



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART II

CHANGES IN LOCAL GOVERNMENT AREAS

Modifications etc. (not altering text)

- C1** Pt. 2 applied (with modifications) (20.8.2004) by [Local Governance \(Scotland\) Act 2004 \(asp 9\)](#), [ss. 4\(2\)](#), [17\(2\)](#); [S.S.I. 2004/351](#), [art. 2](#) (with [art. 3](#))
- C2** Pt. 2 applied (with modifications) (4.10.2018) by [Islands \(Scotland\) Act 2018 \(asp 12\)](#), [s. 20\(3\)\(4\)](#), [31\(2\)](#); [S.S.I. 2018/282](#), [reg. 2](#)

[^{F1}Proposals by Boundaries Scotland]

Textual Amendments

- F1** S. 12 cross-heading substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [s. 35](#), [sch. para. 1\(14\)](#); [S.S.I. 2021/124](#), [reg. 2](#), [sch.](#)

12 *[^{F2}Boundaries Scotland]*

- (1) There shall be a [^{F3}commission to be known as Boundaries Scotland which is to carry out the functions conferred on it by or under this Act or any other enactment.]
- (2) The provisions of Schedule 4 to this Act shall have effect with respect to [^{F4}Boundaries Scotland].

Textual Amendments

- F2** S. 12 title substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [s. 35](#), [sch. para. 1\(11\)](#); [S.S.I. 2021/124](#), [reg. 2](#), [sch.](#)

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- F3** Words in s. 12(1) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 28(2)(a)**, 35; S.S.I. 2021/124, reg. 2, sch.
- F4** Words in s. 12(2) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, **sch. para. 1(2)(a)**; S.S.I. 2021/124, reg. 2, sch.

13 Proposals for changes in local government areas.

[^{F5}Boundaries Scotland] may, in consequence of a review conducted by [^{F6}it] under this Part of this Act, make proposals to the Secretary of State for effecting changes appearing to [^{F7}Boundaries Scotland] desirable in the interests of effective and convenient local government by any of the following means or any combination of those means (including the application of any of the following paragraphs to an area constituted or altered under any of those paragraphs):

- (a) the alteration of a local government area;
- (b) the constitution of a new local government area;
- (c) the abolition of a local government area;
- (d) a change of electoral arrangements for any local government area which is either consequential on any change in local government areas proposed under this section or is a change (hereafter in this Part of this Act referred to as a “substantive change”) which is independent of any change in local government areas so proposed.

Textual Amendments

- F5** Words in s. 13 substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, **sch. para. 1(2)(b)**; S.S.I. 2021/124, reg. 2, sch.
- F6** Word in s. 13 substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, **sch. para. 1(4)(a)**; S.S.I. 2021/124, reg. 2, sch.
- F7** Words in s. 13 substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, **sch. para. 1(3)(a)**; S.S.I. 2021/124, reg. 2, sch.

Modifications etc. (not altering text)

- C3** S. 13 power to transfer or modify functions conferred (30.11.2000 for certain purposes, otherwise prosp.) by 2000 c. 41, **ss. 19(3)**, 163(2)(3) (with s. 156(6))

14 Duty and power to review local government areas.

- (1) Subject to sections 15 and 16 of this Act, it shall be the duty of [^{F8}Boundaries Scotland], not less than [^{F9}eight] nor more than [^{F10}twelve] years after [^{F11}1st April 1996] and thereafter at intervals of not less than [^{F9}eight] nor more than [^{F10}twelve] years from the submission of the last report of [^{F12}Boundaries Scotland] on the previous review under this subsection, to review all local government areas for the purpose of considering whether to make such proposals in relation to all or any or any part of those areas as are authorised by section 13 of this Act and what proposals, if any, to make, and [^{F12}Boundaries Scotland] shall formulate any such proposals accordingly.
- (2) Without prejudice to subsection (1) above, [^{F13}Boundaries Scotland] may at any time, subject to sections 15 and 16 of this Act, review all or any or any part of the local government areas for the purpose of considering whether to make such proposals in relation to them as are authorised by section 13 of this Act, and what proposals, if any, to make, and [^{F14}Boundaries Scotland] shall formulate any such proposals accordingly.

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- (3) If [^{F15}Boundaries Scotland] receive a request from a local authority or from any person that [^{F16}it] should conduct a review under subsection (2) above with respect to any local government area in which the authority or person appears to [^{F17}Boundaries Scotland] to have an interest, [^{F17}Boundaries Scotland] shall consider the request.
- (4) In any case where the Secretary of State has made an order under section 1 of the ^{M1}New Towns (Scotland) Act 1968 designating any land as, or as an extension of, a new town and the area of the new town as so designated or so extended is not wholly comprised within one district, he shall, as soon as practicable after the order has become operative, send to [^{F18}Boundaries Scotland] a notice stating that the order is in operation and specifying the districts within which that area is situated, and on receipt of such a notice it shall be the duty of [^{F19}Boundaries Scotland], subject to section 15(3) of this Act, to review the areas of those districts for the purpose of considering whether to make such proposals in relation to them as are authorised by section 13 of this Act and what proposals, if any, to make, and [^{F19}Boundaries Scotland] shall formulate any such proposals accordingly.

