

RESPONSES TO 'THE SIZE OF THE SCOTTISH PARLIAMENT – A CONSULTATION'

Introduction

1. This paper provides a summary of the responses to the consultation on the size of the Scottish Parliament which was issued by the Secretary of State for Scotland on 18 December 2001.

2. The consultation paper can be found on the Scotland Office website at www.scottishsecretary.gov.uk

3. The Scotland Act 1998 removed the guarantee of at least 71 Scottish seats at Westminster (at present there are 72) and requires the Boundary Commission for Scotland to determine the level of Scottish representation by applying the same electoral quota as in England (the average Scottish constituency currently comprises around 55,000 electors, while the average for English constituencies is around 70,000). The Scotland Act also provides for the Scottish Parliament constituencies to be the same as the UK Parliament ones, except for Orkney and Shetland which each have their own MSP.

4. The Scotland Act therefore presently provides for an automatic reduction in the size of the Scottish Parliament when the number of MPs at Westminster representing Scottish constituencies is reduced by the current review being carried out by the Boundary Commission for Scotland. The Boundary Commission published its provisional recommendations for revised Westminster constituencies on 7 February 2002. Details are available on its website at www.bcomm-scotland.gov.uk These recommendations, if implemented, would reduce the number of MPs to 59, with a consequential reduction in the size of the Scottish Parliament to about 104 MSPs.

5. The consultation document argued that it would be important, in considering whether to retain or end the link between Westminster and Holyrood constituencies, to address the practical issues of how elected representatives could function if they did not have the common identity of constituency boundaries. In particular, views were sought on 3 questions:

- What would be the consequence of the reduction required by the Scotland Act on the operation of the Scottish Parliament, and in particular on the Committee system, the workload of MSPs, the service provided to constituents and the role of members elected from the list system?
- What practical effect and issues would arise in their relationship as constituency representatives between MPs, MSPs and councillors if the present number of MSPs were to be retained and non-coterminous boundaries between Westminster and the Scottish Parliament constituencies created, and how could any difficulties be overcome?
- What are the implications where shared constituency boundaries are not in place for electoral administrators and local authorities in relation to the registration of voters and the conduct of elections, and what would need to be done to ensure the effective and efficient running of the democratic process?

6. In addition, although not a matter directly for the Government to consider, views were sought on the implications for the structure and operation of political parties if boundaries ceased to be coterminous, and on how any difficulties could be overcome.

7. It was made clear in the consultation paper that the Government had no plans to review the issue of the number of Scottish constituencies at Westminster and that it also had no plans to change the electoral system to the Scottish Parliament.

Responses

8. Responses were requested by 29 March 2002. Between its launch in December 2001 to the end of the consultation period, 783 copies of the consultation document were issued and it was accessed 1,290 times on the Scotland Office website. 237 responses were submitted. A list of these is at Annex A.

9. Responses were received from 28 civic organisations and bodies, representing a wide range of interests across Scotland, and from 95 individual members of the public. Representations were also made by 7 individuals or bodies representing electoral administrators, including the Electoral Commission, and by 21 councils and COSLA. The Scottish Parliament and the Scottish Executive, 2 Parliamentary party groups and 27 individual MSPs replied, as did 1 Westminster party group and 18 MPs, and 3 other Parliamentarians (2 Lords and 1 MEP). Thirty two responses were received from political parties and local constituency organisations.

10. Not all responses were entirely clear on the appropriate size for the Scottish Parliament. The following summary has, however, attempted to place these in the categories that seemed best to cover the main issues raised.

Civic Organisations and Bodies

11. Twenty eight responses were received from a wide range of civic organisations and other bodies, some of which comprised or represented a number of groups and interests.

12. A response covering the views of a range of bodies was submitted by the '129 Reflection Group'. This Group was convened by the Centre for Scottish Public Policy under the chairmanship of Sir Neil McIntosh and included members and representatives of the CSPP, the Edinburgh University Institute of Governance, the Scottish Trades Union Congress, the Scottish Civic Forum, the Scottish Council for Voluntary Organisations, Action of Churches Together in Scotland, UNISON, the Educational Institute for Scotland, the Scottish Council for Development and Industry, and individual members of the Scottish Parliament Consultative Steering Group.

13. The '129 Reflection Group' unanimously concluded that the Scottish Parliament must continue at its current size, retain its current proportional system of representation, and continue to adopt accessible and family friendly procedures in its operation. It argued that a reduction in the size of the Parliament would fundamentally undermine the principles on which it was established and had been operating.

14. In particular:

- It would undermine the committee structure and other accessibility mechanisms and the Parliament's ability to promote the adoption of women candidates, and would introduce working time pressures that would reverse the family friendly operation of the Parliament that encouraged wider participation. A smaller size could also have an adverse effect on the representation and participation of regional diversity, and make representation of ethnic minorities more difficult.
- A smaller Parliament would mean less MSP time available to carry out the busy schedule currently undertaken by MSPs. Less time would undermine current commitments to extended consultation, to decentralising the operation of the Parliament and to encouraging proper working hours. The result of these pressures could be changes in the electoral procedures or practice that would in turn put at risk the operation of proportionality.
- The ongoing review of the operation of the Parliament being conducted by its Procedures Committee indicated that many of the functions currently carried out by the Parliament would be extremely difficult to achieve with fewer MSPs.
- Boundaries not being coterminous should not be a fundamental problem – as shown by considerable evidence from other countries. Scotland had a politically aware electorate that had long accepted that constituencies vary with the character of elections.

15. The views set out in the '129 Reflection Group' response were endorsed by Action of Churches Together in Scotland, the Committee on Church and Nation of the General Assembly of the Church of Scotland, the Educational Institute of Scotland, the Methodist Church in Scotland, the Royal Incorporation of Architects in Scotland, the Scottish Pensioners' Forum, the United Free Church of Scotland, and the United Reform Church.

