



Scotland Office

THE SIZE OF THE SCOTTISH PARLIAMENT
A CONSULTATION

December 2001

Preface by the Secretary of State for Scotland

We are a Government committed to modernising the political agenda of this country. Devolution to Scotland, Wales and Northern Ireland has been at the heart of that agenda and reflects the confidence we have in the basic integrity of the UK political process.

Since the Scottish Parliament and the Scottish Executive came into being in July 1999 they have set and begun to deliver a challenging programme of policy change to create an economic and social context within which all the people of Scotland will thrive.

The Scotland Act provides for the membership of the Scottish Parliament to be reduced in line with the reduction in Scottish MPs. However, in the course of the passage of the Scotland Act, the Government made clear its willingness to take into account the operation of the Scottish Parliament in relation to its size. That point has been re-stated publicly by the previous Secretary of State for Scotland, Dr John Reid, and by myself.

This consultation on the size of the Scottish Parliament meets that commitment. There are practical issues that must be addressed for and against retaining the statutory provisions in the Scotland Act which set up devolution. As things stand, the Act means that the forthcoming reduction in the number of Westminster MPs will generate automatically a commensurate reduction in the number of MSPs at Holyrood and that would be likely to take effect from the 2007 election.

The consultation does not cover the electoral system for the Scottish Parliament as we have no plans for change in that respect.

The question of how MPs at Westminster and MSPs at Holyrood work together in the interests of their electorate is relevant to every Scot. I want to ensure that everyone concerned has a full opportunity to have their say. The topic is not just one for those with a specialist or professional interest in constitutional matters; it is one which affects everyone in Scotland.

The Scotland Act was created out of a broad consensus, and I believe any proposal to change the Act should be based on similar consensus. Please respond as fully as you can to the issues and questions raised in this paper and let us have your views in writing or by e-mail by 29 March 2002.

Rt Hon Helen Liddell MP

CONSULTATION ON THE SIZE OF THE SCOTTISH PARLIAMENT

Background

White Paper 'Scotland's Parliament'

1.1 The Government's White Paper, 'Scotland's Parliament', which was published in July 1997 (Cm 3658) argued that the integrity of the UK would be strengthened by common UK and Scottish Parliament Boundaries. Responsibility for Scottish Parliamentary electoral arrangements and constituencies would be reserved matters. The Parliamentary Boundary Commission for Scotland would continue in being, and future changes for electoral arrangements for the Scottish Parliament would therefore be a matter for the UK Parliament, subject to consultation with the Scottish Parliament. It was acknowledged in the White Paper that any changes in Westminster constituencies would result in changes to Scottish Parliamentary constituencies and that this might also lead to consequential adjustments to the size of the Scottish Parliament so as to maintain the balance between constituency and additional member seats.

1.2 The White Paper also stated that the distribution of seats in the House of Commons would be reviewed by the Boundary Commission for Scotland and that the Government had decided that in its next review the special statutory provisions which stipulated a minimum number of Scottish seats would no longer apply.

Scotland Act 1998

1.3 These proposals were subsequently enacted in the Scotland Act 1998. Section 86 of the Act removed the requirement guaranteeing a minimum of 71 Scottish seats at Westminster and required the Boundary Commission in its next report to apply the electoral quota for England. (At present, the average Scottish Westminster constituency comprises around 55,000 electors, while the average for English constituencies is around 70,000.) Provisions on the constituencies, regions and regional members of the Scottish Parliament were dealt with in Schedule 1. This provided that the constituencies for the Scottish Parliament were to be the same as the UK Parliamentary constituencies in Scotland - except for Orkney and Shetland which were to have their own constituencies. So far as reasonably practicable, the ratio of the number of regional member seats to the number of constituency member seats was to be 56 to 73.

1.4 The 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, as is expected following the outcome of the Boundary Commission's current review.

Boundary Commission for Scotland's 5th Review

1.5 The Boundary Commission for Scotland has a statutory duty under the Parliamentary Constituencies Act 1986 to keep under review the Parliamentary constituencies in Scotland and to conduct a general review between 8 and 12 years from the date of its last report. The Commission gave notice in the Edinburgh Gazette on 29 June 2001 of the commencement of its Fifth periodical review of Parliamentary constituencies in Scotland. Its next report is due to be submitted to the Secretary of State for Scotland between December 2002 and December 2006.