Textual Amendments

- F8** Words in s. 14(1) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(2)(c)**; S.S.I. 2021/124, reg. 2, sch.
- F9** Words in s. 14(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(2)(a)**; S.I. 1996/323, art. 4(1)(c), **Sch. 2**
- F10** Words in s. 14(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(2)(b)**; S.I. 1996/323, art. 4(1)(c), **Sch. 2**
- F11** Words in s. 14(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(2)(c)**; S.I. 1996/323, art. 4(1)(c), **Sch. 2**
- F12** Words in s. 14(1) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(3)(b)(i)**; S.S.I. 2021/124, reg. 2, sch.
- F13** Words in s. 14(2) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(2)(c)**; S.S.I. 2021/124, reg. 2, sch.
- F14** Words in s. 14(2) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(3)(b)(ii)**; S.S.I. 2021/124, reg. 2, sch.
- F15** Words in s. 14(3) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(2)(c)**; S.S.I. 2021/124, reg. 2, sch.
- F16** Word in s. 14(3) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(5)(a)**; S.S.I. 2021/124, reg. 2, sch.
- F17** Words in s. 14(3) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(3)(b)(iii)**; S.S.I. 2021/124, reg. 2, sch.
- F18** Words in s. 14(4) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(2)(c)**; S.S.I. 2021/124, reg. 2, sch.
- F19** Words in s. 14(4) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(3)(b)(iv)**; S.S.I. 2021/124, reg. 2, sch.

Modifications etc. (not altering text)

- C4** S. 14 power to transfer or modify functions conferred (30.11.2000 for certain purposes, otherwise prosp.) by 2000 c. 41, **ss. 19(3), 163(2)(3)** (with s. 156(6))

Marginal Citations

- M1** 1968 c. 16.

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15 Powers of Secretary of State in relation to reviews.

- (1) The Secretary of State may by direction given to [F20Boundaries Scotland] vary the length of any interval specified in section 14(1) of this Act either as respects the whole review or as respects any particular case or cases.
- (2) Subject to section 16 of this Act, the Secretary of State may direct [F21Boundaries Scotland] to conduct a review of the local government areas as a whole, or of any one or more such areas or parts thereof, for the purpose of considering whether to make such proposals in relation to the areas as are authorised by section 13 of this Act and what proposals, if any, to make, and [F22Boundaries Scotland] shall formulate any such proposals accordingly.
- (3) The Secretary of State may direct [F23Boundaries Scotland] not to undertake during a specified period a review of any one or more local government areas or parts of such areas which [F24it has] the duty or power to review under section 14 of this Act.
- (4) The Secretary of State may give directions to [F25Boundaries Scotland] for [F26its] guidance in conducting reviews under this Part of this Act and in making proposals in consequence thereof, and the directions may relate to all such reviews or to any particular review or class of review.
- (5) A direction shall not be given under subsection (4) above with respect to any review conducted under this Part of this Act except after consultation with associations appearing to the Secretary of State to be representative of local authorities.
- (6) The Secretary of State may give directions to [F27Boundaries Scotland] with respect to the order in which areas are to be reviewed by [F28it] under sections 14 and 15(2) of this Act.

Textual Amendments

- F20** Words in s. 15(1) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\), s. 35, sch. para. 1\(2\)\(d\)](#); S.S.I. 2021/124, reg. 2, sch.
- F21** Words in s. 15(2) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\), s. 35, sch. para. 1\(2\)\(d\)](#); S.S.I. 2021/124, reg. 2, sch.
- F22** Words in s. 15(2) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\), s. 35, sch. para. 1\(3\)\(c\)](#); S.S.I. 2021/124, reg. 2, sch.
- F23** Words in s. 15(3) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\), s. 35, sch. para. 1\(2\)\(d\)](#); S.S.I. 2021/124, reg. 2, sch.
- F24** Words in s. 15(3) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\), s. 35, sch. para. 1\(6\)\(a\)](#); S.S.I. 2021/124, reg. 2, sch.
- F25** Words in s. 15(4) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\), s. 35, sch. para. 1\(2\)\(d\)](#); S.S.I. 2021/124, reg. 2, sch.
- F26** Word in s. 15(4) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\), s. 35, sch. para. 1\(7\)](#); S.S.I. 2021/124, reg. 2, sch.
- F27** Words in s. 15(6) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\), s. 35, sch. para. 1\(2\)\(d\)](#); S.S.I. 2021/124, reg. 2, sch.
- F28** Word in s. 15(6) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\), s. 35, sch. para. 1\(4\)\(b\)](#); S.S.I. 2021/124, reg. 2, sch.

