

**DIRECTION UNDER SECTION 18(2A) OF THE LOCAL GOVERNMENT  
(SCOTLAND) ACT 1973**

1. The Scottish Ministers, in exercise of the powers conferred by section 18(2A) and (2B) of the Local Government (Scotland) Act 1973 ("the Act"), and of all other powers enabling them in that behalf, hereby give the following directions to the Local Government Boundary Commission for Scotland ("the Commission").
2. These directions apply in relation to any consultation carried out by the Commission, in accordance with section 18(2)(a) of the Act, with the council of any local government area affected by a review under Part II of the Act ("the council").
3. In carrying out any such consultation, the Commission shall comply with the requirements set out in paragraphs 4 to 12 below.

**Information to be provided by the Commission**

4. The Commission shall, within 14 days of the date of this Direction, inform the council in writing, by letter, by recorded delivery, addressed to the Chief Executive of that council of the following—
  - (a) the timetable proposed by the Commission for that consultation;
  - (b) the timetable proposed by the Commission for the review to be conducted by the Commission under section 4(1) of the Local Governance (Scotland) Act 2004<sup>(a)</sup>;
  - (c) the general approach the Commission proposes to adopt in formulating its proposals for ward boundaries;
  - (d) the information the Commission would like to have available to use in formulating those proposals;
  - (e) the assistance which that council would be asked to render to the Commission in the process of the review; and
  - (f) such other matters as the Commission considers appropriate.

**Process of consultation with the council**

**General**

5. The Commission shall take all reasonable steps to establish and maintain an ongoing dialogue with the council for the purposes of the review. That dialogue may be conducted in person, orally, in writing or otherwise.
6. In the course of the consultation, the Commission shall encourage the council-

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<sup>(a)</sup> 2004 asp

(a) to establish, and communicate to the Commission, any proposals or ideas that the council may have in relation to new ward boundaries, or otherwise in relation to the formulation of the Commission's proposals; and

(b) to provide such factual information held by the council as the Commission or the council think relevant in relation to the formulation of the Commission's proposals.

#### **Meeting with the council**

7. Subject to paragraph 9, the Commission shall meet with the council no later than twelve weeks after the date of the letter sent in terms of paragraph 4.

8.-(1) The Commission shall propose to the council 2 dates, and the times on those dates, on which that meeting might take place.

(2) Where the council indicates that those proposals are unsuitable then the Commission shall offer 2 further dates, and the times on these dates, on which the meeting might take place.

(3) All of the dates and times proposed by the Commission under this paragraph shall be within the ordinary working hours of the council.

(4) Nothing in this paragraph shall prevent the Commission and the council meeting at any time which is not within the ordinary working hours of the council where the Commission and the council so agree.

9. The Commission is not required to meet with the council where-

(a) the council indicates that it does not wish to meet the Commission; or

(b) the council fails to respond to any proposal made under

(i) paragraph 8(1), during the period of 14 calendar days beginning with the day on which the council received that proposal; or

(ii) paragraph 8(2), during the period of 7 calendar days beginning with the day on which the council received that proposal.

#### **Formal written views of the council**

10.-(1) The Commission shall take all reasonable steps to ensure that they have received the concluded view of the council in writing on the matters raised in the consultation by no later than-

(a) the end of the period of four weeks beginning with the date of any meeting held in accordance with paragraph 7; or

(b) in the event that, in terms of paragraph 9, no meeting took place between the Commission and the council, the end of the period of four weeks beginning with -

(i) the date on which the council indicated that it did not wish to meet the Commission; or

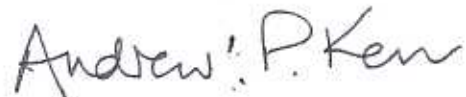
(ii) the date on which the period referred to in paragraph 9(b)(i), or if applicable, 9(b)(ii) ends,

whichever may apply.

(2) Where the Commission have not received the concluded view referred to in sub-paragraph (1), within the timescale provided for in that sub-paragraph, the Commission may disregard any conflict in the views that have been expressed by, or purportedly by, the council where, in the opinion of the Commission, those views conflict.

11. Where the Commission is of the opinion that it has not received the concluded view of the council it shall notify the council of that fact no fewer than 7 calendar days before the end of the consultation.

12. For the purposes of these directions, the Commission shall assume that a view expressed as being the concluded view of the council is the concluded view of the council if that view is expressed in a letter from the Chief Executive of the council to the Commission.



A member of the Scottish Executive

Edinburgh  
30th August 2004