

Scottish Constitutional Convention (1995) *Scotland's Parliament: Scotland's Right*
(Edinburgh: Convention of Scottish Local Authorities)

[note from Paul Cairney: this is a PDF of the copy/pasted text from the SCC's no-longer-there webpage]



Welcome to the new Home page of the Scottish Constitutional Convention. This site has been setup to co-incide with the launch of its new report to the Scottish People, the site has a feedback facility to enable you to send in your comments to us, also included are links to other relevant sites.

http://www.almac.co.uk/business_park/scc/

Joint Chairs: Lord Ewing of Kirkford Rt. Hon. Sir David Steel MP

Chair of Executive Committee: Canon Kenyon Wright

SCOTTISH CONSTITUTIONAL CONVENTION

BACKGROUND INFORMATION

1. Formation of the Scottish Constitutional Convention

The proposal to establish a Constitutional Convention came from a committee of prominent Scots who in July 1988 in their report "**A Claim of Right for Scotland**" recommended that a Convention should be established to draw up a scheme for a Scottish Assembly or Parliament.

The Committee itself was created following the result of the 1987 General Election as they believed action had to be taken on the way Scotland was governed.

The Committee met between January and June of 1988, chaired by Professor Sir Robert Grieve with a former senior Scottish Office civil servant Jim Ross as secretary.

In January 1989 a cross party meeting was held to consider proposals for a Convention at which the Scottish National Party expressed their reservations concerning a Convention and later withdrew. The Conservative Party had already made it clear they would take no part in the proposed Convention.

Following several informal meetings the Convention held its first meeting on 30 March 1989 and adopted the following declaration:

2. A Claim of Right for Scotland

We, gathered as the Scottish Constitutional Convention, do hereby acknowledge the sovereign right of the Scottish people to determine the form of Government best suited to their needs, and do hereby declare and pledge that in all our actions and deliberations their interests shall be paramount.

We further declare and pledge that our actions and deliberations shall be directed to the following ends:

To agree a scheme for an Assembly or Parliament for Scotland';

To mobilise Scottish opinion and ensure the approval of the Scottish people for that scheme; and

To assert the right of the Scottish people to secure the implementation of that scheme.

3. Membership of the Convention

The first Convention meeting held in the Church of Scotland Assembly Hall on the Mound in the centre of Edinburgh was an impressive gathering of organisations and individuals representing a wide cross-section of Scottish society.

Members of the Convention include the Labour Party, Scottish Liberal Democrats, Scottish Democratic Left, Orkney and Shetland Movement, Scottish Green Party, Scottish Trades Union Congress, Regional, District and Island Councils and the Campaign for a Scottish Parliament. Membership also includes the main Scottish Churches, the Federation of Small Businesses, ethnic minority representatives and the Scottish Women's Forum.

In addition the Convention has a number of affiliate members including individual trades unions and special interest organisations. It is therefore the most broadly representative organisation in Scotland.

4. Method of Working

The Convention agreed from the outset that it should reach its decision by **consensus** and not by majority vote. It was agreed there should be Joint Chairs, **Lord Harry Ewing**, and **Sir David Steel, MP**, and that between plenary sessions of the Convention an Executive Committee chaired by **Canon Kenyon Wright**, would oversee the activities of the working groups drawn together to carry out the detailed work.

The **Convention of Scottish Local Authorities** (COSLA) has provided administrative services since the Convention's inception.

The Convention held seven meetings culminating on November 30, 1990 in the Royal Concert Hall, Glasgow, when it presented its report containing detailed proposals for the creation of a Scottish Parliament to the Scottish people.

The report "**Towards Scotland's Parliament**" has the support of the political parties within the Convention and the Labour Party has committed itself to "legislating for a Scottish Parliament in the first year of the Labour Government and that the scheme presented will be firmly based on the framework set out by the Scottish Constitutional Convention".

Since the production of the report, the Convention has held an annual meeting or around St Andrew's Day to debate related issues and progress the proposals.

5. Proposals - Separating the Facts from the Myths

Since November 30, 1990 there has been a widespread debate on the proposals and this debate has intensified. The constitutional future of Scotland is now firmly established at the top of the political agenda.

Critics of the Convention who favour the status quo claim that a devolved Parliament would result in Scotland being "over-governed". They ignore the fact that the Civil Service is already in place at the Scottish Office and that what the Convention is proposing is a democratically elected body to oversee the work. They also ignore the fact that the political

parties within the Convention are committed to proposing to a Scottish Parliament a single tier structure of local government.

Attention has also been focused on the taxation powers of the proposed Scottish Parliament with wild claims of 20p increase in the pound on income tax and Scottish companies being burdened with higher taxes than elsewhere in the United Kingdom.

The Convention does propose that the Scottish Parliament should have the power to vary income tax rates up or down within a narrow range. The Convention does not propose that a Scottish Parliament should have any power to levy additional tax on business or indeed vary existing tax levels which would be decided by the Westminster Parliament.

6. **Powers and Responsibilities**

The Convention has agreed that: Scotland's Parliament would have a **defined range of powers and responsibilities** which would encompass sole or shared responsibility for all functions except those retained to the **United Kingdom Parliament**. The primary matters to be retained to the United Kingdom Parliament would be **defence, foreign affairs, central economic and fiscal responsibilities, social security policy, immigration and nationality issues**.

The Scottish Parliament will therefore have powers in relation to the economy and business, health, education, leisure and social welfare and the legal system and regulation.

It will work with local government to create better public services which are effective and efficient; it will establish an office in Brussels to ensure that Scotland's voice in Europe can be heard.

All of these powers and responsibilities will allow a Scottish Parliament to develop and sustain a quality of life which is best for the people living in our country, and more than that it will be directly accountable to the people of Scotland as the people making the decisions as members of the Parliament will all be living and working in Scotland itself.

7. **Further Developments**

Following the meeting on 30 November 1990, the Convention's Executive Committee had two working groups preparing proposals on the electoral system to be used in the elections for a Scottish Parliament as well as suggested working procedures for Parliament. Their reports were discussed at a full Convention meeting on 28 February 1992.

Then, in October 1993 the Convention appointed an **Independent Commission** with the following remit:

*1. The Commission is appointed by the Executive Committee of the Scottish Constitutional Convention and will report to that Committee, but shall be **independent** of the Scottish Constitutional Convention in its membership and operation.*

2. *The Commission is invited, taking the Convention's established position on such matters as the basis from which further proposals are to be developed, to consider and make recommendations on:-*

(a) proposals for elections to and representation in a Scottish Parliament electoral system(s) and gender balance provisions; and

(b) the constitutional implications at a United Kingdom level and for local government of the establishment of a Scottish Parliament (including entrenchment and Scottish representation in the Westminster Parliament).

3. *The Commission will be free to seek such research and invite such submission of evidence as it thinks necessary to discharge of its remit.*

4. *The Commission will be established by October 1993 and asked to give an initial report within a year.*

The Commission comprised eleven eminent Scots and was chaired by Joyce McMillan, a respected Scottish writer and journalist. Its report was published in October 1994 and made a number of recommendations and proposals.

The issues raised in their report were debated at the Convention meeting on Friday 2 December 1994 in the Old Royal High School, Edinburgh, and individual member organisations then discussed their positions and views.

8. **"Scotland's Parliament: Scotland's Right"**

Intense discussions have taken place throughout 1995 to incorporate these additional issues in the Convention's scheme. A meeting was held on 20 October 1995 when a number of key proposals were agreed including:

Electoral system - a new method of electing members of the Parliament was agreed. The Scottish Parliament will have 129 members - 73 elected by the first past the post system in existing Westminster boundary areas and 56 additional members elected from a larger geographical area through lists prepared by political parties and other organisations. The additional members will be elected to reflect a degree of proportional representation depending on the votes cast for each list.

Electoral Contract - The Convention has always supported equal representation of men and women in the Parliament but has decided against only statutory means to achieve this. Instead, political parties within the Convention have committed themselves to selecting equal numbers of men and women in seats where they have a reasonable expectation of being elected.

Working arrangements - the Scottish Parliament will have different working arrangements from Westminster. It will sit for a fixed term and members of Scottish Parliament will be expected to have this as their full time job. In addition the Convention is working closely with a number of individuals and other organisations to develop very detailed operational

rules, known as Standing Orders. The principles on which the Parliament's working practices and procedures are based are: openness; accessibility; and accountability and it is therefore expected that the Parliament will operate normal business hours, vary the location of committee meetings and consult fully with other organisations at all stages of its business.