1.6 As far as is practicable, the Commission in deciding constituency boundaries must have regard to the boundaries of local authorities, without causing excessive disparities between electorates. The electorates of constituencies should be as nearly equal as is practicable, although the Commission may depart from these rules if special geographical considerations make this desirable.

1.7 Following from the changes in the Scotland Act which now require the Boundary Commission to apply the same electoral quota as in England to determine the number of Scottish seats at Westminster, the number of Westminster seats would fall from the present 72 to around 57. While the statutory rules provide the Boundary Commission with some scope to modify the level of representation, it is unlikely that this would result in more than a minor upward adjustment to the overall level of Scotland's representation at Westminster.

1.8 As a consequence of the linkage in the Scotland Act, the number of members at the Scottish Parliament would also be reduced since these are based on the same constituencies, except for Orkney and Shetland, plus a fixed proportion of additional members. Following on from the statutory requirements, this reduction is likely to be from the present 129 MSPs to around 102.

1.9 The Scotland Act also requires that, following its review of Parliamentary constituencies in Scotland, the Boundary Commission must consider the boundaries of the regions which return additional members to the Scottish Parliament when it makes recommendations which affect constituency boundaries.

1.10 Any change in the number of seats at the Scottish Parliament or to the boundaries of the regions for returning additional members will not take effect before the next elections to that Parliament. The next general election to the Scottish Parliament that could in practice be affected would be in May 2007.

1.11 The Commission must submit its report to the Secretary of State for Scotland. A copy is also to be laid before the Scottish Parliament. The Secretary of State is required to submit the report to the UK Parliament as soon as may be, together with the draft of an Order in Council to give effect to its recommendations, with or without modifications. If the Secretary of State proposes modifications, at the same time a statement of the reason for these must be presented. The draft Order in Council has to be approved by both Houses of Parliament. The redistribution of seats would take effect at the general election following such approval. The Order can, however, come into force for Scottish Parliament elections on a different day from that for parliamentary elections to Westminster. The return of any member of the Scottish Parliament, or its constitution, would not be affected until that Parliament is dissolved.

Issues

2.1 As was set out in the White Paper, constituencies are the essential foundation of the Scottish Parliament. However, there are also a significant number of additional Members elected on a wider and proportional basis, in order to bring a closer relationship between votes cast and seats won.

2.2 Under the existing arrangements, as provided by the Scotland Act, the boundaries of the Scottish Parliament constituencies are the same as those of the Scottish constituencies for Westminster.

2.3 The main arguments that have been made in favour of this linkage include:

- It encourages practical and constructive liaison between MSPs and MPs. Good working relations between MSPs and MPs are essential if the needs of constituents are to be comprehensively addressed – common constituencies which readily allow MPs and MSPs to co-ordinate their constituency work and make sure that local interests are properly represented at Westminster and Holyrood go some way to achieving this.
- Common constituencies have political and democratic advantages by emphasising the partnership between the devolved Scottish Parliament and the United Kingdom Parliament. This helps to strengthen the integrity of the United Kingdom.
- Westminster constituencies form the basis of organisation of political parties.
- Having different boundaries could cause confusion for constituents and electors in terms of who represents them and the functions performed by their various representatives, from local government onwards (although in England, where circumstances are rather different, there is in practice less coterminosity between Westminster and local government boundaries).
- Difficulties in electoral registration and the administration of elections are minimised.

2.4 However, the Scottish Parliament has now been in operation for almost 3 years and certain working practices have evolved:

- The Scottish Parliament's committee system oversees a wide range of topics. There are at present 17 standing and select committees, which deal with matters such as pre-legislative scrutiny, inquiries into issues of concern, reviewing Parliamentary procedures and examination of the Executive's policy proposals. The committees have been reduced once in

size and, because of its workload, an extra Justice committee was recently created. A list of the current committees is at Annex A.