16. The Institute of Governance, Edinburgh University, argued that weakening the Parliament would weaken the whole democratising process. They saw the committees as being of particular importance and argued that even given the present number of MSPs they were under strain to scrutinise, research and legislate. Representing the regional diversity of Scotland, gender balance, and progress towards representing ethnic diversity would become more difficult were the size of the Parliament reduced. They knew of no evidence that people in Scotland were unduly confused by non-coterminous boundaries.

17. Professor John Curtice, of the Department of Politics, Strathclyde University, argued that the provisions of the Scotland Act did not ensure that Westminster and Holyrood boundaries were always coterminous with each other, as elections to the two bodies would normally take place at different times. This suggested that it was already accepted that non-coterminous boundaries could be tolerated to some degree. Existing electoral arrangements in Scotland already required electoral administrators to cope with non-coterminous boundaries, and if electoral administrators and voters were already expected to be able to cope with non-coterminous boundaries for local government and Scottish Parliament elections held on the same day, any argument that they could not reasonably be expected to cope with different boundaries for elections on different days did not appear to have any validity.

18. The Electoral Reform Society had no strong view on what size the Parliament should be, but argued that the number of MSPs should be determined by what the Parliament needed and not by the number of Scottish MPs at Westminster. It did not favour the retention of the status quo because of the problems which different boundaries for Westminster and Holyrood constituencies would cause. In its view, these would be confusing for electors and complicated for electoral administrators. More seriously, they would create difficulties for the work of political parties. It saw these as important building blocks of the democratic system and believed that electoral arrangements which made it more difficult for parties to campaign could weaken the effectiveness of the parties, which would not be good for Scottish politics. The Society concluded that future Scottish Parliament elections should be conducted by the Single Transferable Vote (STV) system. This would result in all MSPs being elected in the same way, with them all being accountable to electors in areas of a manageable size; would ensure and enhance the representativeness of the Parliament; and should encourage higher turnouts. STV would also be easy to implement as the electoral areas could make use of the boundaries of the new Westminster seats.

19. Canon Kenyon Wright, Chair of the People & Parliament Trust and former Executive Chair of the Scottish Constitutional Convention, said that 129 MSPs seemed to be the minimum number needed to allow the innovative and vital work of the Committees to operate effectively, and that it was crucial to defend the integrity of proportionality. The electorate already had experience of differing electoral boundaries and would have no more difficulty in dealing with further different boundaries.

20. UNISON Scotland, which represents over 140,000 people working in the public sector, believed that the Scottish Parliament should be given more time and stability to develop and evolve in its current form. Any changes at this stage to its size and structures would cause massive upheaval, an unwanted distraction, and be destabilising on the devolved institutions. In particular, the ability of the committees to allocate time to investigatory work or to hear evidence, such as that given by organisations such as UNISON, would be severely restricted if the number of MSPs were reduced. UNISON believed that it was possible to develop electoral systems and processes that coped with the existence of non-coterminous boundaries. In its view, any potential difficulties for political parties should not be a strong argument for reducing the number of MSPs.

21. The Scottish Council for Development and Industry – which has about 1,100 broadly based member organisations and works to strengthen Scotland’s economic competitiveness and prosperity – supported the retention of 129 MSPs. It believed that a reduction in MSP numbers would adversely affect the capacity of the Parliament committees to transact business, which would undermine the principles of the Parliament and its legitimacy. It was unconvinced that there would be additional difficulties caused by implementing non-coterminous boundaries in Scottish constituencies, and suggested that any breakdowns in communication between political representatives were at least as likely to arise from party political, issue or personality clashes as from boundaries.

22. The Royal Institution of Chartered Surveyors in Scotland, representing 9,000 members, stated that it was involved in informing government policy on the future of natural and built environment resources and had wide-ranging contact with the Scottish Parliament. It opposed any reduction in the number of MSPs and supported the work by the Parliament’s committees, believing that in view of their currently heavy workload a reduction in the

number of MSPs might severely impair their effectiveness. A reduction in the number of MSPs would also inevitably limit the accessibility of MSPs to their constituents and civic society. It believed that there was no evidence that the electorate would find it confusing for MPs and MSPs to have non-coterminous constituencies.

23. The Scottish Pharmaceutical General Council, representing Scotland's 1140 community pharmacy contractors, believed that the number of MSPs should remain at 129, to help ensure that there was no reduction in the work carried out by the Parliament and in particular its committees. Reducing the number of MSPs would exacerbate the problems the Council had experienced in meeting with committee members to raise concerns about policies or suggest initiatives.

24. The Third Sector Policy Officers Network, an informal network of over 80 voluntary sector members from across Scotland, believed that the Scottish Parliament has improved access to policy makers for the Scottish voluntary sector, and that any reduction in the number of MSPs could only have a negative effect on the operation of the Parliament as a whole. While application of the provisions in the Scotland Act might address some minor administrative difficulties from non-coterminous boundaries, this would be at the expense of the founding principles of the Parliament - in particular, accessibility, power sharing and equal opportunities. In their view, the committee system was one of the great strengths of the Parliament, which would not be able to cope with a cut in the number of MSPs. Increased MSP workload would also lead to fewer opportunities for MSPs engaging with the voluntary sector and to a further remove from already disempowered community groups. Constituency boundaries did not need to be identical to ensure communication between policy makers.

25. The Association of University Teachers (Scotland) recommended that the number of MSPs should not be significantly reduced. Instead, the number of regional list MSPs should be increased while keeping constituency boundaries coterminous. It argued that a reduction in the number of MSPs would decrease the size of committees, making them less representative and increasing the workload of committee members. In particular, the Enterprise and Lifelong Learning Committee had a broad remit which made it difficult at present to have expertise in all areas of its activity – a reduction in its membership would severely reduce its effectiveness in providing an audit of both the Executive and non-government bodies within its remit. The Association also argued that non-coterminous boundaries already made attempting to place universities in their appropriate constituencies confusing, and further differences would produce a chaotic system that would undermine the organisation of the democratic process.