Modifications etc. (not altering text)

- C5** S. 15. power to transfer or modify functions conferred (30.11.2000 for certain purposes, otherwise prosp.) by 2000 c. 41, [ss. 19\(3\), 163\(2\)\(3\)](#) (with [s. 156\(6\)](#))

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16 [F29] **Wards and councillors: substantive changes in electoral arrangements**

(1) No review shall be conducted under section 14 or 15 of this Act for the purpose of making proposals for a substantive change of electoral arrangements, but the following provisions of this section shall have effect with respect to the making of such proposals.

[F30](2) Boundaries Scotland must review the electoral arrangements for a local government area for the purpose of—

- (a) considering whether to make proposals to the Scottish Ministers for a substantive change in those arrangements,
- (b) considering what proposals, if any, to make, and
- (c) formulating any such proposals.

(2A) Boundaries Scotland must submit to the Scottish Ministers a report on its review of the electoral arrangements for a local government area under subsection (2)—

- (a) in the case of the first report on its review of that area after the coming into force of this subsection by, in so far as is reasonably practicable, no later than 31 December 2028, and
- (b) thereafter, in so far as is reasonably practicable, at intervals of not more than 15 years after the date of the submission of the report on its previous review of that area under subsection (2).]

(3) Without prejudice to subsection (2) above, [F31]Boundaries Scotland] may at any time, whether at the request of a local authority or otherwise, review the electoral arrangements for a local government area for the purpose of considering whether to make proposals to the Secretary of State for a substantive change in those arrangements and what proposals, if any, to make and [F32]Boundaries Scotland] shall formulate any such proposals accordingly.

Textual Amendments

- F29** S. 16 title substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 29(1)(b)**, 35; [S.S.I. 2021/124](#), reg. 2, sch.
- F30** S. 16(2)(2A) substituted for s. 16(2) (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 29(1)(a)**, 35; [S.S.I. 2021/124](#), reg. 2, sch.
- F31** Words in s. 16(3) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, **sch. para. 1(2)(e)**; [S.S.I. 2021/124](#), reg. 2, sch.
- F32** Words in s. 16(3) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, **sch. para. 1(3)(d)**; [S.S.I. 2021/124](#), reg. 2, sch.

Modifications etc. (not altering text)

- C6** S. 16 power to transfer or modify functions conferred (30.11.2000 for certain purposes, otherwise prosp.) by [2000 c. 41](#), **ss. 19(3)**, [163\(2\)\(3\)](#) (with [s. 156\(6\)](#))

[F33] 17 **Boundaries Scotland's reports and implementation**

- (1) Boundaries Scotland must submit a report to the Scottish Ministers where it—
- (a) has a power or duty to formulate proposals to the Scottish Ministers, and
 - (b) has been conducting a review of—
 - (i) any area in accordance with section 14 or 15, or
 - (ii) electoral arrangements in accordance with section 16.

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- (2) Boundaries Scotland must—
 - (a) include in the report either—
 - (i) the proposals it has formulated following the review (or any part of the review), or
 - (ii) a notification that it has no proposals to make following the review (or any part of the review), and
 - (b) submit the report not later than the expiry of any time limit applicable to the review in question in terms of section 14, 15 or 16.
- (3) Where the report includes a proposal that the number of councillors to be returned in an electoral ward is two, Boundaries Scotland must include in the report an explanation as to why it considers the proposal to be appropriate unless the proposal relates to an electoral ward consisting wholly or partly of one or more inhabited islands (within the meaning of section 1(2) of the Islands (Scotland) Act 2018).
- (4) As soon as practicable after Boundaries Scotland has submitted a report under this section, the Scottish Ministers must—
 - (a) lay the report before the Scottish Parliament, and
 - (b) if the report proposes an alteration to any local government area or to any electoral arrangements, either—
 - (i) by regulations give effect to those proposals, or
 - (ii) lay before the Scottish Parliament for approval by resolution a draft Scottish statutory instrument containing regulations giving effect to those proposals (“draft instrument”), in the case where the regulations are subject to the affirmative procedure.
- (5) Regulations under subsection (4)(b) are subject to the affirmative procedure if they—
 - (a) abolish or alter the boundaries of—
 - (i) any local government area,
 - (ii) any electoral ward, or
 - (b) increase or decrease the number of councillors to be returned in any electoral ward.
- (6) If the draft instrument is withdrawn, or if the motion for the approval of the draft instrument is rejected by the Scottish Parliament, the Scottish Ministers must either—
 - (a) amend the draft instrument to make such minor or technical alterations as they consider appropriate (“amended draft instrument”) and lay the amended draft instrument before the Scottish Parliament, or
 - (b) notify Boundaries Scotland that it is required to conduct a further review of the proposals in accordance with section 17A.
- (7) As soon as reasonably practicable after laying for approval the amended draft instrument in accordance with subsection (6)(a), the Scottish Ministers must publish a statement setting out their reasons for making the minor or technical alterations to the draft instrument.
- (8) The Scottish Ministers must not withdraw a draft instrument or an amended draft instrument laid before the Scottish Parliament under subsection (4)(b)(ii) or, as the case may be, (6)(a) except with the agreement of the Scottish Parliament.
- (9) If the Scottish Parliament approves—

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- (a) a draft instrument laid before it by the Scottish Ministers under subsection (4)(b)(ii), or
- (b) an amended draft instrument laid before it by the Scottish Ministers under subsection (6)(a),

the Scottish Ministers must make the regulations contained in the draft instrument or, as the case may be, the amended draft instrument.