Securing the Legislation - In order to ensure successive Westminster Parliaments do not attempt to dismantle a Scottish Parliament the Convention expects the Westminster Parliament to move a special Declaration before passing the legislation creating the Scottish Parliament. This Declaration will state that the Westminster Parliament will not remove or amend the Scottish Parliament without consulting directly the people of Scotland and the Scottish Parliament itself.

These issues and others will be included as part of the Convention's forthcoming document "Scotland's Parliament: Scotland's Right" which will be launched on 30 November 1995.

9. Longer Term Future

Finally, the Convention is committed to a major consultation exercise entitled "**Preparing for Change**". This will comprise a series of key meetings to discuss particular issues eg the arts, education, media, local government and environmental matters. Convention representatives will meet all strands of Scottish public life to discuss their proposals and plans and address the practical implications of the establishment of a Scottish Parliament.

10. Funding Arrangements

The Convention is currently in receipt of a grant from the Joseph Rowntree Reform Trust and other than that relies entirely on donations from the Campaign for a Scottish Parliament, local authorities, other organisations and individuals.

11. Further Information

The Convention provides information and assistance to a range of individuals and organisations, particularly students, on developments in Scottish Constitutional matters. We have a large library of submissions on all aspects of our work and have a comprehensive press cuttings file for perusal. Further information is available from [Liz Manson](#), c/o COSLA, Rosebery House, 9 Haymarket Terrace, Edinburgh, EH12 5XZ. Tel: 031-346 1222. Fax: 031-346 0055.



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WE COMMEND

This report is about practical intent. It says: "Here is what we are going to do," not "here is what we would like". Those who seek inspirational home rule rhetoric are respectfully directed elsewhere, including to the Convention's own previous publications. We have moved on. We regard the argument in principle as compelling. The longing of the people of Scotland for their own Parliament rings clear and true every time opinion is sounded. We believe that the momentum for change is now too great to deny; and that a Scottish Parliament will soon be meeting for the first time in nearly three centuries.

What has been missing has been a practical scheme for bringing the Parliament into existence, and a hard-headed assessment of what it will be able to achieve. That is the gap which this report fills. This report shows that the Parliament can work, and it shows how. In doing so, it answers opponents who have tried to portray a Scottish Parliament as a pipe-dream, a fantasy which the Scots, unlike other peoples around the world, somehow cannot turn into reality.

The Convention has a diverse membership, as diverse as we could make it. Diversity and unanimity are not natural companions. It is the instinct of political parties to disagree with one another, and the instinct of civic groups like the churches, the trade unions and others to be impatient with the preoccupations of politicians. This has meant that a lot of time and effort has been required to arrive at the proposals in this document. But at the end of that process we have an agreed scheme which all the parties involved believe to be the best way forward for Scotland. The way in which that scheme has been hammered out is its strength, not a weakness.

What this process has proved is that constructive consensus is achievable, even among those steeped in the ritual confrontations of British politics. That lesson is immensely encouraging, not just for the project of designing a Scottish Parliament, but for the much more important question of how the Parliament will work once it is in place. We see the consensus that this

report represents as a beacon of hope for a new and better politics in a Scotland running its own affairs. We have been struck by the way argument has generated understanding and respect, rather than acrimony. Every decision has been reached by agreement. None has been taken by majority vote. When the prize is big enough, purpose can overcome obstinacy.

These proposals may be the product of long debate, but they are everyone's agreed way forward. Everyone who contributed to this report is prepared to put his or her name to it, and to work hard now to bring the proposals into effect. That is why we say that these proposals do not belong to any party or group. And it is why we commend them, with enthusiasm and with pride, to the people of Scotland.

THE CASE FOR CHANGE

Scotland's Democracy

The first and greatest reason for creating a Scottish Parliament is that the people of Scotland want and deserve democracy. Their will is powerful and clear. It has been expressed calmly and consistently over a period of decades, and has strengthened rather than diminished with the passing of time. In a responsive and effective democracy, this would be reason enough for change. But present constitutional circumstance denies Scotland responsive and effective democracy. That is the second reason for change.

Scotland approaches a new millennium facing a stark choice. It has a distinguished and distinctive structural heritage, evident in Scotland's legal system, its educational system, its social, cultural and religious traditions. These things are the very fabric of Scottish society, yet Scotland has come to lack democratic control over them. Their conduct is determined by a government for which few Scots voted, operating through a dense tangle of unelected quangos. These bodies now run Scotland's affairs across the board, from Scottish water to Scottish Opera. This is a democratic deficit which runs contrary to Scotland's distinct political identity and system. It is affecting relations with the rest of a United Kingdom in which most Scots wish to remain, and hampering Scotland's ability to make its voice heard in the world, particularly within a fast-developing European Union well attuned to such voices. Redressing the deficit is a matter of fairness and justice, and also of better government. A Scottish Parliament is the means of taking back control without turning our backs on our neighbours; of determining our own strategies; of facing the challenges of a new age in our own way.

A Real Difference

A Scottish Parliament will be able to make a real difference to the prosperity of the Scottish people, and to the quality of the life they lead. No modern economy can be viewed in isolation from the others with which it is entwined by ties of trade and ownership - one reason why Scotland needs to remain within the United Kingdom, which is by far its biggest marketplace. But the Scottish economy can be differentiated from those of other parts of the UK, both in its strengths and in its weaknesses. Scotland has a relatively large export trade, for example, but one heavily dependent on a very narrow product base: chiefly computers

and whisky. It has a prestigious and successful financial sector, but again skewed towards certain types of services. It has a long-standing difficulty in creating new growth companies and lasting jobs. It has to contend with the communications challenges inherent in a population distributed unevenly across a large land mass. UK economic policy has, hardly surprisingly, failed to address these circumstances closely, systematically or effectively. Scotland's Parliament, equipped with the sort of powers described in the pages that follow, will be able to do much better.

Much the same applies to the field of social welfare - a broad phrase, but the one that best describes the wide range of concerns which have so sharply distinguished the political will of Scotland in recent years. Scotland has consistently declared through the ballot box the wish for an approach to public policy which accords more closely with its collective and community traditions. The frustration which has arisen as that wish is disregarded should be a source of concern to all who hold democracy dear. Scotland's Parliament will provide the means for the will of the people of Scotland, however it may develop, to be acted upon. It will place power in their hands to determine the future course of Scots law

and the administration of justice; to decide on the form and the delivery of public services like health, education and housing provision; to boost the development of Scotland's cultural and artistic life. These are matters that touch the lives of us all.

Democracy is a challenge as well as a right and a privilege. It bestows a culture of involvement, and therefore of responsibility. It does not allow blame to be shrugged off on others. The contrast with present public alienation from the processes and structures of government is both compelling and invigorating. There is every reason to expect that the people of Scotland, taking charge of their own destiny, will tackle the issues that confront them more effectively than has Westminster, acting remotely in their stead. There is every reason to believe that Scotland is more than equal to the challenge.

Scotland and Beyond

The case for a Scottish parliament stands on its own merits, which is different from saying that it is inward-looking. Devolution in other parts of the United Kingdom, and democratisation of other parts of the British constitution, would be entirely welcome. What is not acceptable is for these reforms to be regarded as preconditions for the setting up of Scotland's Parliament.

All the same, it is important to place the case for a Scottish parliament in its proper international context, as well as to argue for it in terms of Scotland's own historical, economic, political and cultural circumstance. It is a case recognised by democrats in Britain and beyond. Indeed, the longing for a parliament in Scotland chimes well with the powerful trend internationally towards democracy, accountability and constitutional renewal. In electing its own parliament, Scotland will step closer to, rather than away from, its neighbours. One example among many can be seen in the popular and effective Parliaments now flourishing in various parts of Spain: and bringing, incidentally, relative stability to a country with a turbulent past.

Closer to home, the UK Government has proposed the creation of a representative assembly in Northern Ireland as part of the framework for a constitutional settlement in the Province. That is to be applauded. It is, however, interesting to note the Government's apparent conviction that a Northern Ireland assembly would not threaten the Union. This position stands in rather poignant contrast to the view the Government has chosen to take of a Scottish parliament.

John Smith called a Scottish Parliament the settled will of the people of Scotland. The pages that follow represent the detailed proposals of the Scottish Constitutional Convention for giving firm shape to that will. They seek to provide a coherent and practical model of the parliament Scotland requires. They are, quite unashamedly, the product of consensus rather than of dogma. They have been agreed by a Convention membership which is more widely representative of the people of Scotland than any other body. They have been drafted with patience and care, and with the fullest consultation. They belong to no one party or group, but to all who wish to see Scotland governed differently and governed better. In that spirit, they are commended with pride to the people of Scotland.