26. The National Union of Students Scotland strongly supported the retention of the current number of 129 MSPs and said that any reduction in the size of the Parliament would hinder its ability to operate effectively in providing the best representation of the student – and wider – community in Scotland. They had worked particularly closely with the Enterprise and Lifelong Learning Committee and had found it to be very open and progressive.

27. Strathclyde University Students' Association said that its members gained benefits from the Parliament at present and was concerned that these might disappear if its size was reduced. The likelihood was that the workload of members would become too great and that the Parliament's founding principles of openness, accessibility, responsiveness and participation would be unable to be put into practice. It therefore recommended that the present size of the Parliament and its constituencies should be retained.

28. The Scottish Human Rights Centre had achieved meaningful access to MSPs and the Executive, and believed that the current number of MSPs should be retained to allow the committees to function properly and the Parliament to reach out to the people of Scotland.

29. The Scottish Episcopal Church said that to fail to implement the changes on the make up of the Scottish Parliament laid out in the Scotland Act would appear to be contrary to the stated will of the Scottish electorate and that the development of practice in the Parliament has shown the need to dovetail the work of the UK and Scottish Parliaments. Non-coterminous boundaries would increase the bureaucratic burden on electoral administrators and local authorities, and lead to greater costs and waste money that could more usefully be applied elsewhere.

30. The Evangelical Alliance Scotland believed that the Parliament required 129 MSPs so that its work could continue and was concerned about access to MSPs if the number were to reduce. It also believed that Westminster and Holyrood boundaries required to be the same and that the number of list MSPs should therefore be increased to keep representation at 129.

31. The Humanist Society of Scotland said it was vital that the Parliament had sufficient members to maintain its present committee structure, and that it was particularly helpful to organisations which could not afford professional lobbying that the Parliament had sufficient members as this increased the opportunity for direct contact. It also believed that different boundaries for parliamentary constituencies could cause confusion for the electorate.

32. Outright Scotland - Scotland's national lesbian, gay, bisexual and transgender rights organisation - was firmly of the opinion that there should be no reduction in the current size of the Scottish Parliament, which it believed is currently too small for its duties and function to be discharged effectively. A Parliament with fewer members than present would, in its view, mean that social, political and ethnic minorities would not be effectively represented. While coterminous boundaries were desirable, this should not be the overriding principle for deciding the number of MSPs. If such boundaries were to be maintained, then the members returned by each region should be increased from 7 to 9.

33. The Equality Network, which works to end discrimination against lesbian, gay, bisexual and transgender people in Scotland, strongly believed that any cut in the number of MSPs would jeopardise the Parliament's ability to do its job properly and consistent with its key principles. It did not consider that non-coterminous boundaries should be a significant problem, so long as there were accessible arrangements for identifying details of local MSPs and MPs.

34. Justice for the Innocents (formerly Scottish Parents for a Public Enquiry into Organ Retention) disapproved of the possible reduction in the number of MSPs (and also MPs). In the main, it stated, MSPs and MPs had given as much help as they could, and if their numbers were reduced they would have more constituents to care for and less time to do so.

Individuals

35. Seventy one individuals were in favour of retaining 129 MSPs. Of these, 51 simply supported retaining this number or wanted to keep the current number and structure. Where reasons were given, these focussed on the need to keep the present committees and on the

importance of proportionality. Generally, the lack of coterminous boundaries was not seen as a particular problem.

36. However, 6 of these 71 respondents argued for 2 MSPs per Westminster constituency, with a top up of list MSPs, and 9 argued for coterminous Holyrood and Westminster boundaries, with an increase in list numbers to retain 129 members. One other argued for 129 but elected by STV and one wanted the present number of MSPs but also retention of coterminous boundaries. These responses tended to see coterminous boundaries as important or essential.

37. One individual wanted 120 MSPs, with 1 first-past-the-post member and 1 list member for each Westminster constituency.

38. Twenty two individuals were in favour of a reduction in the size of the Parliament, in line with the provisions of the Scotland Act. Just under half of these also commented that different boundaries would cause confusion.

39. Two individuals did not offer a view on the appropriate size of the Parliaments, but did make general comments.

Electoral Administrators

40. Seven responses were received from either individual electoral administrators or bodies representing them, and the Electoral Commission.

41. The new Electoral Commission, which is responsible for overseeing the conduct of elections, including to the Scottish Parliament, had no particular view on the appropriate number of MSPs nor on the issue of coterminous boundaries, but stated that it would be important in reaching decisions on these to ensure that the needs of the electorate and not administrative issues had priority. It recognised that non-coterminous boundaries between Westminster and Scottish Parliament constituencies could create administrative problems that would need to be overcome. But of more importance, it stated, was ensuring a structure under which the electorate could exercise the franchise without undue difficulty or confusion.

42. The Association of Electoral Administrators (Scottish Branch) was in favour of retaining the position in the Scotland Act. In its view, if constituencies did not remain coterminous, an additional burden would be placed on electoral registration officers and returning officers in the production of the electoral register and conduct of elections, for which additional resources might be required for these to operate effectively. This problem would be exacerbated if there were to be combined elections for Westminster and Scottish Parliament constituencies. Electors might have to vote at different polling places, depending on the type of election, which could lead to voter confusion. More polling districts would be required to prevent this.

43. The Election Working Group of the Society of Local Authority Lawyers & Administrators in Scotland (SOLAR) was of the unanimous view that coterminous boundaries should be retained since these facilitated both the conduct of elections and the registration of voters. It stated that the absence of this link between the two boundaries would lead to difficulties in the preparation for and conduct of elections, and had concerns

about different geographical boundaries, different registers of electors, different absent voters lists and the need for greater cross boundary working.

44. The one Electoral Registration Officer who responded stated that a profusion of boundaries was very confusing to the electorate and that electors found difficulty in relating to these boundaries. Having Westminster and Scottish Parliament boundaries the same would significantly reduce the confusion that existed about representation. He reported that at present every property on file had a polling area indicator, ward indicator, Parliamentary Constituency indicator, European Parliamentary Constituency indicator and, in most cases a Community Council indicator, plus the potential National Park Ward indicator. Adding yet another indicator would provide further room for confusion. All these divisions had to be shown on Electoral Registers and poll cards. Further, the more that parliamentary boundaries of different descriptions crossed local government areas, the more fragmented became the process of producing an Electoral Register and of running an election or by-election.