- (10) The Scottish Ministers may lay before the Scottish Parliament under paragraph (b)(ii) of subsection (4) more than one draft Scottish statutory instrument containing regulations giving effect to proposals referred to in that subsection.
- (11) Accordingly, the references in subsections (6) to (8) to a draft instrument or an amended draft instrument include references to more than one draft instrument or amended draft instrument.

Textual Amendments

F33 Ss. 17, 17A substituted for s. 17 (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [ss. 31\(2\), 35](#); [S.S.I. 2021/124](#), [reg. 2](#), [sch. \(with reg. 3\)](#)

Modifications etc. (not altering text)

C7 S. 17 power to transfer or modify functions conferred (30.11.2000 for certain purposes, otherwise prosp.) by [2000 c. 41](#), [ss. 19\(3\), 163\(2\)\(3\)](#) (with [s. 156\(6\)](#))

17A Further reviews and reports by Boundaries Scotland

- (1) Boundaries Scotland must conduct a further review of proposals to alter any local government area or electoral arrangements where it has been notified by the Scottish Ministers under section 17(6)(b).
- (2) Boundaries Scotland may determine the manner and the extent of the review under this section, provided that the purpose of the review is to—
 - (a) consider the representations (if any) of the Scottish Parliament, and
 - (b) reconsider the proposals and make any further or supplementary proposals as it thinks fit.
- (3) Sections 18 (except subsections (2) and (3)) and 19 apply to a review under this section as they apply to a review under section 17 (but subject to the modification in subsection (4)).
- (4) The modification is that the reference in subsection (2A) of section 18 to a consultation under subsection (2)(a) of that section is to be read as if it were a reference to any consultation carried out by Boundaries Scotland in connection with a review under this section.
- (5) Boundaries Scotland may take such steps under section 18(3) as it thinks fit in relation to a review under this section.
- (6) Boundaries Scotland must—
 - (a) before such date as the Scottish Ministers may direct, or in the absence of such direction, within such reasonable time as it may determine, submit a report to the Scottish Ministers on its further review under this section, and
 - (b) include in the report either—

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- (i) any further or supplementary proposals it has formulated following the review, or
 - (ii) a notification that it has no further or supplementary proposals to make.
- (7) Where the report includes a further or supplementary proposal that the number of councillors to be returned in an electoral ward is two, Boundaries Scotland must include in the report an explanation as to why it considers the proposal to be appropriate unless the proposal relates to an electoral ward consisting wholly or partly of one or more inhabited islands (within the meaning of section 1(2) of the Islands (Scotland) Act 2018).
- (8) Subsections (4) to (9) of section 17 apply to a report submitted under this section as they apply to a report submitted under section 17.
- (9) But where a report has already been submitted under this section, the Scottish Ministers may notify Boundaries Scotland under subsection (6)(b) of section 17 that it is required to conduct a further review only if the Scottish Parliament has by resolution directed them to do so.
- (10) A further review under this section is to be disregarded for the purposes of calculating the intervals between reviews under this Part.]

Textual Amendments

F33 Ss. 17, 17A substituted for s. 17 (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), ss. [31\(2\)](#), [35](#); [S.S.I. 2021/124](#), [reg. 2](#), [sch.](#) (with [reg. 3](#))

Conduct of Reviews

18 Procedure for reviews.

- (1) Where [^{F34}Boundaries Scotland] propose to conduct a review under the foregoing provisions of this Part of this Act, [^{F35}it must] take such steps as [^{F36}it thinks] fit to secure that persons who may be interested in the review are informed of the proposal to conduct it and of any directions of the Secretary of State which are relevant to it.
- (2) In conducting any such review, [^{F37}Boundaries Scotland] shall—
- (a) consult—
 - (i) the council of any local government area affected by the review, and such other local authorities, community councils and public bodies as appear to [^{F38}it] to be concerned;
 - (ii) any bodies representative of staff employed by local authorities who have asked [^{F37}Boundaries Scotland] to consult them; and
 - (iii) such other persons as [^{F39}it thinks] fit;
 - [^{F40}(aa) at least two months before taking any steps under paragraph (b) below to inform other persons of any draft proposals or any interim decision not to make proposals, inform the council of any local government area affected by the review of those proposals or that decision;
 - (ab) before taking any such steps, take into consideration any representation made to [^{F41}it] by such a council during the period of two months beginning on the day on which the council is informed under paragraph (aa);]