THE SCOTTISH CONSTITUTIONAL CONVENTION

The Scottish Constitutional Convention has tackled its work on a basis that is virtually unique in British politics. It can best be described as a resolute search for consensus. This approach has been maintained rigorously throughout the Convention's existence. No major decision was ever imposed by majority votes. All were reached by discussion and agreement. It has not always been a swift or an easy road to follow. But everyone involved believes it to have been the right road. The long and sometimes difficult trade in give and take has lent each of us mutual understanding and respect. It has afforded us, too, the vision of a new kind of politics, one in which we have come to see great value.

From this process we have emerged with the powerful hope that the coming of a Scottish parliament will usher in a way of politics that is radically different from the rituals of Westminster: more participative, more creative, less needlessly confrontational. Part and parcel of that, we would expect, is a culture of openness which will enable the people of Scotland to see how decisions are being taken in their name, and why. The parliament we propose is much more than a mere institutional adjustment. It is a means, not an end.

Above all, the Convention has kept true to its founding promise that "in all our actions and deliberations, the interests of the Scottish people will be paramount." In that sense, as in others, it is our belief that the proposals we now present are not for the Convention, but for Scotland.

Beginnings

In July 1988, a constitutional steering committee, composed of prominent Scots and set up by the Campaign for a Scottish Assembly, recommended the formation of a broadly-drawn Scottish Constitutional Convention to make plans for the future governance of Scotland. All

political parties were invited to take part. The Conservative Party declined to participate from the outset. The Scottish National Party, although involved in the initial preparatory work, was ultimately unable to accept the principles of consensus underlying the Convention's aims, and therefore did not join its deliberations. It is important to record that many individuals from both these parties have supported our work publicly or privately.

Nonetheless, the Convention is beyond question the most broadly representative body in Scotland. It has enjoyed the support of the Scottish Labour Party the Scottish Liberal Democrats, and a number of smaller parties. In all, the Convention has included 80 per cent of Scotland's MPs and MEPs; representatives of the great majority of local authorities; and many important elements in Scottish civic society, including the Scottish Trades Union Congress, the churches, ethnic minority groups, women's movements, and sections of the business and industrial community. Current membership is listed as Appendix II.

The Convention held its inaugural meeting on 30 March 1989 in the Church of Scotland's General Assembly Hall in Edinburgh. It adopted a declaration, which was signed by all its members. This was a Claim of Right, the third in Scotland's history, and its purpose was to root the Convention solidly in the historical and historic Scottish constitutional principle that power is limited, should be dispersed, and is derived from the people.

This was the text:

We, gathered as the Scottish Constitutional Convention, do hereby acknowledge the sovereign right of the Scottish people to determine the form of government best suited to their needs, and do hereby declare and pledge that in all our actions and deliberations their interests shall be paramount

We further declare and pledge that our actions and deliberations shall be directed to the following ends:

- To agree a scheme for an Assembly or Parliament for Scotland;
- To mobilise Scottish opinion and ensure the approval of the Scottish people for that scheme; and
- To assert the right of the Scottish people to secure the implementation of that scheme.

The Process

Working groups were formed after the Assembly Hall meeting to examine specific topics: finance, powers, the islands, and making the parliament truly representative. They reported regularly to the executive committee, which in turn presented reports to the Convention for debate at its next nine meetings. Drawing on agreement reached at these meetings, the executive prepared a draft scheme for a Scottish parliament. It was approved on 28 September 1990. **Towards Scotland's Parliament**, the Convention's first report to the

Scottish people, was launched at a memorable civic and cultural event on 30 November 1990 at the Glasgow Royal Concert Hall.

Further work was then undertaken in two important areas: the electoral system and gender balance; and the parliament's practices and procedures. Various recommendations arising from these issues were approved by the Convention on 27 February, 1992. The next important step came in November 1993, when the Convention established a Constitutional Commission. The Commission's full membership and remit are set out as Appendix 3. Its main purpose was further to develop proposals in a number of areas, including gender balance, the electoral system and the Parliament's relationships with Westminster, the European Union and local government. The Commission reported within its prescribed timetable and the Convention discussed its report on 2 December 1994.

This led to perhaps the most challenging phase of the Convention's work, and certainly the most innovative. The various partners in the Convention spent some months discussing the Commission proposals within their own organisations, and then negotiated with each other to agree a common position on all of the issues laid before them.

The Outcome

The report which we now present to the Scottish people is the fruit of this thorough process. We believe that it is the most realistic, responsible, principled and comprehensive plan of its kind ever prepared; and that in the manner of its preparation, as much as in its substance, it paves the way for the better government of Scotland.

SCOTLAND'S PARLIAMENT DEFINED

The Act which establishes the Scottish Parliament will define the Parliament's powers, its responsibilities, and its relationship with other decision-making bodies; principally, Westminster, the European Union and Scottish local authorities. Nothing in the Act will prevent the Scottish Parliament from debating any subject, or from articulating Scotland's view on any issue. The parameters of these powers are set out in this section.

Powers and Responsibilities

Scotland's Parliament will have a defined range of powers and responsibilities. These will encompass sole or shared responsibility for all functions except those retained to the UK Parliament. These powers will be set out in the Act, and some are listed in Appendix I. The Scottish Parliament's powers will include all areas of policy currently within the remit of Scottish Office.

The primary matters to be retained to the UK Parliament will be defence, foreign affairs, immigration, nationality, social security policy and central economic and fiscal responsibilities.

The Act will embody the principle of subsidiarity which, as stated in the preamble to the Maastricht Treaty on European Union, requires that decisions be taken as closely as possible

to the citizens affected by those decisions. Therefore, where a function is shared between the Scottish Parliament and Westminster, the Act will provide that the respective responsibilities will be decided in accordance with the subsidiarity principle and by agreement between the two Parliaments.

How These Powers Will Work in Scotland

The Act will set out the Scottish Parliament's powers. It will be for the voters of Scotland and their elected representatives to decide what policies the Parliament will follow, and how it will put its powers to work for the benefit of Scotland. What is clear is that the Parliament will have the scope and the authority to make a powerful and positive impact on the welfare, prosperity and quality of life of the Scottish people. It will be able to develop, in partnership with Scottish society and with other levels of government, an integrated strategy for sustainable development in Scotland in relation to the UK, the European Union and the international community. At present, Scottish affairs are run by a Parliament most members of which do not represent Scottish constituencies. With a Scottish Parliament, that will change for the better.

Creating a Prosperous Scotland

It will be the Scottish parliament's responsibility to channel the energies and the knowledge of the people of Scotland into creating an economy of efficient, competitive companies providing worthwhile jobs. The parliament will be able to develop the sort of infrastructure the Scottish economy needs, by developing relevant and closely focused policy in areas like transport provision, energy and the utilities.

It will have powers over planning and land use; powers to ensure high quality provision of services like water, sewerage, electricity and gas; powers to promote energy conservation, control pollution and protect the environment; powers to organise training and retraining. In line with the subsidiarity principle, many of these powers will be the direct responsibility of the local authorities, or operated jointly. The parliament will also have powers to generate industrial development, to promote investment in Scotland by both indigenous and overseas companies, to support research and development, and to develop industries like agriculture, fisheries, forestry and tourism. It will be empowered to enforce quality and safety standards and to protect the interests of the consumer.

Scotland's parliament will also have the right of representation on issues affecting Scotland arising from mergers, competition policy and monopolies and, in order to ensure that the economic and social consequences for Scotland are properly considered when mergers affecting Scottish based companies are proposed, the Scottish parliament will have powers to report on such mergers to the Monopolies and Mergers Commission.

The Secretary of State for Scotland already has powers both to take land, property and enterprises into public control and ownership and also to dispose of public assets where this is deemed necessary to safeguard or promote the public interest. For example, the Secretary of State has powers to make compulsory purchase orders and through Scottish Enterprise and

Highlands and Islands Enterprise, to buy or sell equity shares in Scottish companies. The Secretary of State's existing powers in respect of public control and ownership will be transferred in full to the Scottish parliament.

In all these ways the parliament will be able to ensure that the benefits which flow from a dynamic economy reach all the people of Scotland through the provision of decent services, quality products and fair opportunities for all.

Serving the People of Scotland

The powers of the Scottish parliament will enable it to develop the type of high quality public services to individuals which are the measure of a civilised community. It will be able to judge and reflect Scotland's priorities with regard to improving health or housing or community care or education. For example, it will be able to direct resources towards the types of housebuilding, tenure and housing management which best suit each community. It will be able to arrange the organisation, funding and policy of health provision to deliver the sort of health service Scotland wants. It will be able to decide the best ways of supporting family life, providing care for people with handicaps, illnesses or disabilities, the elderly, and for children in need; and it will be able to ensure that local authorities and health authorities co-operate to maintain and improve these services. Through its responsibility for Scots law, the parliament will have the power to combat discrimination in whatever form it arises. It will be equipped to promote equal opportunities for women, people with disabilities, ethnic minority communities and other groups.