45. One Returning Officer said that non-coterminous boundaries might increase voter confusion about their elected representatives. Also, non-coterminous boundaries might mean, in areas of cross-over, polling districts and polling places having to be reviewed. This would lead to fragmentation of local government wards and smaller polling districts, with the consequence of an increase in polling places to be staffed and the costs of running elections. To ensure the effective and efficient running of the democratic process, this Returning Officer argued that the following principles and practices were essential, whether or not there were coterminous boundaries:

- electoral wards should be the smallest unit from which all constituencies are built
- accessible information must be published on elected representatives and their areas of responsibility
- there should be pre-election voter information programmes
- increased resources should be made available for IT systems to support all areas of the electoral process
- increased training for all elections staff.

46. Another Returning Officer was already used to operating with non-coterminous boundaries, but said that if the same boundaries were used then electoral administration in his authority would be greatly simplified and cross-boundary complications would be eliminated. Where more than one Council area was involved, every stage of the procedure was more complex - the designation of polling places, the posting up of election material, the staffing of polling places, the issue and receipt of postal votes, the briefing of candidates and their agents, the separation of ballot papers prior to the verification and count, and the accounting procedure itself. He acknowledged, however, that although administering combined polls on the basis of existing constituency boundaries was difficult, it was not impossible, as had been demonstrated at the combined poll in 1999. However, operating cross-boundary elections was considerably more complex and more prone to error.

47. Another Returning Officer's view was that in any situation where the number of Wards straddling Parliamentary boundaries increased, then the potential for error also increased. In order to reduce the capacity for errors, Returning Officers needed to be involved in an additional level of co-ordination and training of polling staff to avoid confusion at polling stations which served more than one constituency. Care needed to be taken so as to ensure that electors received the correct ballot papers and, at close of Poll,

arrangements needed to be made to ensure that the separate local government and parliamentary votes were delivered to the appropriate Returning Officer – all of which could lead to delays.

The Scottish Parliament

The Scottish Parliament

48. The Presiding Officer of the Scottish Parliament formally submitted a copy of the Official Report of the Parliament's debate on 27 March 2002 on the consultation (motion S1M-2940 – cols 10652 to 10674). Following that debate and a vote by the Parliament, it was agreed, by 100 votes in favour and 18 against:

“That the Parliament notes Her Majesty's Government's consultation paper on the size of the Scottish Parliament; acknowledges the positive progress made by the Parliament and its committees, and considers that the number of elected representatives should remain at 129.”

The Scottish Executive

49. The First Minister and the Deputy First Minister submitted a memorandum on behalf of the Scottish Executive. In this, they recorded that the Executive believed that there was a very strong case for maintaining the status quo on the Parliament's size, primarily in the interests of stability but also because the Parliament could not function as effectively as it did with a reduced number of MSPs.

50. The Executive believed that a clear and convincing case could be made for retaining the Parliament at its current size, on the grounds of stability, consensus, workload and fairness. It argued under these headings that:

- **Stability:** the present arrangements were working well. The Parliament was holding the Executive to account effectively and had passed over 30 Bills, which would have a significant impact on the economic, social and environmental conditions of modern Scotland. The legislative process at Holyrood had attracted favourable comment for the emphasis it placed on meaningful public consultation and scrutiny by the relevant Committee even before Bills were introduced, and the Committees deserved much credit for improving the quality of legislation. Reducing the Parliament's size would involve considerable and unnecessary disruption in the working arrangements it had successfully developed.
- **Consensus:** the devolution settlement which the UK Government brought into being in 1997 was built on consensus which developed over a long period of discussion and debate. Such a significant change as a reduction in the Parliament's membership from 129 to 106 should not be introduced without a similarly high degree of public and political consensus.
- **Workload:** MSPs discharge a variety of functions, including constituency business, plenary business in the Chamber, membership of the Parliament's Committees and other commitments such as cross-party groups. The Scottish Parliament being unicameral - with only a single Chamber - meant that the role of MSPs, and in

particular the Committees, was crucial in scrutinising and improving the quality of legislation. A reduction in numbers would undermine the ability of MSPs to discharge these various roles effectively. Most constituency MSPs would have larger constituencies to serve and backbench MSPs would have to serve on more Committees than at present. This would inevitably have a detrimental effect on the ability of individual MSPs, and the Parliament as a whole, to serve the electorate and to discharge its responsibilities effectively.

- **Fairness:** If the proposed reduction in the size of the Scottish Parliament went ahead, the number of additional Members would be reduced from 56 to around 46. Fewer additional Members would mean that the ‘top up’ system was less likely to produce a result which was proportional, and therefore fair, as between the main parties. There would also be a higher threshold before minor parties could achieve any representation in the Parliament.

51. In the Executive’s view, a reduction in the size of the Parliament from 129 to around 106 would significantly change the dynamics of the Parliament, for the worse. It would alter the balance between backbenchers and Ministers and the Parliament’s ability to scrutinise the Executive effectively and to hold it to account. The capacity of the Committees to scrutinise proposals for legislation, conduct independent inquiries, and bring forward their own Bills would be severely curtailed. Also, the ability of MSPs to respond effectively to requests for assistance from their constituents would be significantly impaired, since fewer MSPs would be serving larger constituencies.

52. The Executive noted that the concerns about separate boundaries were legitimate, but in its view they were far from decisive. Electors, Returning Officers and the political parties already had to contend with different boundaries (and different electoral systems) for local, Parliamentary and European elections. There was no evidence that in practice this has led to any significant problems. In practical terms, therefore, the Executive did not see any reason why different constituency boundaries between Westminster and Holyrood should give rise to any serious difficulties either for political parties or for the constituents they served.

