would confirm that they wish to offer oral evidence. Where a sponsor is representing a person or organisation, a note will be made of that person's name. Thereafter, the Assistant Commissioner will ask for and note the name of any individual or organisation represented but not included in the provisional order of business wishing to offer evidence to the Local Inquiry.

1.3.22 Assistant Commissioners find it helpful if organisations or individuals wishing to propose elaborate or substantial counter-proposals disclose this fact at the beginning of the Local Inquiry when giving their names.

1.3.23 Copies of any written submissions, schemes or maps should be provided for the Assistant Commissioner, verbatim reporters and, if possible, others attending the Local Inquiry, to give them an opportunity to study and comment on counter-proposals at the Local Inquiry. The Assistant Commissioner might consider it necessary to adjourn the Local Inquiry for a short period in order to allow time for consideration to be given to complex counter-proposals.

1.3.24After the Assistant Commissioner has heard each speaker, he or she may invite questions to be asked of that speaker and may ask questions of his or her own.

1.3.25When the Local Inquiry has closed, the Assistant Commissioner will write his or her report and submit it to the Commission. The Assistant Commissioner is fully entitled to comment on the Commission's proposals and on any representations or submissions. The report may recommend that the Commission's proposals be accepted intact or with alterations or that a counter-proposal be adopted. However, the Assistant Commissioner is also at liberty to offer completely revised proposals within the terms of the statutory rules which, in his or her opinion, are likely to be acceptable within the area under review.

- 1.4 Further stages
- 1.4.1 Assistant Commissioner's Report
- 1.4.2 In all cases, a copy of the Assistant Commissioner's Report is made available on the Commission's website and through the same public display points used to display the Commission's proposals. Those attending the Local Inquiry are informed of the publication of the Assistant Commissioner's Report.
- 1.4.3 A copy of the transcript of the Local Inquiry proceedings is also published on the Commission's website.
- 1.4.4 Revised recommendations
- 1.4.5 The Commission considers the Assistant Commissioner's Report and the matters discussed at the Local Inquiry, together with any other relevant information. If the Commission decides to alter its provisional proposals, its revised recommendations are made available for public consultation in the same way as the provisional proposals.
- 1.4.6 Representations about these revised recommendations can then be made within the further statutory consultation period of one month and are considered as for the earlier provisional proposals. The Commission will decide in accordance with section 3.1 above whether to hold a further Local Inquiry.
- 1.4.7 Final recommendations
- 1.4.8 If the Commission decides not to alter its published proposals, these will be published as the Commission's final recommendations, and those who participated in the relevant Local Inquiry will be informed of its decision.
- 1.4.9 Report
- 1.4.10 Once it has decided on its final recommendations for constituencies and regions for the whole of Scotland, the Commission submits its Report to the Secretary of State for Scotland. The process around the submission of the Report and its passage into legislation is explained in more detail in the Commission's Descriptive Booklet on the First Periodical Review of Scottish Parliament Boundaries.

Attachment 2/4:

Sheriff Principal Bowen
Sheriff Court House
Chambers Street
Edinburgh
EH1 1LB

31 March 2008

Dear Sheriff Principal Bowen

I am writing further to my letter of 22 February. The statutory consultation period on the Boundary Commission for Scotland's provisional proposals for Scottish Parliament constituencies has now concluded. As a result, the Commission will meet on 4 April to decide which Local Inquiries are required. From the Secretariat's analysis of the representations, we can make a very good assessment of which Local Inquiries will be required.

I am now seeking your assistance in identifying which Sheriff Principal should be appointed by the Secretary of State for Scotland to conduct the Local Inquiry in each area. The areas in which the Secretariat expects the Commission to require a Local Inquiry are combinations of local authority areas listed below. As in my earlier letter, I have listed the Sheriff Principal whose court appears to me to be closest to the area in question. Clearly this will not be the only factor in deciding which Sheriff Principal should be appointed.