Within the UK framework of benefits and allowances, Scotland's parliament will co-operate with the Scottish offices of the Department of Social Security and with other agencies in the field to ensure that benefits are administered in a way sensitive to Scotland's needs. This role, coupled with direct responsibility for community care, health and social work, will give the parliament a powerful capability to plan strategically all welfare service provision in Scotland.

A distinctive and admired education system is one of Scotland's proudest assets, and the creation of a Scottish parliament will bring education back fully within Scottish democratic control. It will be for Scotland's parliament to decide the policies and the funding arrangements for education and training. The Convention expects the parliament to work closely with local authorities to make the management of schools responsive and accountable to local communities, and to agree priorities for investment. Together, Scotland's parliament and the local authorities will have the power to decide how best to focus resources to rebuild the Scottish school system. Similarly, the parliament will be responsible for Scotland's universities and further education colleges, and the Convention expects it to work with them to agree and implement priorities. The parliament will also have responsibility for investing in research, and in training and retraining programmes, and for setting up accountable systems to direct this investment. The Convention regards education as a process to which all the people of Scotland have the right of access throughout their lives. It is therefore essential that Scotland's parliament has responsibility for the full scope of educational provision and

thus the power to restore the unique Scottish education system to its position as a world leader.

These are matters which have a huge contribution to make both to Scotland's economic prosperity and to the personal fulfilment of its citizens. They are key elements in improving the quality of life for Scottish families, and particularly for the young people who are our country's future. The Convention sees it as vitally important that the parliament build a common and co-operative approach to these issues in partnership with others in the field, particularly local authorities.

Exactly the same principle applies, and for exactly the same reasons, to the areas of recreation, heritage, sport, the arts, culture and science - the purest expressions of the nation's character. The parliament's responsibilities will, for example, cover the distribution of lottery proceeds through appropriate agencies and areas where prospects could be enhanced such as the Scottish film industry. It will afford a unique opportunity to bring together all the local and national bodies in these fields. Better use can thus be made of often fragmented provision, and resources better directed, so as to lend a fresh and exciting impetus to the work of both professional and voluntary organisations. That in turn will provide greater access to activities for everyone from beginners to top level performers. It is one among many areas in which the Convention expects the parliament to learn the lessons of the present unconstructive political atmosphere, and to act as the catalyst for creating a sense of common purpose among providers of services to the people of Scotland.

The parliament will initially assume responsibility for the existing role of the Secretary of State for Scotland in relation to broadcasting and the media in Scotland and will be able to promote broadcasting in Scotland, and ensure that it remains sensitive to Scottish needs. To keep pace with developments in Scotland, the UK and internationally, these roles will develop within the UK regulatory framework and must be kept under review.

Scotland's Parliament and the Law

One of the greatest anomalies which the creation of a Scottish parliament will put to rights concerns Scots law. Scotland is the only democratic country in the world with its own system of law but no legislature of its own to determine that law. Scotland has a legal system which is quite different from that of the rest of the UK, yet under the Westminster system it is legislated for by a parliament outwith Scotland and one in which only a small minority of members represent Scottish constituencies. In future, it will be for the Scottish parliament to oversee and legislate for the Scottish legal system, the courts and the police. It will be able to undertake the long overdue tasks of bringing Scots law up to date, and of reforming the courts system. The parliament will reflect the views of the Scottish people in formulating structures and guidance for the police, the prosecution services, the fire service, the prison service, and for other licensing and protective agencies such as tribunals and the ombudsman system.

A wide range of regulatory powers will also pass to the Scottish parliament. It will have powers, subject to EU regulations and international agreements, to control pollution, to

protect the environment, to conserve the countryside, to combat erosion and to look after historic buildings. Not only will it be able to do that in ways which reflect Scotland's concerns, but it will also enable Scotland to play a much more active role in addressing these vital international issues.

Scotland's Voice in Europe

Great importance is attached to Scotland's dynamic and developing relationships with the institutions of the European Union. Scotland's parliament will be represented in UK Ministerial delegations to the Council of Ministers where appropriate, and Scottish Ministers will lead these UK delegations when the areas under discussion are of specific relevance to Scotland. The Scottish parliament will also have the power to appoint representatives to the Committee of the Regions and the Economic and Social Committee, in consultation with local authorities and other agencies.

It is essential that the parliament establish a representative office in Brussels to ensure that Scottish interests in Europe are clearly and vigorously promoted. The Convention expects, however, that the parliament will undertake this through consultation and co-operation with other Scottish and UK organisations which operate European offices so as to maximise impact and provide co-ordination among agencies.

Scotland's Parliament and Local Authorities

The Scottish parliament will be responsible for the system of local government in Scotland, its role, functions, structure and financing. The Convention regards it as vital that the relationship between the Parliament and local authorities be positive, co-operative and stable. It expects the parliament to investigate new ways of co-operative working between levels of government. Relations between local and central government have too often fallen victim to confrontational Government policies aimed at systematically removing powers from elected local representatives. The creation of the Scottish parliament will mark a distinct change of approach, by placing a culture of co-operation and stability at the heart of the relationship between the Parliament and local authorities.

The value of local government stems from three essential attributes: first, it provides for the dispersal of power both to bring the reality of government nearer to the people and also to prevent the concentration of power at the centre; second, participation, local government is government **by** local communities rather - as in the case of non-elected bodies - **of** local communities; and thirdly, responsiveness through which it contributes to meeting local needs by delivering services.

The Act will include a clause committing the Scottish parliament to secure and maintain a strong and effective system of local government, and will embody the principle of subsidiarity so as to guarantee the important role of local government in service delivery.

The Convention believes that the parliament should also embody the principles contained in the European Charter of Local Self Government and in particular Article 4 that "local authorities shall, within the limits of the law, have full discretion to exercise their initiative

with regard to any matter which is not excluded from their competence nor assigned to any other authority." This will allow local government the flexibility it wants and needs to act in the interests of its citizens in its provision of high and improving standards of service.

In any future review of local government, the Convention believes that the aim of the parliament should be, firstly, to safeguard and where possible increase the area of discretion available at the level of the local authority; secondly, to ensure that any future proposals for reform are widely acceptable in Scotland as a whole; and thirdly, to ensure also that there is a system of local government finance which sustains local accountability.

Scotland's Parliament and Quangos

The purpose of electing a Scottish parliament is to give a representative say to the people of Scotland over the way in which their affairs are run. That is in itself a fundamental democratic principle. But it is also one the need for which has gained added force in recent years because of the steady transfer of important areas of government from elected representatives to unelected and unrepresentative appointed bodies, commonly known as quangos. The Scottish Office sponsors over 160 such bodies, appointed by Scottish Office Ministers. More important than the number of such bodies is the range of key public policy areas over which they now hold sway. Quangos run Scotland's hospitals, much of its housing provision, and whole sectors of its environment, cultural and economic development and educational provision. From April 1996, they will also take over running water and sewerage services from elected local authorities. The Convention expects the Scottish parliament to attach high priority to reversing this anti-democratic trend.

The parliament will accordingly have power to examine the role of quangos operating in Scotland, and to bring their activities under democratic control where it considers this necessary. It will also have powers to ensure that where such bodies remain they will be subject to greater accountability and accessibility.

Scotland's Parliament and Island Communities

The Convention has recognised from the outset that the geographical and historical circumstances of islands communities warrant distinctive constitutional consideration. It therefore proposes that the Act specify that each islands area will have separate representation in the Scottish parliament, ie one MSP each for Orkney, Shetland and Western Isles.

Applying the principle of subsidiarity will give the Islands Councils the opportunity and responsibility to provide the services and carry out the functions appropriate to their communities. In addition, application of the principles contained in the European Charter of Local Self Government will give the councils power to develop initiatives and introduce strategies to meet the special needs of these areas. All of that means that special consideration will be given to the individual positions of the island communities, and that the Scottish parliament will take their needs into account in formulating its legislation and policy.

Securing the Legislation for the Future

The Convention is adamant that the powers of the Scottish parliament, once established, should not be altered without the consent of the Scottish parliament representing the people of Scotland. The main method by which that will be achieved will be by the moral, and political rooting of the institution in the lives of the Scottish and indeed the British people. The popularity and the contribution of the parliament, along with its purpose and its relevance, will ensure its existence more than any constitutional or legal mechanism.