53. The Executive accepted, however, that moving away from identical constituency boundaries at Westminster and Holyrood could give rise to a number of practical difficulties which would need to be addressed and resolved. It suggested that one way of doing that would be to establish a joint UK-Scottish Advisory Commission after 2007 to consider the experience of the Parliament since devolution, by which time it would have completed two full terms, and operated with constituency boundaries which were not identical as between Westminster and Holyrood.

Parliamentary Groups and MSPs

54. The Scottish Parliament Labour Group argued for the retention of 129 MSPs for the near future on the grounds of stability, effectiveness and consensus. This Group was concerned that the committees could not function as effectively as currently, and that it would be difficult to maintain the balance of political representation on them if the number of MSPs were reduced. It was also concerned that a reduction would lead to a substantial increase of workload for members, with a loss of service to constituents and a reduced involvement of MSPs in civic and community life. A reduction in list members would also make a proportional result less likely. While the Group accepted that non-conterminous boundaries

might not be ideal, these were not unusual - the key issue was to ensure communication between MSPs, MPs and councillors, in the best interests of their constituents. In their view, there was no evidence that the frequent crossing over of local government and parliamentary constituency boundaries had led to any significant problems. This Group would, however, following the 2007 Scottish Parliament election, consider a review of the workings of the Scottish Parliament so far, with MSP numbers being considered in the context of an overall review.

55. The SNP Scottish Parliamentary Group argued that the number of MSPs should not be reduced below 129. In its view, lowering the number of MSPs would have a direct impact on the workload and therefore the service provided by MSPs of all parties; methods should be found to enhance the Parliament's current committee structure, rather than detracting from it; and any decrease in the number of MSPs would damage the proportionality of the Parliament.

56. Of the 27 individual MSPs who responded, all were in favour of retaining the present number of MSPs. Most were also in favour of the present structure, but four raised the possibility of the Scottish Parliament constituencies becoming the same as the new Westminster ones, with an increase in the number of list MSPs to achieve 129 members. Two others asked for alternative frameworks to be considered, including groupings of constituencies.

57. The main reasons, relied on by most respondents, was that any reduction would cause severe disruption to the workings of the Parliament; there was a need for a period of stability; the current numbers were required to ensure the effective and efficient working of the Parliament, especially its committees, which were seen to have very heavy workloads; a reduction would adversely affect the Parliament's scrutiny of legislation and the Executive and its capacity to conduct inquiries, initiate legislation etc; the importance of proportionality in the present system, which any reduction in the numbers of list MSPs would reduce; and the need to retain the current structure to maintain a proper balance of political representation. Any increased workload following from a reduction in the number of MSPs (some of whom already covered vast geographical areas) would be to the detriment of constituents and MSPs' wider involvement in community issues.

58. The general view was that there was no need for coterminous boundaries. While this would not be ideal or convenient, there were already differences and whatever problems would be created should not be insurmountable. It was believed that there was little evidence of significant problems or confusion for constituents and electors, although it was argued by some respondents that improved communications would be important and electors and constituents needed clear information on the boundaries and their representatives. The co-ordination of boundaries between Scottish Parliament constituencies and local government areas were seen by some to be more important for effective representation. It was acknowledged that there would be problems for political parties in organising themselves if there were differing Westminster and Scottish Parliament constituencies, but these could be limited by developing a more flexible or regional system. While coterminosity would be considerably more straightforward for the purposes of party organisation, these respondents said that the convenience of political parties should not be a significant consideration in deciding on such an important issue as the size of the Scottish Parliament and its stability. Parties and administrators should be able to adapt to circumstances without any real problems. Maintaining an effective Parliament must take precedence.

59. It was noted that whatever the outcome of the consultation, there would be a period following the current Westminster boundary review where MPs and MSPs would represent different constituency areas. It was suggested this would provide the opportunity to consider the impact of non-coterminosity in the light of practical experience rather than in the abstract.

60. A few respondents supported a review of the workings of the Scottish Parliament after the 2007 elections, with the number of MSPs required considered within the overall context of this. It was also suggested that such a review should look at the interrelationship with boundaries for public bodies across Scotland, as well as between MPs, MSPs and councillors.

The Scottish Parliament Corporate Body

61. The Presiding Officer submitted the views of the Scottish Parliament's Corporate Body, which is responsible for the staffing, services and property of the Parliament. It believed that there should be no reduction in the current number of MSPs. In its view, a reduction would threaten the ability of the Parliament to ensure compliance with the key principles under which it had been set up¹, and have a particularly serious and adverse impact on the work and effectiveness of the Parliament's committees.

62. In addition, the Corporate Body believed there would be a real risk that a reduction in MSP numbers would adversely affect the viability of other aspects of the Parliament, such as:

- dealing with constituency matters (especially where there are larger constituencies)
- MSPs taking part in other important forums of debate
- the Parliament as a whole dealing with as much business – leading to reduction of the extent and speed of the Executive's plans for legislative reform or the scale of other parliamentary business
- the Parliament reflecting the diversity in society by maintaining geographical, gender and ethnic proportionality
- maintaining family friendly working practices
- the Parliament as a whole maintaining the quality of the work it currently undertakes.

63. The Corporate Body believed that the current work of the Scottish Parliament was of a high quality, that the workload of MSPs showed that they were, with their current numbers, already working very hard to deal with the required level of work, and that any decrease in their numbers would result in a reduction in the amount and quality of work carried out.

¹ The Consultative Steering Group of the Scottish Parliament adopted the following key principles, following the vote in favour of establishing a Scottish Parliament in the September 1997 referendum:

- the Scottish Parliament should reflect the sharing of power between the people of Scotland, the legislators and the Scottish Executive;
- the Scottish Executive should be accountable to the Scottish Parliament and the Scottish Parliament, in turn, should be accountable to the electorate;
- the Scottish Parliament should be accessible, open, responsive and develop its procedures to facilitate a participative approach to the development, consideration and scrutiny of policy and legislation; and
- the Scottish Parliament in its operation and its appointments should recognise the need to promote equal opportunities.