- A reduction in the membership of committees could affect the appropriate balance of representation between the various parties.
- The Ministerial teams in the Executive (except for the Law Officers) and the Presiding Officer and Deputy Presiding Officers also have to be filled from the ranks of MSPs. A reduction in numbers could limit the pool of suitable candidates for these posts. A list of the current ministerial portfolios is at Annex B.
- A reduction in the number of MSPs would lead to an increase in each Member's caseload of constituency work and to a loss of general and specific expertise from the reduction in the number of list members.
- Reduction in the overall size of the Parliament would reduce the chance of the smaller parties gaining seats through the regional list arrangements.

2.5 Ending the present link between Westminster and Holyrood constituencies and preserving the Scottish Parliament at its current size and with its present electoral system would permit continuity. It would, however, remove the advantage of the constituency boundaries for the two parliaments being coterminous.

2.6 Ending the link would require an amendment to the Scotland Act by way of primary legislation at Westminster. It would also be necessary to put in place a system for the routine review of Scottish Parliamentary constituencies, so that they could be updated. The timing of separate Westminster and Scottish Parliament reviews would need careful co-ordination to avoid over-burdening the Commission and causing confusion.

Consultation

3.1 The views of groups and individuals are sought on the case for retaining or ending the linking of Westminster and Holyrood constituency boundaries as provided in the Scotland Act, in the light of the experience now gained of the Scottish Parliament's operation and the issues set out above. It will be important to address the practical issues of how elected representatives could function when there is not the common identity of constituency boundaries which are often designed to take into account specific local cultural and historic identities.

3.2 There are no plans to review the issue of the number of Scottish constituencies at Westminster. The existing position on the future reduction of the number of MPs representing these constituencies is not therefore part of this consultation. The Boundary Commission for Scotland will continue as planned with its review of these constituencies, as the existing legislation requires.

3.3 The Government also has no plans to change the electoral system to the Scottish Parliament.

3.4 In responding to this paper, we would in particular welcome your views on the following key questions:

Question 1

- **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?**

Question 2

- **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?**

Question 3

- **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?**

Although not a matter directly for the Government to consider, you may wish to comment, if appropriate, on the implications for the structure and operation of political parties if boundaries cease to be coterminous, and on how any difficulties could be overcome.

Responses should be sent by **29 March 2002** to:

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Representative groups are asked to give a summary of the people and organisations that they represent when they respond.

The Scotland Office may make available responses to this consultation document. Please ensure that your response is marked clearly if you wish it or your name to remain confidential. Confidential responses will be included in any statistical summary of the number of comments received and views expressed.

CURRENT COMMITTEES OF THE SCOTTISH PARLIAMENT

Audit

Education, Culture and Sport

Enterprise and Lifelong Learning

Equal Opportunities

European

Finance

Health and Community Care

Justice 1*

Justice 2 *

Local Government

Procedures

Public Petitions

Rural Development

Social Justice

Standards

Subordinate Legislation

Transport and the Environment

Private Bill Committees

**Justice 1 and Justice 2 have the same remit: Justice 1 succeeds the former Justice and Home Affairs Committee*

For further information see www.scottish.parliament.uk/official_report/cttee.html

MINISTERS IN THE SCOTTISH PARLIAMENT

First Minister

Deputy First Minister and Minister for Justice
Deputy Minister for Justice

Minister for Education and Young People
Deputy Minister for Education and Young People

Minister for Enterprise, Transport and Lifelong Learning
Deputy Minister for Enterprise, Transport and Lifelong Learning

Minister for Environment and Rural Development
Deputy Minister for Environment and Rural Development

Minister for Finance and Public Services
Deputy Minister for Finance and Public Services

Minister for Health and Community Care
Deputy Minister for Health and Community Care (1)
Deputy Minister for Health and Community Care (2)

Minister for Parliamentary Business
Deputy Minister for Parliamentary Business

Minister for Social Justice
Deputy Minister for Social Justice

Minister for Tourism, Culture and Sport
Deputy Minister for Tourism, Culture and Sport

(also the Lord Advocate and the Solicitor General, who are not MSPs)