The parliament will be established by an Act of the Westminster Parliament. The Scottish Constitutional Commission, who studied this matter exhaustively on our behalf, concluded that in theory under Britain's unwritten constitution such an Act can be repealed or amended without restriction. The Convention however is firmly of the view that through widespread recognition of the parliament's legitimate authority, both within Scotland and internationally, such a course of action is both practically and politically impossible.

No Westminster government would be willing to pay the political price of neutralising or destroying a parliament so firmly rooted in, and supported by, the people of Scotland. Therefore we will build our parliament on the strongest of all foundations, namely the settled will of the Scottish people themselves.

This is a parliament inside the United Kingdom which we are creating, making laws and revising laws in a country where the law and legal system are different and distinct. Not only that but it will have been brought into existence on a plan which through this unique Constitutional Convention, has involved the vast majority of Scotland's MPs and MEPs, almost all Scotland's local authorities, representatives of the churches, trades unions, business interests, women's groups, ethnic minorities and other civic groups. It would be a foolish government which chose to meddle with a settlement based on such an unprecedented consensus.

Although the concept of supreme parliamentary sovereignty is often simply stated there have been exceptions where entrenchment has been effectively achieved whatever the constitutional law may say. The status of the Church of Scotland and the nature of consent from the Church for any legislative changes concerning it is one relevant example. Our whole involvement in the European Union has anyway had significant effects on the purity of the concept of Parliamentary sovereignty, with laws created in European institutions having primacy over laws passed in Westminster.

We therefore believe that there could, and should, be some way of formally embedding the powers and position of the Scottish parliament. The Convention partners strongly recommend that in advance of the Scottish legislation being placed before Parliament at Westminster there be a clear commitment by Westminster made through a Declaration of the Parliament of the United Kingdom of Great Britain and Northern Ireland that the Act founding the parliament should not be repealed, or amended in such a way as to threaten the existence of the Scottish parliament, without the consent of the Scottish parliament and of the Scottish people, directly consulted through general election or referendum. The principle thereby enshrined by the solemn declaration of intent of the parliament of the United Kingdom would

be that a democratic institution of government like the Scottish parliament would not be unilaterally weakened or abolished by Westminster.

The very formality of the commitment would be there as a significant and visible reminder of the special nature of the institution which had been created. It would be reinforced by the increasing importance of European Union constitutional structures in providing international recognition of the powers of regional and local government which will combine to strengthen the position and security of Scotland's parliament.

Defining the Roles

The Act will make provision for the settlement of disputes as to the relative powers of the UK and Scottish parliaments. The appropriate roles of both Parliaments in disputes will be respected and to facilitate its operation, an existing body will be used in the first instance with options including the Appellate Committee of the House of Lords and the Judicial Committee of the Privy Council.

Advancing our Rights

The Convention expects Scotland's Parliament to provide for special protection for fundamental rights and freedoms within Scots law. This is best achieved through adoption of a Charter, advancing clear principles and specifying the rights and freedoms held to be inviolable. The Convention expects the Charter to encompass and improve on prevailing international law and convention (the European Convention on Human Rights, the International Convention of Civil and Political Rights and the European Parliament Declaration of Fundamental Rights and Freedoms), and to be firmly based on Scottish traditions and values. It is also the Convention's expectation that the parliament will pass a Freedom of Information Act.

MAKING SCOTLAND'S PARLIAMENT TRULY REPRESENTATIVE

The Convention is resolute that Scotland must have a Parliament whose membership reflects the regional diversity of its communities. That means a Parliament in which men and women are fairly represented in numbers broadly proportionate to their shares of the population, and which actively encourages the participation and involvement of all groups, including ethnic minority groups, in its consultative processes. The Convention is also committed to a parliament structured so as to allow and expect that a positive and constructive role will be played in its business by all its elected members. It follows that the arrangements for electing the Parliament and establishing its working procedures are of critical importance.

The Act will describe structures and membership provisions for the Scottish Parliament, and will specify the electoral system under which election to the parliament will take place.

Electing Scotland's Parliament

The total size of the parliament will be 129 Members.

Each elector will be entitled to cast two votes, the first for a constituency MSP. There will be 73 constituency Members of the Scottish parliament elected from constituencies corresponding to the existing constituencies of the Westminster Parliament, except that Orkney and Shetland will become two separate constituencies. These MSPs will be elected on the present "first-past-the-post" system.

The second vote will be for a local party or group list of additional members. There will be 56 additional Members in all: seven from each of eight constituencies, corresponding with the present eight European Parliament Constituencies. The names of the individual representatives on the party/group list will be detailed on the ballot paper and published before the election. The votes cast for each party or group will be counted within these eight constituencies, and the seven seats from each will be allocated so that the total representation from each area - including MSPs returned for individual constituencies - will correspond as closely as possible with the share of the vote cast for each party in the area.

In the event of a vacancy arising in the constituency section, a by-election will be held. If the vacancy is in the party or group section, the person whose name appeared next on the appropriate party or group list will take that place.

Reviewing the System

The electoral system for the Scottish parliament must have stability but it will, of course, be dependent on boundaries established for the Westminster and European Parliaments. These may be subject to alteration outwith the control of the Scottish parliament and it will therefore be necessary to ensure that separate boundary reviews for the Parliament can be carried through with the purpose of maintaining the size of the parliament and the integrity of the corrective effect of the additional members. This function will be performed by the Boundary Commission for Scotland.

The electoral system we have adopted will be new and unique in its application and will require review in order to establish its success in fulfilling the objectives of the Convention, especially in achieving equality of representation between men and women and a more proportional result. It is the view of the partners to the Convention that the parliament should conduct such an enquiry after the first elections and periodically thereafter. However the system which the Convention has devised is the outcome of long and detailed discussions, and is underpinned by fundamental principles including proportionality and the opportunity for equal representation. It should not be easily challenged or changed without careful and democratic scrutiny.

A mechanism should therefore be devised so that technical and corrective changes in the electoral arrangements for the parliament, as agreed by the parliament itself, can be carried through without undue delay.

Electoral Agreement

One of the key principles of the Convention's vision is that there should be equal representation of men and women in the parliament. Locally and nationally, women have

been persistently under represented in all areas of public life in Scotland. We believe that a new Scottish parliament is a great opportunity to improve radically the representation of women in Scottish politics. but the new parliament should represent the whole community and reflect the priorities of the people of Scotland.

The Convention, therefore, endorses the cross-party Electoral Agreement which (a) accepts the principle that there should be an equal number of men and women as members of the first Scottish parliament; (b) commits the parties to take into account both the constituency and additional member list candidates to select and field an equal number of male and female candidates for election; and (c) ensures that these candidates are fairly distributed with a view to the winnability of seats.

At the present time, only those political parties within the Convention have undertaken to implement these proposals and it is therefore acknowledged that the voluntary Electoral Contract may not achieve a parliament with the envisaged equality of representation of men and women. It is then that the process of review and amendment of the electoral system described above should be brought into operation immediately to address that situation.

The Convention calls upon all other Scottish political parties to implement the principles of this Electoral Agreement.

How Scotland's Parliament Will Work

The creation of a new parliament is a rare and exciting moment, one which affords unique opportunity for change and renewal. The Convention sees the establishment of a Scottish parliament as a chance to effect fundamental improvements to the way Scotland is governed. It therefore expects that the parliament will provide through its practices and procedures a form of government in whose accountability, accessibility, openness and responsiveness the people of Scotland will have confidence and pride.

Accordingly, the working arrangements for the Scottish parliament are set out below and describe a legislature that is very different from the Westminster model. One obvious difference is that it will consist of a single chamber, but the Convention expects that the parliament will also differ from Westminster in a less procedural, and more radical, sense.

Because it will be located in Scotland, the parliament will by definition be physically more accessible to the people of Scotland. This proximity will be reinforced by the introduction of an information strategy designed expressly to encourage understanding of the parliament's workings and participation in its decision-making by all organisations and individuals. The parliament will take steps to ensure the greatest possible involvement by the people of Scotland, both as Members of the Scottish parliament and as contributors to its work. It will vary the locations of its meetings, work to standard business hours and provide appropriate facilities for Members, for the media and for the public.

Specific and systematic arrangements should be put in place to make sure that the parliament remains responsive to the wishes and values of the Scottish people. It should take views and advice from many specialist organisations and individuals to make certain that all its

decisions and strategies are sound in principle and practice. Close liaison and consultation with local government will provide for efficient delivery and integration of all services to the Scottish public.

