

A brief introduction to the Scottish Parliament and its Powers

When the Scotland Act of 1998 was passed following a referendum in 1997, it led to the establishment of the first Scottish Parliament since 1707. The Parliament, located in Edinburgh and informally referred to as Holyrood, is a democratically elected body comprising 129 members, known as Members of the Scottish Parliament (MSPs). These members are elected for four-year terms. The Parliament of the United Kingdom retains the ability to amend the terms of reference of the Scottish Parliament, and can extend or reduce the areas to which it can make laws. The Scottish Government (the Government in Scotland for devolved matters) is accountable to the Scottish Parliament.

The Scottish Government - formally known as the Scottish Executive - is the democratically elected political party (or parties) that currently hold power within the Scottish Parliament. They are responsible for most of the day-to-day issues which are of concern to the people of Scotland. This Government is led by a First Minister who is nominated by the Parliament, he or she in turn will elect the other Scottish Ministers who make up a group called the Cabinet. The present Government was formed after elections in May 2007, meaning that our current Government is the Scottish National Party (SNP), with Alex Salmond presiding as our First Minister.

“Devolution is the delegation of power, from a central government to local bodies”.

The passing of the Scotland Act in 1998 granted devolution to Scotland, meaning Scotland has its own Parliament with ‘devolved’ powers within the United Kingdom, enabling the Scottish Parliament to pass laws affecting Scotland on a range of domestic issues. This means that decisions are made at a level which is closer to the people that they affect. Any powers which remain with Westminster (the Parliament of the United Kingdom) are classed as reserved powers (set out in Schedule 5 of the Scotland Act). In simple terms, the powers that the Scottish Parliament have, are made clear by what it *does not* have legislative competence (the extent of its power to make valid laws, through Acts of the Scottish Parliament) over, rather than what it *can* do. A brief breakdown of what devolved and reserved powers involve follows below:

- Devolved powers – issues such as education, health and prisons are dealt with in Scotland rather than Westminster. Devolved matters are those on which the Scottish Parliament can pass laws.
- Reserved powers – decisions, mainly concerning matters which have an impact on the United Kingdom as a whole, or indeed on an international basis, are reserved and dealt with at Westminster. Reserved matters are those on which only Westminster can pass laws. The UK Parliament can also make laws which will affect Scotland regarding any subject, however, it does not usually legislate on devolved matters without the consent of the Scottish Parliament.

Key principles of the Scottish Parliament are as follows:

- The Scottish Parliament should embody and reflect the sharing of power between the people of Scotland, the legislators and the Scottish Government.
- The Scottish Government should be accountable to the Scottish Parliament, and the Parliament and Government should be accountable to the people of Scotland.
- The Scottish Parliament should be accessible, open, responsive and develop procedures which make possible a participative approach to the development, consideration and scrutiny of policy and legislation; and
- The Scottish Parliament in its operation and its appointments should recognise the need to promote equal opportunities for all.

The main functions of the Parliament are:

- To hold the Scottish Government to account through oral and written questions, and through the scrutiny of its policies in the committees.
- To make laws on devolved matters by examining, amending and voting on bills.
- To debate important topical issues.
- And finally, to conduct inquiries and publish reports.

The Scottish Parliament has primary legislative powers (the principle authority) over many areas, for example education, meaning that it can pass its own laws concerning topics for debate, which have been devolved from Westminster. However, certain laws are set by the House of Commons, in these cases the Scottish Parliament has only secondary legislative powers.

Below is a summary of the powers which have been devolved to the Scottish Parliament, and the powers which have been reserved for Westminster, with reference to specific areas:

➤ Agriculture, Forestry, Fisheries and Food:

The Scottish Parliament has primary and secondary legislative powers, and a role in the formulation of European Union policies. It also has a shared responsibility concerning food standards, which it administers with Westminster and the Food Standards Agency.

➤ Culture, Media and Sport:

The Scottish Parliament has primary and secondary powers over the arts, sports and language. However control over broadcasting and the National Lottery remain in London with Westminster.

➤ Defence:

All legislative powers concerning the defence, and responsibility for the administration of defence, remain with Westminster and the Ministry of Defence.

➤ Economic Policy:

The Treasury retains control of overall economic policy for the United Kingdom as a whole, meaning that the power stays with Westminster. However, the Scottish Parliament has been granted some limited powers to vary tax rates (by up to 3 pence in a pound).

➤ Economic Development:

Primary and secondary powers have been devolved to the Scottish Parliament, including responsibility for Scottish Enterprise and the Scottish Tourist Board.

➤ Education:

Holyrood has control, through primary and secondary legislative powers, over the Scottish education system. Its responsibilities include student fees, school standards and the training and supply of teachers.

➤ Employment Legislation:

The Scottish Parliament has no control over this area.

➤ Environment:

The Scottish Parliament retains primary and secondary legislative powers. Its responsibilities include pollution control, water supplies and sewage.

➤ Foreign Policy:

The Scottish Parliament has no control over this area, and all responsibility remains in London.

➤ Health:

Holyrood has primary and secondary legislative powers to run the National Health Service in Scotland. However, control over certain areas remains in Westminster with the Department of Health. These include: abortion, embryology, surrogacy, genetics, fertilisation, medicine safety, oversight of medical professions and xenotransplantation (the transplant of animal organs to humans).

➤ Home affairs:

The Scottish Parliament has primary and secondary legislative powers in this area, and has overall responsibility for the criminal justice system, prisons and the police in Scotland. However, some areas remain within the control of Westminster and the Home Office, for example: drugs, policy, data protection, firearms, official secrets, immigration and gambling.

➤ Legal System:

The Scottish Parliament has primary and secondary legislative powers to administer the Scottish legal system. The Scottish legal system was different to the legal system in the rest of the United Kingdom even before devolution took place.

➤ Local Government and Housing:

Holyrood has primary and secondary powers in this area. Responsibilities include control over local government finance, and the designation of enterprise zones (areas requiring new industries).

➤ Social Security:

The Scottish Parliament has no control in this area.

➤ Social Services:

Holyrood is responsible for social services in Scotland, and has primary and secondary legislative powers over this issue.

➤ Trade and Industry:

The Scottish Parliament has primary and secondary legislative powers over certain elements within this area, including: inward investment (the injection of money into a particular region from an external source) and the promotion of trade, exports and tourism. Westminster retains control over subjects such as: the Post Office, competition policy, consumer protection, nuclear energy, telecommunications and international trade policy.

➤ Training:

The Scottish Parliament has primary and secondary legislative powers with responsibilities including: vocational qualifications and the functions of the Scottish Qualifications Authority.

➤ Transport:

Holyrood has primary and secondary legislative powers, however Westminster and the Department of the Environment, Transport and Regions retain certain powers. These include: the regulation and safety of aviation and shipping, rail safety and driving tests for motorists.

For more information concerning the Scottish Parliament visit the following link:
<http://www.scottish.parliament.uk>

Or for the Scottish Government: <http://www.scotland.gov.uk/Home>

Information for this article was gratefully sourced through:

- BBC News: http://news.bbc.co.uk/1/hi/uk_politics/default.stm
- The Scottish Parliament: <http://www.scottish.parliament.uk>

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