North East Scotland - Angus, Aberdeen City, Aberdeenshire, Moray Council areas	Sheriff Principal Young
Highland Council area	Sheriff Principal Young
West of Scotland – Argyll & Bute, East Renfrewshire, Inverclyde, Renfrewshire, West Dunbartonshire Council areas	Sheriff Principal Kerr
City of Edinburgh Council area	Sheriff Principal Bowen
Clackmannanshire and Stirling Council areas	Sheriff Principal Dunlop
Dumfries and Galloway Council area	Sheriff Principal Lockhart
South West and Central Scotland – East Ayrshire, East Dunbartonshire, North Lanarkshire, South Ayrshire, South Lanarkshire, West Lothian Council areas	Sheriff Principal Lockhart
South East Scotland - East Lothian, Midlothian, Scottish Borders Council areas	Sheriff Principal Bowen
Fife Council area	Sheriff Principal Dunlop

The details of the venues and timing of the Local Inquiries will be decided in collaboration with the relevant local authorities: I will be approaching them to ask for their assistance in providing venues for the Inquiries. As you are aware, the workload for different Local Inquiries can vary quite markedly, depending on the extent of the area involved, and the complexity of the issues raised. I will be happy to discuss my expectations for these Inquiries either on the phone or in person.

The Commission hopes that it will be possible to hold the first Local Inquiries in June and the others in September or October. Therefore, we are keen to progress the appointment of Assistant Commissioners to allow the planning of those Inquiries.

Thank you for your assistance with this matter. I look forward to hearing from you.

Yours sincerely

Dr Hugh Buchanan
Secretary to the Boundary Commission for Scotland

Attachment 3 / 4:

Rt Hon Des Browne MP
Secretary of State for Scotland
1 Melville Crescent
EDINBURGH
EH3 7HW

April 2008 Dear Secretary of State

As you are aware, the Boundary Commission for Scotland is in the process of reviewing the constituency and regional boundaries for the Scottish Parliament, in accordance with the Scotland Act 1998. The Commission began its review in July 2007, and is required by legislation to submit its report to you no later than 30 June 2010. We expect to meet that deadline.

As part of the review, the Commission published its provisional proposals for constituencies for the Scottish Parliament in February, and has received a number of representations on those proposals. As a result, the Commission has concluded that a number of Local Inquiries will be required, in accordance with paragraph 9 of Schedule 1 of the 1998 Act.

Local Inquiries are each conducted on behalf of the Commission by an Assistant Commissioner, appointed by you for the purpose. It has been long-established practice in Scotland to appoint Sheriffs Principal to fulfil this role.

The purpose of this letter is to invite you to appoint the following Sheriffs Principal to conduct local inquiries in the areas listed:

Sheriff Principal Stephen Stewart Templeton Young	North East Scotland Highland Council area
Sheriff Principal Bruce Alexander Kerr	West of Scotland
Sheriff Principal Brian Alexander Lockhart	Dumfries and Galloway South-west and Central Scotland
Sheriff Principal Edward Farquharson Bowen	City of Edinburgh South East Scotland
Sheriff Principal Robert Alastair Dunlop	Clackmannanshire and Stirling Fife Perth and Kinross

Thank you for your assistance in this matter. If you or your staff have any questions about the local inquiries or more generally about the review, the Commission's Secretary, Dr Hugh Buchanan, or his staff will be happy to assist.

Yours sincerely

The Hon Lord McEwan
Deputy Chairman
Boundary Commission for Scotland

Attachment 4 / 4:

Sheriff Principal Bowen
Sheriff Court House
Chambers Street
Edinburgh
EH1 1LB

22 February 2008

Dear Sheriff Principal Bowen

Further to our phone conversation of earlier today, the Boundary Commission for Scotland have asked me to write concerning the involvement of Sheriffs Principal in conducting the Local Inquiries which are expected as part of the Commission's First Periodical Review of Scottish Parliament Boundaries.

This Review was commenced in July 2007, and the most recent stage was the publication of the Commission's provisional proposals for constituencies on 14 February 2008. The Review will result in a report from the Commission to the Secretary of State for Scotland recommending what the future constituencies and regions for the Scottish Parliament should be. The Commission expects to submit that report early in 2010. The Commission is chaired ex-officio by the Speaker of the House of Commons, although in practice its work is chaired by the Deputy Chairman, Lord Robin McEwan.

It is normal practice for Local Inquiries that are part of Reviews by the Boundary Commission for Scotland to be conducted by Sheriffs Principal, appointed for the purpose by the Secretary of State for Scotland.

It is expected that there will be a number of Local Inquiries around the country into the Commission's provisional proposals for constituencies - these proposals have been published as 15 areas, each area covering the extent of one or more local authorities. The need for Local Inquiries will be determined by the Commission from April onwards when it considers representations received in response to its

provisional proposals. Therefore, it is not currently possible to say how many Local Inquiries will be required, or which areas they will cover.