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- (b) take such steps as [^{F42}it thinks] fit for seeing that persons who may be interested in the review are informed of any draft proposals or any interim decision not to make proposals, and of the place or places where those proposals or that decision can be inspected;
 - (c) in particular, deposit copies of those proposals or that decision at the offices of the council of any local government area which may be affected thereby and require any such council to keep the copies available for inspection at their offices for a period specified in the requirement; and
 - (d) take into consideration any representation made to [^{F43}it] within that period.
- [^{F44}(2A) The Scottish Ministers may give directions to—
- (a) [^{F45}Boundaries Scotland],
 - (b) the council of any local government area affected by a review,
- in relation to consultation under subsection (2)(a) above.
- (2B) Such directions may be given generally or in relation to particular reviews or particular aspects of reviews.]
- (3) Where [^{F46}Boundaries Scotland] make a report under this Part of this Act [^{F47}it must]—
- (a) take such steps as [^{F48}it thinks] fit for securing that persons who may be interested in the report are informed of it and of the place or places where it can be inspected;
 - (b) in particular, deposit copies of the report at the offices of the council of any local government area which may be affected thereby and require any such council to keep the copies available for inspection at their offices until the expiration of six months after the making of [^{F49}regulations giving effect] to any proposals contained in the report, or after a notification by [^{F50}Boundaries Scotland] that [^{F51}it has] no proposals to put forward^{F52}
- (4) Subject to the foregoing provisions of this section, the procedure of [^{F53}Boundaries Scotland] in conducting any review under this Part of this Act shall be such as [^{F54}it] may determine.

Textual Amendments

- F34** Words in s. 18(1) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(2\)\(f\)\(i\)](#); S.S.I. 2021/124, reg. 2, sch.
- F35** Words in s. 18(1) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(8\)](#); S.S.I. 2021/124, reg. 2, sch.
- F36** Words in s. 18(1) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(9\)](#); S.S.I. 2021/124, reg. 2, sch.
- F37** Words in s. 18(2) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(2\)\(f\)\(ii\)](#); S.S.I. 2021/124, reg. 2, sch.
- F38** Word in s. 18(2)(a)(i) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(4\)\(c\)](#); S.S.I. 2021/124, reg. 2, sch.
- F39** Words in s. 18(2)(a)(iii) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(9\)](#); S.S.I. 2021/124, reg. 2, sch.
- F40** S. 18(2)(aa)(ab) inserted (20.8.2004) by [Local Governance \(Scotland\) Act 2004 \(asp 9\)](#), [ss. 4\(5\)\(b\)\(i\)](#), 17(2); S.S.I. 2004/351, [art. 2](#) (with art. 3)
- F41** Word in s. 18(2)(ab) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(4\)\(c\)](#); S.S.I. 2021/124, reg. 2, sch.

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- F42** Words in s. 18(2)(b) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(9)**; S.S.I. 2021/124, reg. 2, sch.
- F43** Word in s. 18(2)(d) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(4)(c)**; S.S.I. 2021/124, reg. 2, sch.
- F44** S. 18(2A)(2B) inserted (20.8.2004) by Local Governance (Scotland) Act 2004 (asp 9), **ss. 4(5)(b)(ii), 17(2)**; S.S.I. 2004/351, **art. 2** (with art. 3)
- F45** Words in s. 18(2A)(a) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(2)(f)(iii)**; S.S.I. 2021/124, reg. 2, sch.
- F46** Words in s. 18(3) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(2)(f)(iv)**; S.S.I. 2021/124, reg. 2, sch.
- F47** Words in s. 18(3) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(8)**; S.S.I. 2021/124, reg. 2, sch.
- F48** Words in s. 18(3)(a) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(9)**; S.S.I. 2021/124, reg. 2, sch.
- F49** Words in s. 18(3)(b) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), **ss. 31(3)(a), 35**; S.S.I. 2021/124, reg. 2, sch.
- F50** Words in s. 18(3)(b) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(3)(e)**; S.S.I. 2021/124, reg. 2, sch.
- F51** Words in s. 18(3)(b) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(6)(b)**; S.S.I. 2021/124, reg. 2, sch.
- F52** Words in s. 18(3)(b) repealed (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), **ss. 31(3)(b), 35**; S.S.I. 2021/124, reg. 2, sch.
- F53** Words in s. 18(4) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(2)(f)(v)**; S.S.I. 2021/124, reg. 2, sch.
- F54** Word in s. 18(4) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(5)(b)**; S.S.I. 2021/124, reg. 2, sch.

Modifications etc. (not altering text)

- C8** S. 18 power to transfer or modify functions conferred (30.11.2000 for certain purposes, otherwise prosp.) by 2000 c. 41, **ss. 19(3), 163(2)(3)** (with s. 156(6))

19 Local inquiries.

- (1) [^{F55}Boundaries Scotland] may cause a local inquiry to be held with respect to any review carried out by [^{F56}it] under this Part of this Act.
- (2) Subsections (3) to (6) and (8) of section 210 of this Act shall apply in relation to an inquiry held under this section with the substitution for references to a Minister of references to [^{F57}Boundaries Scotland].