These objectives should be put into force in two ways. First, a number of the key initial issues will be enshrined in the Act which establishes the Scottish parliament. This reflects both their fundamental importance, and the fact that the parliament could not begin to function without them. These will include the methods of appointing a Speaker and deputies for the parliament, a chief Minister and a Cabinet, the length of the parliamentary term and the question of dual mandates.

Scotland's Parliament will be a single-chamber legislature. There will be no role in its legislative process for the House of Lords. It is therefore important that the Parliament's procedures provide for rigorous scrutiny of proposed legislation. The mechanisms and safeguards contained within the process of initiating and approving legislation will therefore be crucial.

Second, the Parliament will agree a set of rules for its operation, known as Standing Orders. The Act will require the adoption of a set of Standing Orders at the first meeting of the parliament. The Convention has been working on these matters with a number of other organisations and individuals and this work is continuing. It is an area in which the Convention would encourage wider debate and discussion.

Provisions of the Act

The procedures of the parliament will be overseen by a Speaker, plus two deputies. The Speaker's job will be to ensure the efficient conduct and administration of the Parliament's business, and to chair sessions of the full parliament. The holder of the post will be an MSP, who will be elected by vote of the full parliament.

The administration will be headed by a chief Minister, who will normally (but not necessarily) be the leader of the largest party in the parliament. He or she will have to be confirmed in post by simple majority of the full parliament. The chief Minister will allocate the Ministerial portfolios after discussion with the leaders of any other political parties which are represented in the Cabinet. Cabinet membership will be drawn from the party or parties which can form a working majority in the parliament. Only MSPs will be eligible to join the Cabinet, except in the case of Law officers, who need not be Members of the parliament.

All Ministers will require to be confirmed by simple majority of the full parliament. Their role will be to administer government departments, to initiate legislation (a function which will be shared with parliamentary committees) and to represent the Scottish parliament.

The parliament will sit for a fixed term of four years. In exceptional circumstances the parliament may be dissolved before expiry of its full term with the agreement of two-thirds of MSPs.

Membership of the Scottish parliament will be considered a full-time appointment. It will therefore not be possible for MSPs to hold a dual mandate, for example simultaneously to be members of the UK or European Parliaments or of local authorities. The only exception will arise in the first parliament. Any Members of the first parliament who are elected to, or are already, members of another parliament or of a local authority will be allowed to serve out their original terms.

At the outset of each parliamentary term, the Parliament will be opened by the Head of State. The first meeting of the Scottish parliament will be chaired by the Secretary of State for Scotland.

Standing Orders

Like all modern legislatures, the Scottish parliament will operate according to an agreed set of Standing Orders, and the Act will contain a clause requiring the parliament to adopt Standing Orders at its first meeting. While it will ultimately be for the parliament itself to decide its Standing Orders, the Convention is committed to delivering a parliament of a new type and therefore expects methods of operation which ensure openness, responsiveness, accessibility and accountability.

Accordingly, the Convention believes that these conditions will require the adoption of Standing Orders which, for example:

- oblige MSPs to devote themselves to the business of the parliament and to the interests of the electorate;
- enable electors directly to petition the parliament;
- provide for the parliament to operate through a system of powerful committees which are able to initiate legislation as well as to scrutinise and amend government proposals, and which have wide-ranging investigative functions;
- require the legislators to consult widely both before and during the legislative process;
- specify working hours and a working year designed to make it as easy as possible to stand for the Parliament and to influence it;
- promote all aspects of equal opportunities, and monitor the parliament's success or otherwise in this respect;
- make appointments to public bodies as open and democratic as possible;
- make provision for independent investigation of alleged malpractice on the part of individual MSPs or of government departments;
- provide facilities for the public and the media to meet MSPs easily, and to observe and report on all aspects of the parliament's activities; and
- encourage and promote constructive, rather than confrontational, debate and discussion.

The Convention is committed to these principles and would welcome a similar commitment from the political parties which have chosen to stand aside from its work.

The Civil Service

The Civil Service in the Scottish Office will be reorganised to serve all areas covered by the Scottish Parliament. The Act will enable the parliament to recruit suitable staff for the various departments so as to ensure that the parliament works effectively.

SECURE AND STABLE FINANCES

The parliament will be financed on a stable, long-term basis. This objective will be attained by basing the financial settlement for the parliament upon a continuation of the principle of equalisation of expenditure within the UK; upon autonomy for the parliament in respect of its expenditure; and upon the limited power of the parliament to vary the basic rate of income tax.

Equalisation

The principle of equalisation will continue. This means resources will be pooled on a UK basis and distributed on the basis of relative need. The establishing Act will embody the principle of equalisation - which has provided a stable, long-term foundation for government expenditure in Scotland for many years, receives the support of all the UK parties, and has served Scotland and the UK well. Thus, Scotland will continue to be guaranteed her fair share of UK resources, as of right.

The current formula for the calculation of government expenditure in Scotland - the Barnett/Goschen formula - will continue to be used as the basis for the allocation of Scotland's fair share of UK resources. We recognise that any formula will need to be jointly reviewed from time to time. In time such discussions will undoubtedly lead to a greater transparency in, and understanding of, the economic situation across the different parts of the UK.

Taken together, these provisions mean that the parliament will be guaranteed its income on a long-term, stable basis. The parliament's income will not require annual negotiation.

Autonomy over Expenditure

The Scottish parliament will have autonomy over how it spends its assigned budget and will be able to determine its own priorities for public expenditure. This autonomy is simply a transfer of the powers currently exercised by the Secretary of State for Scotland, but the Scottish parliament's decisions on expenditure will be held accountable to the people of Scotland - at the ballot box - rather than made, as at present, by Ministers behind closed doors, accountable only to the Cabinet and the Treasury in Whitehall. Decisions about government expenditure in Scotland will no longer be directed by Scottish Office Ministers who lack popular support.

Variation of Income Tax

In the Western democracies all principal levels of national and local government have powers over taxation. While the parliament's income will be principally based on totals of expenditure set at UK level, the power to vary the rate of tax is vital if the parliament is to be properly accountable. Critics of the proposal to establish a parliament in Scotland repeatedly state that such a power is essential for an effective parliament.

The Scottish parliament will have the power to increase or cut the basic rate of income tax for Scottish taxpayers by a maximum of 3p in the pound. This will give it a greater degree of independence.

The power of variation of income tax will be distinct from the formula for equalisation. There will be no question of England subsidising tax cuts in Scotland. Any tax cuts will have to be financed from within the assigned budget. Thus, if Scotland wanted tax cuts it would have to pay for them. Similarly, if the parliament wanted to raise taxes in Scotland it would be able to keep the revenues for itself. This will ensure a strong sense of financial responsibility.

It is worthy of note that what is described here is a power for the parliament. That such a power will exist does not mean that it will necessarily be used. If the parliament uses the power to vary the rate of income tax it will be held to account for its decision by the electorate. It is, therefore, a power which is unlikely to be used without a great deal of caution and prudence. Tough decisions will have to be made, but these will be the decisions of the people of Scotland, made by their elected representatives. There will be hard decisions but they will be our decisions.

For example, if Scotland's elected representatives wanted a different level of investment for education, health or other services, they would either have to find savings from existing budgets or raise the necessary revenues and answer for their actions at the ballot box. It is deceitful for the opponents of a parliament to pretend that tax rates would automatically rise with the creation of the parliament

What Price Accountability?

The cost of Scottish democracy will certainly be no more than the current cost of government in Scotland. A building is waiting ready on Edinburgh's Calton Hill. The parliament will have the power to set about replacing many of the undemocratic, unaccountable and expensive quangos which blight Scottish political life, placing their functions under the control of elected representatives.

The existing administrative framework of the Scottish Office and its agencies will transfer to the parliament, and with proper democratic accountability will be made more efficient and effective. Insofar as its functions are concerned, the parliament will not create any additional government. Nor will it create "an extra tier of Government".

Control over government spending in Scotland will, properly, rest with elected representatives of the people. Such democratic accountability is, in itself, priceless, but the true test of the parliament will be in its performance in re-invigorating Scottish life and the Scottish economy.

Promoting Economic Prosperity

The parliament will have the significant powers to improve the economy of Scotland described earlier in this document. The Convention believes that the parliament will use these powers to encourage innovation and industry, and when the parliament improves the condition of the the Scottish economy this will result in more jobs and better wages for the people of Scotland, rather than in higher expenditure by government.

The power of the parliament to vary the level of expenditure set within the equalisation formula will be limited to its power to vary income tax. There will be no powers to vary corporate taxation.