It is possible that further Local Inquiries will be required when the Commission publishes its provisional proposals for regions and its revised recommendations for constituencies for the Scottish Parliament, which it expects to do early in 2009.

At this stage, I am seeking your agreement to you and your colleagues conducting Local Inquiries, and provisional identification of Sheriffs Principal to conduct inquiries in each area. The areas for which the Commission have published its proposals are combinations of local authority areas listed below. Next to each one, I have listed the Sheriff Principal whose court appears to me to be closest to the area in question.

North East Scotland - Angus, Aberdeen City, Aberdeenshire, Moray Council areas	Sheriff Principal Young
Highland Council area	Sheriff Principal Young
West of Scotland – Argyll & Bute, East Renfrewshire, Inverclyde, Renfrewshire, West Dunbartonshire Council areas	Sheriff Principal Kerr
City of Edinburgh Council area	Sheriff Principal Bowen
Clackmannanshire and Stirling Council areas	Sheriff Principal Dunlop
Dumfries and Galloway Council area	Sheriff Principal Lockhart
Dundee City Council area	Sheriff Principal Dunlop
South West and Central Scotland – East Ayrshire, East Dunbartonshire, North Lanarkshire, South Ayrshire, South Lanarkshire, West Lothian Council areas	Sheriff Principal Lockhart
South East Scotland - East Lothian, Midlothian, Scottish Borders Council areas	Sheriff Principal Bowen
Falkirk Council area	Sheriff Principal Bowen
Fife Council area	Sheriff Principal Dunlop
Glasgow City Council area	Sheriff Principal Taylor
North Ayrshire Council area	Sheriff Principal Kerr
Perth and Kinross Council area	Sheriff Principal Dunlop

The Commission hopes that it will be possible to hold the first Local Inquiries in June and the others in September or October. The Commission's timetable for the Review envisages completing consideration of Local Inquiry reports by the end of 2008.

I enclose the Commission's Descriptive Booklet on the Review which explains the process and procedures of the Review, and includes the text of the legislation governing the Review, which is Schedule 1 of the Scotland Act 1998, as amended by the Scottish Parliament (Constituencies) Act 2004. This is slightly different

legislation than governed the review of Westminster Parliament boundaries in Scotland which you previously participated in.

Thank you for your assistance with this matter.

Yours sincerely

Dr Hugh Buchanan
Secretary to the Boundary Commission for Scotland

Emails between Boundaries Scotland and SG Elections Team 19th June 2023

From: [Redacted] Scottish Government
Sent: Monday, June 19, 2023 10:32 AM
To: [Redacted] Boundaries Scotland
Cc: [Redacted]
Subject: RE: Sheriffs Principal

Hi [Redacted]

I've been in touch with the Judicial Office for Scotland, who passed the request to the office of the Lord President – last I heard was them was on 9th June, saying they would pass it on to the Lord President and report back.

If they're just looking for more information on what would be expected of a SP in the local inquiries, I think the information pack you forwarded to me last week would have more detail than I'd be able to give from our conversations, but of course happy to feed in to your response if that's helpful.

Thanks, [Redacted]

From: [Redacted] Boundaries Scotland
Sent: Monday, June 19, 2023 10:27 AM
To: [Redacted] Scottish Government
Cc: [Redacted]
Subject: Sheriffs Principal

Hi [Redacted]

I've had a request from Scottish Courts for info regarding local inquiries and the SP role. It doesn't reference any approach from you and I don't think I've seen anything you sent, if indeed you have been in touch with them yet. So just wanted to check if you had progressed this and with whom so that wires don't get crossed.

[Redacted]

Email from Minister for Parliamentary Business' Office to Boundaries Scotland 15th May 2023

Good afternoon [Redacted],

I hope you're well.

The Minister for Parliamentary Business would like to take the opportunity to meet with Mr Hinds, and his successor Ailsa Henderson, to thank him for his work chairing the Commission and to receive and update on the current review of the Scottish Parliament's regions and constituencies.

If possible, we would like to hold this meeting before Mr Hinds terms ends on 31st May. I would be grateful if you could confirm if any of the below dates/times would be suitable:

16:00-16:45, Tuesday 23 May

10:15-11:00, Thursday 25 May

14:15-15:30, Tuesday 30 May

Many thanks,

[Redacted]