Textual Amendments

- F55** Words in s. 19(1) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(2)(g)**; S.S.I. 2021/124, reg. 2, sch.
- F56** Word in s. 19(1) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(4)(d)**; S.S.I. 2021/124, reg. 2, sch.
- F57** Words in s. 19(2) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(2)(g)**; S.S.I. 2021/124, reg. 2, sch.

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Modifications etc. (not altering text)

- C9** S. 19 power to transfer or modify functions conferred (30.11.2000 for certain purposes, otherwise prosp.) by 2000 c. 41, **ss. 19(3), 163(2)(3)** (with s. 156(6))

Supplementary Provisions

20 First review of electoral arrangements.

^{F58}

Textual Amendments

- F58** S. 20 repealed (20.8.2004) by Local Governance (Scotland) Act 2004 (asp 9), **ss. 4(5)(c), 17(2)**; S.S.I. 2004/351, **art. 2** (with art. 3)

21 [^{F59}Delegation of Boundaries Scotland's functions]

- (1) [^{F60}Boundaries Scotland] may appoint one or more members of [^{F61}Boundaries Scotland] —
- (a) to hold any local inquiry or to carry out any consultation or investigation which [^{F61}Boundaries Scotland] are required or authorised to hold or carry out under this Act; and
 - (b) to report to [^{F61}Boundaries Scotland] accordingly.
- (2) At the request of [^{F62}Boundaries Scotland] the Secretary of State may appoint one or more persons as assistant commissioners for all or any of the purposes specified in subsection (1)(a) and (b) above.
- (3) The appointment of an assistant commissioner under subsection (2) above—
- (a) shall be for such period or for such purpose or purposes as may be specified in the terms of his appointment; and
 - (b) shall be on such terms and conditions as to remuneration and otherwise as may be determined by the Secretary of State with the approval of [^{F63}the Treasury].

Textual Amendments

- F59** S. 21 title substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(12)**; S.S.I. 2021/124, reg. 2, sch.
- F60** Words in s. 21(1) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(2)(h)**; S.S.I. 2021/124, reg. 2, sch.
- F61** Words in s. 21(1) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(3)(f)**; S.S.I. 2021/124, reg. 2, sch.
- F62** Words in s. 21(2) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(2)(h)**; S.S.I. 2021/124, reg. 2, sch.
- F63** Words substituted by virtue of S.I. 1981/1670, **arts. 2(2), 3(5)**

Modifications etc. (not altering text)

- C10** S. 21 power to transfer or modify functions conferred (30.11.2000 for certain purposes, otherwise prosp.) by 2000 c. 41, **ss. 19(3), 163(2)(3)** (with s. 156(6))

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22 Restriction on promotion of private legislation for changing local government areas, etc.

No local authority shall have power to promote private legislation for forming or abolishing any local government area or for altering, or altering the status or electoral arrangements of, any local government area.

[^{F64}23 Change of name of local government area.

- (1) The council of a local government area may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, change the name of the area.

[Where a council so change the name of their area into Gaelic, they may also, by ^{F65}(1A) a resolution passed in accordance with subsection (1) above and notwithstanding sections 2(3) and 3(1)(a) of the ^{M2}Local Government etc. (Scotland) Act 1994, decide that their name shall be “Comhairle” with the addition of the name of their area.

- (1B) A council which have so changed their name into Gaelic may, by a resolution passed in accordance with subsection (1) above, change it back into English.]

- (2) Notice of any change of name made under this section—

- (a) shall be sent by the council concerned to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General of Births, Deaths and Marriages for Scotland; and
(b) shall be published in such manner as the Secretary of State may direct.

- (3) A change of name made in pursuance of this section shall not affect any rights or obligations of any council, authority or person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.]

Textual Amendments

F64 S. 23 substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(5)**; S.I. 1996/323, art. 4(1)(c), **Sch. 2**

F65 S. 23(1A)(1B) inserted (27.4.1997) by 1997 c. 6, **ss. 1, 2(2)**

Marginal Citations

M2 1994 c.39.

24 Consequential and transitional arrangements relating to Part II.

- (1) The Secretary of State may by regulations of general application make such incidental, consequential, transitional or supplementary provision as may appear to him to be necessary or proper for the purposes or in consequence of [^{F66}regulations] under this Part of this Act or for giving full effect thereto; and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.
- (2) Regulations under this section may apply, with or without modifications, or extend, exclude or amend, or repeal or revoke, with or without savings, any provision of a local Act or any instrument made under an Act.