The parliament will want to create a vibrant partnership with industry and commerce, and it should be noted that the UK level playing field in respect of financial regulation and supervision will be preserved. Scottish businesses will continue to operate within the British and European single markets.

Members of the Scottish parliament will have the advantage of being geographically close to Scotland's business community. This proximity will allow for better contact to be maintained between business and political decision-makers. In comparable circumstances in other areas of Europe with home rule parliaments or Assemblies this proximity has proved of major economic benefit, allowing a broader and deeper mutual understanding of business and political conditions.

The way in which the Scottish parliament exercises its economic powers will play a major part, along with the UK Government and the EU, in determining the economic health of Scotland and her people. The parliament will for example have a positive role in relation to European Union grants and regional assistance.

Taken together these powers and obligations will create a powerful psychology of economic responsibility. It is the belief of the Convention partners that they would be used to stimulate a Scottish economic renaissance.

THE WAY FORWARD

Towards the Act

The scheme outlined in this document forms the core, and much of the detail of what will be the Westminster Bill and then the Act establishing the Scottish parliament. The Convention fully recognises that detailed work of both a political and a legal nature remains to be done to draft the Bill. That responsibility rests ultimately with the UK government, and with the political parties in Westminster. Prime responsibility for drafting the Bill will lie with a new Secretary of State for Scotland, and the Scottish Office will need to take the lead at official level in co-operation with other parts of Westminster and Whitehall.

The Convention will, of course, continue to take part in this process where appropriate, both in ensuring that as much preparatory work as possible has been completed ahead of the

legislation being drafted, and in monitoring the passage of the legislation. It will, in particular, continue to work towards the creation of a set of Standing Orders for the Scottish parliament, in consultation with a number of organisations and individuals. It would encourage a wide debate on this matter so that the parliament, when it comes to adopt Standing Orders at its first meeting, will have benefit both of a core of ideas developed from the principles set out in the previous chapter and of the broadest possible range of views.

Preparing for Change

This report marks the completion of the first stage of the Convention's work. The second stage, securing the consent of the people of Scotland, is already half won: there is no room seriously to dispute that they wish to see the establishment of a Scottish parliament. What may not yet be fully appreciated by some is the importance the parliament will have to their daily lives and welfare. The Convention hopes that this report will go some way to pressing home that case, but it recognises that much remains to be done. The third task still lies ahead: to ensure the implementation of the plans.

These are the challenges which the Convention will now address in the remaining months before a general election. The Convention has identified two key objectives for a programme of consultation and education, under the banner "Preparing for Change." They are:

- (i) to increase public awareness of how widely the powers of Scotland's parliament will range, of their implications, and of the impact they will make on key areas of concern; and
- (ii) to facilitate and heed informed public debate about the expectations people have of constitutional change, any reservations they harbour, and any ideas they wish to advance.

The programme will include a series of events targeted at specific groups, including business and industry, educationalists, local government, the media, and the environmental movement. Throughout, the Convention will look to maximise the impact of its work by operating in partnership with the many other organisations involved in the campaign for constitutional change. In that way, it aims to take the debate to the people of Scotland, and beyond; and to ensure, as the general election approaches, a high level of awareness, understanding and preparedness, free from the misunderstandings of the past.

THE END OF THE BEGINNING

"At the end of the day, what's all the bother about? Simply about how we are to live one with another on this old earth."

Neil M Gunn, "The Serpent"

"He canna Scotland see, wha yet,

Canna see the infinite,

And Scotland in true scale to it."

Hugh McDiarmid

An ancient story tells of three craftsmen, working side by side on the same massive block of stone. Asked what they were doing, the first replied: "We are carving a stone"; the second: "We are shaping a figure to be the cornerstone"; the third said: "We are building a cathedral"

As we have struggled side by side, to create the unprecedented consensus now placed before the people of Scotland, I have often been aware that we too were working at several levels. We have striven to get the details right. Together, they shape a parliament which will be the cornerstone of the new democracy our people so clearly want. Yet, I have always been conscious that we were doing something even more important. We offer, not just a new parliament, but the possibility of a renewed nation, a cathedral of hope and promise for all the people of Scotland, and indeed of the whole United Kingdom.

We have an unfinished agenda. The Convention's next task is to demonstrate to all our people, that our proposals are no dusty constitutional theories. They will change lives. They will mark the decisive turning point, away from a divided, polluted and violent society, in which the wealth of some goes hand in hand with the degradation and desperation of so many and towards a future that is fair, and sustainable, in which our young can believe in tomorrow.

One other task remains for us - to keep our promise "to assert the right of the Scottish people to the implementation" of this historic change. The Scottish Constitutional Convention must continue its work until Scotland's parliament, firmly based on our proposals, is finally secure. Then, and only then, our work will be done, our promises kept.

We have come of age. We are adults not children. We are citizens not subjects. We are partners not customers. We are the heirs of a nation that has always prized freedom above all else. We deserve something better than the secretive, centralised, self-serving super-state that the UK has become.

For the Convention, this is the end of the beginning. For Britain's archaic and undemocratic system of government this is the beginning of the end. For all of us in the United Kingdom, it is the dawn of new hope.

Appendix 1

The Parliament's Functions

The Scottish parliament will assume full responsibility for a wide range of governmental functions. Within that responsibility the powerful principle of subsidiarity - as defined in the preamble to the Maastricht Treaty on European Union - will apply. The Convention regards it as vital that decisions are taken as closely as possible to the citizens they will affect. At one level, this means a transfer of responsibilities from Westminster to the Scottish parliament. But just as importantly, it also means that the prime job of discharging many functions for which the Scottish parliament is responsible will lie with other governmental bodies, chiefly

the local authorities. Some of the principal areas which will fall within the powers of Scotland's parliament are:

Economy and Business

- Industrial development, including the Enterprise networks;
- Tourism promotion and development, including the Scottish Tourist Board;
- Energy, including electricity generation and supply;
- Agriculture, including land tenure and management, and crofting;
- Fisheries, both marine and fresh-water, including protection, improvement and maintenance;
- Forestry.

Infrastructure

- Transportation, including public passenger and freight services, and payment of subsidies to operators of services;
- Roads, including provision, improvement and maintenance of streets, roads and bridges;
- Harbours and boatslips;
- Inland waterways;
- Town and country planning and land use, including building control, new towns, industrial sites, land improvement;
- Water and sewerage, including water supply and reservoirs;
- Environment and sustainability, including pollution control, regulation of emissions and of dumping, coastal protection, flood prevention and mitigation, countryside development and conservation;
- Historic buildings and monuments.

Health and Social Welfare

- Health, including the structure, organisation and administration of the National Health Service in Scotland; prevention, treatment and alleviation of disease or illness including injury, disability, and mental illness; Community Care; family planning; private health care;
- Housing, including regulation of rents, rent allowances and rebates, mobile homes and caravans;

- Social Welfare, including children, adoption and care of the elderly;
- Strategic planning of welfare services.

Education and Leisure

- Education at all levels, including nursery, primary, secondary, tertiary and higher provision; the teaching profession, private schools in Scotland;
- Training provision, including youth and adult training and re-training, and special needs training;
- Broadcasting;
- Arts and culture, including libraries, museums and art galleries;
- Recreation, including sports provision, parks, open spaces, markets and fairs, allotments.

Law and Regulation

- Local government, including the areas, powers and duties of local authorities and similar bodies; the revenue and expenditure of local authorities; rating and valuation; investigation of maladministration, rate support and other grants; local government taxation;
- Charities; public holidays; deer; local regulation of trades; provision or control by local authorities of facilities and local activities; lotteries; liquor licensing; local licensing; shop hours; burial and cremation; licensing and control of dogs.
- Police, including organisation and structure, terms and conditions of service, role of chief constables;
- Prison service;
- Law and order, including principles of criminal liability, definition of offences, penalties, treatment of offenders, compensation for victims of crime, criminal procedure, criminal evidence, prosecutions, criminal research, crime prevention, enforcement of court orders;
- Civil Law, including property, conveyancing, trusts, bankruptcy, succession, remedies, evidence, diligence, arbitration, prescription and limitation of actions, private international law, recognition and enforcement of court orders;
- Courts and legal system, including court jurisdiction and procedure, juries, contempt, vexatious litigation, judges, sheriffs, Justices of the Peace, members of the Scottish land court, legal profession, legal aid;
- Tribunals and inquiries, including the Lands Tribunal for Scotland;

- Fire services, and fire precautions;
- Equal opportunities;
- Public Records, including records of the Scottish parliament, the Scottish Executive, the courts, and any other body for which the parliament is responsible, private records; records held by the Keeper of the Records of Scotland;
- Registration of births, deaths, marriages and adoption; population statistics.