MPs and other Parliamentarians

MPs

64. Seven MPs were in favour of retaining 129 MSPs, although two supported this on the basis that it was too early to reach any other decision and believed that an independent commission should be set up to consider the number and other related matters. Where the issue was raised, they did not see any requirement for Westminster and Holyrood constituencies to be coterminous, nor any difficulty for the operation of elections.

65. The Scottish National Party Westminster Group was also collectively opposed to cutting the size of the Scottish Parliament, as in their view any reduction would diminish proportionality and lessen the pool of talent, and the strength and effectiveness of the committee system depended on maintaining the number of MSPs. They believed that working across boundaries and having to interact with a greater number and variety of other elected representatives should improve the working relations with MPs and others. They saw the implications for the structure and operation of political parties as matters for the parties, which they should be able to change as circumstances demanded.

66. Three MPs supported retaining 129 MSPs, but also believed that coterminous boundaries were important or essential. They supported an alternative electoral system of two constituency MSPs per Westminster seat, with the remainder elected from a national list.

67. One MP argued for 120 MSPs, comprising 60 constituency members and 60 list members. He believed that different boundaries between Westminster and Holyrood constituencies would be most undesirable.

68. Six MPs argued that the number of MSPs should be reduced in line with the provisions in the Scotland Act. Their main concern was that different boundaries for MPs and MSPs would cause considerable confusion for the electorate and complications for electoral administrators and political parties. They believed that the Parliament and committees could adjust to operate effectively at a reduced size. Two of these respondents argued that if it was considered essential that there should be 129 MSPs then the composition of the Parliament should become 2 constituency MSPs per Westminster constituency, topped up with additional list MSPs elected on an all Scotland basis.

69. One MP had no strong views on what the exact number of MSPs should be, but offered points to consider and suggestions.

Other Parliamentarians

70. One of the two Lords who responded said that the present size and basis of election of the Scottish Parliament should be maintained, and he did not see that it would be much more difficult to deal with boundaries which were no longer coterminous. The other, following concerns about the operation of the additional member system in practice, said that the Boundary Commission should, in time for the 2007 elections, divide each new Westminster constituency to provide for two, or very exceptionally three, constituencies for directly elected members to the Scottish Parliament. The consequential reduction of MSP numbers to about 120 should in his view be manageable.

71. The one MEP who responded believed that reducing the number of MSPs would have a disastrous and damaging impact on the Scottish Parliament and would destroy its Committee system. He did not think that there would be any particular difficulty in liaison if there were different MSP and MP constituencies.

Political Parties and Constituency Organisations

72. The Scottish Conservatives stated that the Conservative Parliamentary Party at Westminster and the Scottish Conservative MSPs did not believe that the Scotland Act should be amended and that the consequential reduction in the size of the Scottish Parliament should take effect from May 2007. They were in no doubt that the committee system of the Parliament could function at least as efficiently with fewer MSPs, and did not believe that a reduction in MSPs would inevitably lead to an unacceptable increase in workload or a reduction in the service provided to constituents. A smaller and more focused government would prove more efficient and provide better value for money for the taxpayer. They believed that although it was possible to have different first-past-the-post constituencies in the two Parliaments, it would be simpler for all concerned if the same boundaries were used. While they would wish to minimise the difficulties for those involved in the administration of elections, constituency boundaries already overlapped with local authority areas and accordingly this was not seen as a significant factor in determining the size of the Parliament.

73. The Scottish Co-operative party believed that the present size of the Scottish Parliament must be maintained at least until 2007, on the basis that it had deep reservations about implementing a system that would end the present coterminous Parliamentary boundaries. However, it did not rule out separate boundaries if it was proven that these would not result in conflict of interest between Westminster members and directly elected members of the Scottish Parliament.

74. The Scottish Green Party stated that the workload of MSPs would be unacceptably increased by a reduction in numbers and removing additional places would devalue the small concession made to proportionality in the Parliament's existing composition and make it less representational. In its view, a case could be made for an increase in size. The division of responsibilities between the Parliaments indicated that boundaries were not a major issue.

75. The Scottish Labour Party believed that the Scottish Parliament had in its first few years been developing its structures and wanted to see its size remain at 129 MSPs to ensure stability. It also said that as the Scotland Act was created out of a broad consensus, any proposed changes to the size and composition of the Parliament should be based on a similar consensus, and consideration to change might be given following the 2007 Scottish Parliament elections.

76. The Scottish Liberal Democrats said that a reduction in MSP numbers would have a significant negative effect on the workings of the Parliament, particularly the committee system, and breach the principles of proportionality. Provided all constituencies respected wards boundaries, no insurmountable practical difficulties should arise from non-coterminous boundaries, although coterminosity was both helpful and practical for political and parliamentary administration and should occur wherever possible. Although political parties would have real difficulties with non-coterminous boundaries, the workings of the Parliament were more important than their administrative convenience. They noted that a change in the voting system to STV would permit coterminosity and maintain current numbers.

77. The Scottish National Party stated that the number of MSPs should not be reduced below 129 and that the Parliament would face difficulties operating with fewer members. The committee structure already laboured under a heavy workload and any further pressure could endanger the drafting of effective legislation. The proportionality of the Parliament would also be damaged were the number of Members to be cut and the current balance between constituency and additional members maintained. Coterminous constituencies were not seen as necessary for good working practices, and non-coterminous constituencies should not add confusion to electoral registration and the administration of elections more than the current system. There was also no reason why political parties needed to organise themselves along constituency boundaries and, more importantly, the convenience for parties should not dictate electoral boundaries or the system of election.

78. The Scottish Socialist Party stated that the Parliament required more than the present complement of 129 MSPs to allow proper representation and for the committee system to work effectively. It believed that there would be very little impact on constituents' ability to receive representation if MPs and MSPs had different constituency boundaries.