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- (3) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) [^{F67}Regulations] under this Part of this Act may include the like provision in relation to the [^{F68}regulations] as may be made by regulations of general application under this section by virtue of subsections (1) and (2) above; and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.
- (5) Any such [^{F69}regulations] may also include provision with respect to—
- (a) the name of any altered area;
 - (b) the constitution and election of public bodies in any area affected by the [^{F69}regulations];
 - (c) the retirement of existing councillors for electoral [^{F70}wards] which have been abolished or the assignment of such councillors and of other existing councillors to new or altered electoral [^{F70}wards], and the first election of councillors for any new or altered electoral [^{F70}wards];
 - (d) without prejudice to paragraph (c) above, the holding of a fresh election of councillors for all electoral [^{F70}wards] in the local government area in question in a case where substantial changes have been made to some of those [^{F70}wards];
 - (e) the abolition or establishment, or the restriction or extension, of the jurisdiction of any public body in or over any part of the area affected by the [^{F69}regulations];
 - (f) the register of electors to be used at any election of ^{F71}. . . councillors for any electoral [^{F72}ward] affected by the [^{F69}regulations] .
- (6) In this section and in section 25 of this Act, “public body” means a local authority, joint board or joint committee.

Textual Amendments

- F66** Word in s. 24(1) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 31(4)(a)**, 35; S.S.I. 2021/124, [reg. 2](#), [sch.](#)
- F67** Word in s. 24(4) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 31(4)(b)(i)**, 35; S.S.I. 2021/124, [reg. 2](#), [sch.](#)
- F68** Word in s. 24(4) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 31(4)(b)(ii)**, 35; S.S.I. 2021/124, [reg. 2](#), [sch.](#)
- F69** Word in s. 24(5) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 31(4)(c)**, 35; S.S.I. 2021/124, [reg. 2](#), [sch.](#)
- F70** Words in s. 24(5)(c)(d) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(6)(a)**; S.I. 1996/323, **art. 4(1)(c)**
- F71** Words in s. 24(5)(f) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), **Sch. 13 para. 92(6)(b)(i)**, **Sch. 14**; S.I. 1996/323, **art. 4(1)(c)(d)**, **Sch. 2**
- F72** Word in s. 24(5)(f) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(6)(b)(ii)**; S.I. 1996/323, **art. 4(1)(c)**

25 Transitional agreements as to property and finance.

- (1) Subject to any regulations made under section 24 of this Act and to the provisions of any [^{F73}regulations] made under this Part of this Act, any public bodies affected by the alteration, abolition or constitution of any area by [^{F74}regulations] under this

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Part of this Act may from time to time make agreements with respect to any property, income, rights, liabilities and expenses (so far as affected by the alteration, abolition or constitution) of, and any financial relations between, the parties to the agreement.

- (2) The agreement may provide—
- (a) for the transfer or retention of any property, rights and liabilities, with or without conditions, and for the joint use of any property;
 - (b) for the making of payments by either party to the agreement in respect of property, rights and liabilities so transferred or retained, or of such joint use, and in respect of the remuneration or compensation payable to any person; and
 - (c) for the making of any such payment either by way of a capital sum or of a terminable annuity.
- (3) In default of agreement as to any matter, the matter shall be referred to the arbitration of a single arbiter agreed on by the parties, or in default of agreement appointed by the Secretary of State, and the award of the arbiter may provide for any matter for which an agreement under this section might have provided; but the provisions of section 3 of the ^{M3}Administration of Justice (Scotland) Act 1972 (power of arbiter to state case to Court of Session) shall not apply in relation to an arbitration under this section.
- (4) Any sum required to be paid by a public body in pursuance of an agreement or award under this section shall be defrayed in such manner as may be specified in the agreement or award and, failing the agreement or award so specifying, in such manner as the public body making the payment may determine.
- (5) Any capital sum received by a public body in pursuance of an agreement or award under this section shall be treated as capital and shall be applied with the sanction of the Secretary of State either in the repayment of capital debt or for any other purpose for which capital money may be applied.

Textual Amendments

- F73** Word in s. 25(1) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\), ss. 31\(5\)\(a\), 35; S.S.I. 2021/124, reg. 2, sch.](#)
- F74** Word in s. 25(1) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\), ss. 31\(5\)\(b\), 35; S.S.I. 2021/124, reg. 2, sch.](#)

Modifications etc. (not altering text)

- C11** S. 25 extended (6.4.1995) by [1994 c. 39, s. 181\(7\); S.I. 1995/702, art. 4\(1\), Sch. 2 para. 32](#)

Marginal Citations

- M3** [1972 c. 59.](#)

26 ^[F75]Variation and revocation of regulations under Part 2]

- ^[F76](1) The power conferred by section 233 to vary and revoke orders under this Act is to be read to apply to regulations under this Part but modified to apply only in relation to any supplementary provision contained in any such regulations, and regulations varying or revoking any such provision may be made only after compliance with subsections (2) and (3).]
- (2) When the Secretary of State proposes to make any such varying or revoking ^[F77]regulations] he shall prepare a draft of the ^[F77]regulations], shall send copies of the

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draft to such local or public authorities and community councils as appear to him to be concerned, and shall give public notice, in such manner as appears to him sufficient for informing persons likely to be concerned, that the draft has been prepared, that a copy of the draft is available for inspection at one or more places specified in the notice and that representations with respect to the draft may be made to him within two months of the publication of the notice.

