



# Local Government (Scotland) Act 1973

## 1973 CHAPTER 65

### PART II

#### CHANGES IN LOCAL GOVERNMENT AREAS

#### *[<sup>F1</sup>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 *[<sup>F2</sup>Boundaries Scotland]*

- (1) There shall be a *[<sup>F3</sup>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 *[<sup>F4</sup>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.
- 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.

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### 13 Proposals for changes in local government areas.

[<sup>F5</sup>Boundaries Scotland] may, in consequence of a review conducted by [<sup>F6</sup>it] under this Part of this Act, make proposals to the Secretary of State for effecting changes appearing to [<sup>F7</sup>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)

- C1** 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 [<sup>F8</sup>Boundaries Scotland], not less than [<sup>F9</sup>eight] nor more than [<sup>F10</sup>twelve] years after [<sup>F11</sup>1st April 1996] and thereafter at intervals of not less than [<sup>F9</sup>eight] nor more than [<sup>F10</sup>twelve] years from the submission of the last report of [<sup>F12</sup>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 [<sup>F12</sup>Boundaries Scotland] shall formulate any such proposals accordingly.
- (2) Without prejudice to subsection (1) above, [<sup>F13</sup>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 [<sup>F14</sup>Boundaries Scotland] shall formulate any such proposals accordingly.
- (3) If [<sup>F15</sup>Boundaries Scotland] receive a request from a local authority or from any person that [<sup>F16</sup>it] should conduct a review under subsection (2) above with respect to any local government area in which the authority or person appears to [<sup>F17</sup>Boundaries Scotland] to have an interest, [<sup>F17</sup>Boundaries Scotland] shall consider the request.

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- (4) In any case where the Secretary of State has made an order under section 1 of the <sup>M1</sup>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 [<sup>F18</sup>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 [<sup>F19</sup>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 [<sup>F19</sup>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)

- C2** 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.

## 15 Powers of Secretary of State in relation to reviews.

- (1) The Secretary of State may by direction given to [<sup>F20</sup>Boundaries 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.

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- (2) Subject to section 16 of this Act, the Secretary of State may direct [<sup>F21</sup>Boundaries 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 [<sup>F22</sup>Boundaries Scotland] shall formulate any such proposals accordingly.
- (3) The Secretary of State may direct [<sup>F23</sup>Boundaries Scotland] not to undertake during a specified period a review of any one or more local government areas or parts of such areas which [<sup>F24</sup>it has] the duty or power to review under section 14 of this Act.
- (4) The Secretary of State may give directions to [<sup>F25</sup>Boundaries Scotland] for [<sup>F26</sup>its] 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 [<sup>F27</sup>Boundaries Scotland] with respect to the order in which areas are to be reviewed by [<sup>F28</sup>it] 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)

- C3** 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)

- C4** 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.

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#### 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)

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#### Modifications etc. (not altering text)

**C5** 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.]

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#### 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](#))



**Changes to legislation:**

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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](#)