79. Out of the 23 constituency branches or groups which responded (13 Liberal Democrats, 6 Labour, and 4 SNP), 20 supported retaining 129 MSPs – although in one branch a minority believed that there should be a reduction as set out in the Scotland Act, and one group wished to see an STV system of election. Most of the branches argued that any reduction would undermine the work of the committee system and reduce the proportionality of the Parliament. One branch had no clear views on the appropriate number of MSPs and another proposed an alternative system of election involving pairing of seats. One argued that coterminous boundaries must continue and therefore supported the implementation of the provisions in the Scotland Act, and called for a joint Scotland Office/Scottish Executive Commission to review parliamentary boundaries which would take into account both the Boundary Commission's recommendations (which would become superseded) and the working practices of the Scottish Parliament.

80. Of the 12 branches that commented on the implications of non-coterminous boundaries, all but two stated that lack of coterminosity would not present significant difficulties to political parties and their local organisations, and that they should have little difficulty in adjusting to different boundaries. One branch, however, had grave concerns that non-coterminous boundaries would lead to further confusion for voters, additional work and costs for local authorities, and acute problems for political party organisations. The other (which supported the full implementation of the provisions in the Scotland Act) said that coterminous boundaries must continue for the UK and Scottish Parliaments, to uphold the integrity of the UK, to highlight the partnership between the two Parliaments, to reduce confusion among voters and to assist the organisation of political parties.

Councils and COSLA

81. The Convention of Scottish Local Authorities (COSLA) argued that it was too early to start altering the number of MSPs and that the basis of any review should relate to the practical experience and operation of the Scottish Parliament, rather than changes at Westminster, and that there was a danger that reducing the number of MSPs would impact on the accessibility and accountability of the Parliament.

82. Of the 21 individual councils that responded, 13 said that the size of the Scottish Parliament should remain as at present, although 3 of these also argued for alternative systems of allocating constituency and list MSPs. About half of these 13 believed that the absence of coterminous boundaries already was or would be of no great effect or that any difficulties created for the registration of voters and the conduct of elections could be overcome.

83. Out of the other responses, 4 councils supported a reduction in the number of MSPs or did not consider that this would be a disadvantage to the operation of the Parliament - 2 believing that the reduction should come from the number of list MSPs. Most of these supported coterminous boundaries, with one council arguing that non-coterminous boundaries led to confusion of the electorate, potential conflict between elected representatives, and compounded administrative difficulties, decreased efficiency, increased costs and increased the likelihood of errors in administering elections.

84. One other council had no direct view on the provisions in the Scotland Act, but commented on the possible consequences of a reduction, noting that constituency overlaps in local authority areas could lead to difficulties in administrative responses, and that the introduction of further non-coterminous boundaries would create difficulties in political administration and electoral arrangements. Another supported the retention of the link on the basis that the Boundary Commission had recognised its special circumstances and proposed retaining its three Westminster constituencies. One council commented that it seemed sensible to have the same boundaries or sub-divide the Westminster constituencies if there was a need to increase numbers, and one did not offer any comments.

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Copies of all of the responses, except those where confidentiality was requested, are available for inspection on request at the Scotland Office premises at 1 Melville Crescent, Edinburgh EH3; Meridian Court, 5 Cadogan Street, Glasgow G2; and Dover House, Whitehall, London SW1.

SCOTLAND OFFICE

December 2002

RESPONDENTS TO THE CONSULTATION***CIVIC ORGANISATIONS AND BODIES***

Action of Churches Together in Scotland (ACTS) - Commission on Justice, Peace, Social & Moral Issues
 Association of University Teachers (Scotland)
 Centre for Scottish Public Policy – ‘129 Reflection Group’
 Prof John Curtice, Department of Politics, Strathclyde University
 Educational Institute of Scotland
 Electoral Reform Society
 Equality Network
 Evangelical Alliance Scotland
 General Assembly of the Church of Scotland – Committee on Church and Nation
 Humanist Society of Scotland
 Institute of Governance, Edinburgh University (Prof Alice Brown, Prof David McCrone and Eberhard Bort)
 Justice for the Innocents
 Methodist Church in Scotland
 National Union of Students Scotland
 Outright Scotland
 Royal Incorporation of Architects in Scotland
 Royal Institution of Chartered Surveyors in Scotland
 Scottish Council for Development and Industry
 Scottish Episcopal Church
 Scottish Human Rights Centre
 Scottish Pensioners’ Forum
 Scottish Pharmaceutical General Council
 Strathclyde University Students’ Association
 Third Sector Policy Officers Network
 UNISON Scotland
 United Free Church of Scotland
 United Reform Church
 Canon Kenyon Wright, Chair of People & Parliament Trust and former Executive Chair of the Scottish Constitutional Convention

INDIVIDUALS

John L Anderson, Kingussie
 Sandy Bain (no address given)
 Jacqueline Barr, Irvine
 Bruno Baumgartner, Arran
 Ian O Bayne, Glasgow
 Raymond Bell, Edinburgh
 John H Birkett, Edinburgh
 Richard Bowie, Edinburgh
 Nick Brand, Dundee

Simon D A Brogan, Stronsay
William D Brown, Thurso
Pat Bryden, Edinburgh
David S Campbell, St Andrews
John Campbell, Prestwick
Neil Caple, Aboyne
Roderick Clark, Raasay
W H Cordiner (no address given)
T and A Crosbie, Edinburgh
George Martin Farlow, Ullapool
Isabel H Farquhar, Edinburgh
John Ferguson, Cumnock
Archie Flockhart, Aberdeen
K C Fraser, St Andrews
Charles Gallagher, Sullom
James Gemmill, Glasgow
Rob Gibson, Evanton
Thomas G F Gray, Lenzie, Glasgow
R D Hastings, Perth
J Fergus Henderson, Stewarton
Ray Heyworth, Edinburgh
William Holman, Strathaven
Peter Ilieve, Kinross
Irvine Inglis (no address given)
J S Jappy, Muir-of-Ord
Donnie Kerr (no address given)
G A Kettles, Dunkeld
Jane King, Edinburgh
Kenneth MacArthur, Inverness
J D Anne Macartney, Aberdeen
Iain Macdonald, Dunkeld
Iain MacIlleChiar, Inverness
Graham MacKecknie, Aberdeen
Michael Macmillan, Conon Bridge
M McCarroll, Glasgow
T McCarroll, Glasgow
Shaun McNeil, Livingston
N D McPhail-Smith, Glasgow
Doug Maughan (no address given)
David Millar, Peebles
Andrew Montgomery, Glasgow
Fiona L Moodie, Clarkston
Agnes W Morgan, Arran
George Napier, Eaglesham
Andrew R Nelson, Lanark
Peter Nield, Angus
Paul O'Rourke, Edinburgh
Alistair Osborne, Prestwick
Anne Paterson, Edinburgh
Douglas Pattullo, Edinburgh