- (3) The Secretary of State shall consider any representations duly made with respect to the draft and may, if he thinks fit, make [^{F78}regulations] either in the form of the draft or subject to modifications.
- (4) The Secretary of State may cause a local inquiry to be held with respect to [^{F79}draft regulations] under this section.
- (5) In this section “supplementary provision” means any such provision as could be made by [^{F80}regulations] under this part of this Act by virtue of section 24 or 215 of this Act.

Textual Amendments

- F75** S. 26 title substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [ss. 31\(7\)](#), 35; [S.S.I. 2021/124](#), [reg. 2](#), [sch.](#)
- F76** S. 26(1) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [ss. 31\(6\)\(a\)](#), 35; [S.S.I. 2021/124](#), [reg. 2](#), [sch.](#)
- F77** Word in s. 26(2) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [ss. 31\(6\)\(b\)](#), 35; [S.S.I. 2021/124](#), [reg. 2](#), [sch.](#)
- F78** Word in s. 26(3) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [ss. 31\(6\)\(c\)](#), 35; [S.S.I. 2021/124](#), [reg. 2](#), [sch.](#)
- F79** Words in s. 26(4) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [ss. 31\(6\)\(d\)](#), 35; [S.S.I. 2021/124](#), [reg. 2](#), [sch.](#)
- F80** Word in s. 26(5) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [ss. 31\(6\)\(e\)](#), 35; [S.S.I. 2021/124](#), [reg. 2](#), [sch.](#)

27 [^{F81}Consultation with Boundaries Scotland on schemes for community councils]

In considering the framing or approval of a scheme or of an amendment to a scheme under Part IV of this Act, a local authority or the Secretary of State may consult [^{F82}Boundaries Scotland] on any matter relating to the boundaries of the area of a community council.

Textual Amendments

- F81** S. 27 title substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [s. 35](#), [sch. para. 1\(13\)](#); [S.S.I. 2021/124](#), [reg. 2](#), [sch.](#)
- F82** Words in s. 27 substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [s. 35](#), [sch. para. 1\(2\)\(i\)](#); [S.S.I. 2021/124](#), [reg. 2](#), [sch.](#)

28 Supplementary.

- (1) In this Part of this Act—

“electoral arrangements” means, in relation to a local government area, the number of councillors of the council for that area, the number and boundaries of the electoral [^{F83}wards] into which that area is for the time being divided for

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the purpose of the election of the councillors [^{F84}, the number of councillors for each electoral ward], and the designation of any electoral [^{F83}ward];

[^{F85}“local government area” means the area of a local authority;]

“substantive change” has the meaning assigned to it by section 13(d) of this Act.

(2) In considering the electoral arrangements for local government areas for the purposes of this Part of this Act, [^{F86}or section 4(1) of the Local Governance (Scotland) Act 2004 (asp 9)] the Secretary of State and [^{F87}Boundaries Scotland] shall so far as is reasonably practicable comply with the rules set out in Schedule 6 to this Act, and the said arrangements shall be in accordance with the provisions of [^{F88}section 1 of the Local Governance (Scotland) Act 2004 (asp 9)].

(3) ^{F89}

Textual Amendments

- F83** Words in definition of "electoral arrangements" in s. 28(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(7)(a)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F84** S. 28(1): words in definition of "electoral arrangements" inserted (2.5.2007) by Local Governance (Scotland) Act 2004 (asp 9), **ss. 4(5)(d)**, 17(2); S.S.I. 2007/25, **art. 2(2)**
- F85** Definition of "local government area" in s. 28(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(7)(a)(ii)**; S.I. 1996/323, **art. 4(1)(c)**
- F86** Words in s. 28(2) inserted (2.5.2007) by Local Governance (Scotland) Act 2004 (asp 9), **ss. 4(5)(e)(i)**, 17(2); S.S.I. 2007/25, **art. 2(2)**
- F87** Words in s. 28(2) substituted (14.5.2021) by Scottish Elections (Reform) Act 2020 (asp 12), s. 35, **sch. para. 1(2)(j)**; S.S.I. 2021/124, reg. 2, sch.
- F88** Words in s. 28(2) substituted (2.5.2007) by Local Governance (Scotland) Act 2004 (asp 9), **ss. 4(5)(e)(ii)**, 17(2); S.S.I. 2007/25, **art. 2(2)**
- F89** S. 28(3) repealed (1.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 59(2)**, 63(2); S.S.I. 2006/469, **art. 3**, Sch. 2

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 7(3) inserted by [1989 c. 42 Sch. 11 para. 36](#)