Appendix II

Membership as at November 1995

Scottish Members of Parliament

Irene Adams

Jeremy Bray

Gordon Brown

Malcolm Bruce

Menzies Campbell

Dennis Canavan

Malcolm Chisholm

Eric Clarke

Tom Clarke

Michael Connarty

Robin Cook

Tam Dalyell

Alistair Darling

Ian Davidson

Donald Dewar

Brian Donohoe

James Dunnachie

George Foulkes

Maria Fyfe

Sam Galbraith

George Galloway

Norman Godman

Thomas Graham

Nigel Griffiths

Norman Hogg

John Home Robertson

James Hood

Robert Hughes

Adam Ingram

Sir Russell Johnston

Charles Kennedy

Archy Kirkwood

Helen Liddell

Calum Macdonald

David Marshall

Michael Martin

John Maxton

Ray Michie

Dr Lewis Moonie

Robert MacLennan

John McAllion

Thomas McAvoy

John McFall

William McKelvey

Henry McLeish

Gordon McMaster

Martin O'Neill

John Reid

George Robertson

Ernie Ross

Rachel Squire

Rt Hon Sir David Steel (Joint Chair)

Dr Gavin Strang

James Wallace

Mike Watson

Brian Wilson

Tony Worthington

James Wray

Scottish Members of European Parliament

Ken Collins

Alex Falconer

Hugh McMahon

David Martin

Bill Miller

Alex Smith

Local Authorities

Borders Cllr A S Hooper

Central Cllr Anne Wallace

Dumfries & Galloway Cllr Thomas McAughtrie

Fife Cllr John W MacDougall

Grampian Cllr Robert Middleton

Highland Cllr Duncan J McPherson

Lothian Cllr Keith Geddes

Strathclyde Cllr Charles Gray

Tayside Cllr Mervyn J Rolfe

Orkney Cllr Hugh Halcro-Johnston

Shetland	Cllr T H Scott
Western Isles	Cllr Donald M Mackay
Aberdeen (City of)	Cllr James Wyness
Annandale & Eskdale	Cllr Richard J Brodie
Badenoch & Strathspey	Cllr Yvonne Richmond
Banff & Buchan	Cllr John B Gordon
Caithness	Cllr Alistair A Roy
Clackmannan	Cllr Andrew Hutton
Clydebank	Cllr James Doherty
Clydesdale	Cllr Vera Robison
Cumbernauld & Kilsyth	Cllr Rosemary McKenna
Cumnock & Doon Valley	Cllr David Sneller
Cunninghame	Cllr Stewart Dewar

Dumbarton	Cllr Leslie Robertson
Dundee (City of)	Cllr Kate Maclean
Dunfermline	Cllr Robert Dow
East Kilbride	Cllr Colin Robb
East Lothian	Cllr Pat O'Brien
Edinburgh (City of)	Cllr Lesley Hinds
Ettrick & Lauderdale	Cllr William Hardie
Falkirk	Cllr Elizabeth Cook
Glasgow (City of)	Cllr Jean McFadden
Gordon	Cllr Robert O Duncan
Hamilton	Cllr Thomas McCabe
Inverclyde	Cllr Henry Mulholland
Inverness	Cllr Alan G Sellar
Kilmarnock & Loudon	Cllr Robert Stirling

Kirkcaldy	Cllr Karen Carrick
Lochaber	Cllr James K MacKay
Midlothian	Cllr George Purcell
Monklands	Cllr James Brooks
Moray	Cllr Alistair Farquharson
Motherwell	Cllr Vince Mathieson
Nairn	Cllr Gordon Girvan
Nithsdale	Cllr John S King
North East Fife	Cllr Clive R Sneddon
Perth & Kinross	Cllr William O Wilson
Renfrew	Cllr Olga Clayton
Ross & Cromarty	Cllr James Stone
Roxburgh	Cllr Myra Turnbull

Skye & Lochalsh Cllr John F Munro

Stewarty Cllr Tom Pitcairn

Stirling Cllr Philomena McClung

Strathkelvin Provost Robert M Coyle

Sutherland no nomination

Tweeddale Cllr David E Suckling

West Lothian Cllr Maureen Ryce

Political Parties

Labour Party Jack McConnell

Scottish Liberal Democrats Andy Myles

Social Democratic Party Peter Wilson

Co-operative Party Joe Hill

Democratic Left

Douglas Chalmers

Orkney & Shetland Movement

Jack Burgess

Scottish Green Party

William Craig

Other Political Representatives

Scottish Liberal Democrats

Ron Waddell

Cllr Donald Gorrie

Cllr Christopher Mason

Sandra Grieve

Nora Radcliffe

Cllr Jean Haddow

Cllr Moyra Forrest

Cllr Marilyn Maclaren

Rae Grant

Denis Sullivan

Scottish Labour Party

Rhona Brankin

Anne McGuire

Mary Smith

Johann Lamont

Institutional Representatives

Scottish Trades Union Congress

Pat McCormick

Campbell Christie

Mary Harrison

Scottish Churches

Canon Kenyon Wright (Chair of Executive)

Rev Norman Shanks

Tim Duffy

Rev Robert Waters

Scottish Council Development & Industry Hamish Morrison (observer)

Federation of Small Businesses Bill Knox

Committee of University Principals Ronald L Crawford (observer)

Women's Forum Scotland Yvonne Strachan

Chamber of Commerce - Dundee Harry Terrell (observer)

An Comunn Gaidhealach Iain Russell

Comunn na Gaidhlig John Angus Mackay

Law Society/Faculty of Advocates Michael Clancy

Ethnic Minorities Communities Henry Tse

Bashir Maan

Dr Gurudeo Saluja

Pek Y Berry

Hakim Din

Forum of Private Business

James Gorie (observer)

Campaign for a Scottish Parliament

Moira Craig

Marion Ralls

Isobel Lindsay

Joint Chair of Convention

Lord Ewing of Kirkford

Affiliate Members

UNISON

Matt Smith (observer)

UNISON

Mike Kirby

UNISON

Morag Stevenson (observer)

UNISON

Jane Carolan

CPSA	Michael McCann
T&G Scotland	William Queen
T&G Wishaw	Secretary
T&G Grangemouth	Secretary
T&G Edinburgh	Secretary
GMB	Robert Thompson
EIS	Ian McKay
GPMU	William Wallace
AUT(S)	John Duffy
SALVO	Eric Robinson
MSF	Fiona Farmer
IPMS	Alan Denney
Communications Manager Association	John Lovelady

Secretary

Douglas Sinclair

Co-ordinator

Esther Robertson

Appendix III

Constitutional Commission

REMIT

In October 1993 the Convention appointed an **Independent Commission** with the following remit:

1. The Commission is appointed by the Executive Committee of the Scottish Constitutional Convention and will report to that Committee but shall be **independent** of the Scottish Constitutional Convention in its membership and operation.
2. The Commission is invited, taking the Convention's established position on such matters as the basis from which further proposals are to be developed, **to consider and make recommendations on:-**
 - (a) proposals for **elections to** and representation in a Scottish parliament **electoral system(s)** and **gender balance** provisions; and
 - (b) the **constitutional implications** at a United Kingdom level and for local government of the establishment of a Scottish parliament (including entrenchment and Scottish representation in the Westminster Parliament).
3. The Commission will be free to seek such research and invite such submission of evidence as it thinks necessary to discharge of its remit.
4. The Commission will be established by **October 1993** and asked to give an initial report **within a year.**

MEMBERSHIP AS AT OCTOBER 1994

Joyce McMillan (writer and journalist) (**Chair of Commission**)

Pek Yeong Berry (Director of Central Region Racial Equality Council)

Dr Alice Brown (Senior Lecturer in Politics, Edinburgh University)

John Jameson (former Vice-President of Convention of Scottish Local Authorities and Chairman of Dumfries and Galloway Local Enterprise Company) (**Vice Chair of Commission**)

John Lawrie (Investment Manager and formerly senior Scottish Liberal Democrat Executive member)

Dr Joan Macintosh (former Chair of Scottish Consumer Council)

Councillor Elizabeth Foulkes (Member of Kyle and Carrick District Council)

Professor John Sewel (Dean of Social Sciences Faculty, Aberdeen University and former President of Convention of Scottish Local Authorities)

Rev Professor James Whyte (St Andrews University and former Moderator of the General Assembly of Church of Scotland)

Tom McGregor (McGregor Associates, Dunfermline and former Chair of The "Business Says Yes" Campaign)

Canon Kenyon Wright (Chair of Executive Committee of Scottish Constitutional Convention) (**Observer**)

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