John F Petrie, Wolfhill
Alex Porter (no address given)
Marion Ralls, Edinburgh
Alan Reid, Newton Mearns
Andrew A Reid, Glasgow
Ian A Reid, Dunblane
Lydia Reid, Edinburgh
Alan N Rennie, Newton Mearns
Edward Richards, Edinburgh
Jim Riley (no address given)
Amy Rodger, Glasgow
Keith Sanger, Penicuik
Paul Santana, Edinburgh
Malcolm Sayers, Dunbar
Eleanor Scott, Evanton
James Scott, Edinburgh
Amelia Simonini, Skye
Malcolm Slessor, Edinburgh
David Steel, Gatehouse of Fleet
David Stevenson, Edinburgh
D A Ross Stewart, Edinburgh
Doris Betty Stewart, Glasgow
Mairi R Stewart, Edinburgh
W H Stewart, Glasgow
David Thompson, Inverness
James A Troup, Stromness
Steven Turner (no address given)
Jean Urquhart, Ullapool
Niall Walker, Glasgow
James Weir, Aberdeenshire
Mr and Mrs R Williams, Glasgow
Mark Wringe, Skye
Kate Young, Dundee

In addition, 3 respondents wished to have their responses treated as confidential.

ELECTORAL ADMINISTRATORS

Association of Electoral Administrators (Scottish Branch)
Electoral Commission
Electoral Registration Officer, Clackmannanshire, Falkirk and Stirling
Returning Officer, City of Edinburgh
Returning Officer, Dumbarton and Clydebank and Milngavie
Returning Officer, Stirling (incorporated in Stirling Council's response)
Society of Local Authority Lawyers & Administrators in Scotland

COUNCILS

COSLA (Convention of Scottish Local Authorities)

Aberdeen City

Aberdeenshire

Angus

Argyll and Bute

Clackmannanshire

Comhairle nan Eilean Siar (Western Isles)

Dundee City

East Renfrewshire

Edinburgh City

Falkirk

Fife

Highland

Midlothian

Moray

North Lanarkshire

Orkney

Renfrewshire

South Ayrshire

Stirling

West Dunbartonshire

West Lothian

SCOTTISH PARLIAMENT

Scottish Parliament (Presiding Officer)

Scottish Executive (First Minister and Deputy First Minister)

Scottish Parliament Corporate Body

Scottish Parliament Labour Group

SNP Scottish Parliamentary Group

Brian Adam MSP

Sarah Boyak MSP

Bill Butler MSP

Dennis Canavan MSP

Bruce Crawford MSP

Susan Deacon MSP

Helen Eadie MSP

Linda Fabiani MSP

Donald Gorrie MSP

Fiona Hyslop MSP

Sylvia Jackson MSP

Marilyn Livingstone MSP

Richard Lochhead MSP

John McAllion MSP

Irene McGugan MSP

Des McNulty MSP
Alasdair Morgan MSP
Irene Oldfather MSP
Gil Paterson MSP
Cathy Peattie MSP
John Home Robertson MSP
Mike Rumbles MSP
Michael Russell MSP
Tommy Sheridan MSP
Elaine Thomson MSP
Karen Whitefield MSP
John H Young MSP

MPS AND OTHER PARLIAMENTARIANS

Scottish National Party Westminster Group
Michael Connarty MP
Brian Donohoe MP
Tom Harris MP
Jimmy Hood MP
Eric Joyce MP
Mark Lazarowicz MP
Ann McKechnie MP
Rosemary McKenna MP
David Marshall MP
Lewis Moonie MP (private)
Jim Murphy MP (private)
Martin O'Neill MP
John Robertson MP
Frank Roy MP
David Stewart MP
Rachel Squire MP
Bill Tynan MP
Jimmy Wray MP

Lord Elder
Lord Ewing of Kirkford
Prof Sir Neil MacCormick MEP

POLITICAL PARTIES

Scottish Conservatives
Scottish Co-operative Party
Scottish Green Party
Scottish Labour Party
Scottish Liberal Democrats
Scottish National Party
Scottish Socialist Party

CONSTITUENCY PARTIES

Angus Liberal Democrats
Argyll and Bute Scottish Liberal Democrats
Cunninghame South Scottish National Party
Dingwall and District Branch Scottish National Party
Dumfries Constituency Labour Party
Dumfries Constituency Liberal Democrats
East Dunbartonshire and Clydebank Liberal Democrats
East Lothian Liberal Democrats
East Renfrewshire Liberal Democrats
Edinburgh East and Musselburgh Liberal Democrats
Edinburgh Newington Branch Scottish National Party
Edinburgh Pentlands Constituency Labour Party
Edinburgh Pentlands Liberal Democrats
Inverclyde and West Renfrewshire Liberal Democrats Assoc
Inverness East, Nairn and Lochaber Constituency Labour Party
Kilmarnock and Loudoun Constituency Labour Party
Lothian Liberal Democrats
Ochil Constituency Labour Party
Perth and Kinross Council Scottish National Party Group
Perth Liberal Democrats
Prestonfield/Mayfield Branch Labour Party
Roxburgh and Berwickshire Liberal Democrats
West Edinburgh Liberal Democrats