

## The Scottish Parliament

The referendum held in Scotland on 11 September 1979 produced a clear majority for the creation of a Scottish Parliament with tax varying powers. The Scotland Act 1978 established the Scottish Parliament with devolved powers within the United Kingdom.

While the UK Parliament retains power to legislate on any matter, the convention of devolution is that it will not normally legislate on devolved matters without the consent of the Scottish Parliament.

### Background

Since the 1707 Treaty of Union, which merged the parliaments of Scotland and England, Scotland has remained distinct from England in many ways with separate legal, educational and established church systems.

By the late 1960s calls for substantial self-government existed and the 1974-79 Labour Government put forward legislation to establish a Scottish Assembly. This led to the Scotland Act 1978. However, the Act required 40% of the Scottish electorate (not just those who voted) to support it before coming into force. 52% of those who voted in the referendum held in March 1979 supported the plans for an Assembly - but as this only amounted to 33% of the total electorate the Act could not be implemented.

The 1979-97 Conservative Governments did not support devolution. Instead, they introduced a number of measures to devolve further the administrative governance of Scotland.

Following the 1987 general election the Scottish Constitutional Convention (SCC) comprising political parties in Scotland (although not the Conservatives and the Scottish National Party), councils, churches, voluntary and other organisations was established. SCC's work culminated in the November 1995 report, *Scotland's Parliament, Scotland's Right*, which proposed a devolution scheme.

### The Scotland Act 1998

The Labour Government elected in 1997 set out its proposals for devolution to Scotland in the white paper *Scotland's Parliament*. Unlike in 1979, the Government chose to hold a referendum prior to the introduction of the devolution bill, not after it was enacted. This was to ensure that devolution was 'the expressed will of the people of Scotland' and not simply a government policy.

The referendum held on 11 September 1979 produced clear majorities for two propositions as follows:

(1) There should be a Scottish Parliament.

	Votes	% of turnout	% of electorate
Agree	1,775,054	74.3%	44.87%
Disagree	614,400	25.7%	15.53%
Turnout	2,389,445		60.40%

(2) A Scottish Parliament should have tax-varying powers.

	Votes	% of turnout	% of electorate
Agree	1,512,889	63.5%	38.24%
Disagree	870,263	36.5%	22.00%
Turnout	2,383,152		60.24%

Following the referendum majority for a parliament with tax varying powers, the Scotland Bill was introduced into Westminster in January 1998 and became law in November. The Scotland Act 1998 established the Scottish Parliament with 129 MSPs; powers to pass legislation, to alter the rate of tax, and an executive comprising a First Minister, other ministers and law officers.

## Elections to the Scottish Parliament

The first election to the Scottish Parliament took place in May 1999. Elections are held on a fixed term basis, every four years, at a date varying by no more than one month before or after the fourth anniversary of the previous election. The electoral register used is the same as that employed for local government elections, which are held on the same day. This allows members of the House of Lords resident in Scotland to vote as well as EU nationals and Commonwealth citizens. Overseas electors are not entitled to vote.

The right to stand as a candidate for election to the Scottish Parliament is based on citizenship. Those eligible to stand for election to the House of Commons (including Commonwealth citizens and Irish Republic citizens) can put themselves forward as candidates. In addition, members of the House of Lords, anyone who has been ordained, and ministers of any religious denomination are eligible. The only residency qualification applies to EU citizens who must be resident in the UK to be eligible.

The voting system employed is a first past the post/additional member list system and is proportional. Each voter has two votes. The elector's first vote is used to elect one of the 73 constituency members using the first past the post system. The second vote is used to elect 56 MSPs from eight electoral regions - seven MSPs per region.

Electors vote for a political party, or independent candidate, rather than an individual and candidates are

drawn in order from the top of the party list. Seats in this category are awarded proportionately according to the number of votes cast using the d'Hondt system.

## Functions of the Scottish Parliament

The Parliament is responsible for 'devolved' matters: health; education; training; local government; social work; housing; planning; tourism; economic development and financial assistance to industry; some aspects of transport; law and home affairs; police and fire services; the environment; natural heritage; agriculture, forestry and fishing; sport and the arts; statistics and public registers and records.

Functions that remain the responsibility of the UK Parliament are called 'reserved' matters.

## Structure of the Scottish Parliament

The presiding officer chairs the Parliament and is assisted by two deputies. Executive powers are delegated to the First Minister and his Cabinet, known as the Scottish Executive, and are accountable to the Parliament.

Committees are appointed on the basis of proportionality to reflect the membership of the Parliament as a whole. In addition to considering proposed bills, committees undertake investigations and take evidence. The provision for pre-legislative examination allows the Parliament, interested groupings and individuals to have a say on the formation of policy prior to the publication of a draft bill by the Scottish Executive.

## Conclusions

The Electoral Commission will prepare and publish a report on the administration of each election to the Scottish Parliament in accordance with its statutory remit under the Political Parties, Elections and Referendums Act 2000. The first of these will be published after the election scheduled to take place in May 2003.

## Publications

*Wise after the Event? Attitudes to Voting Reform Following the 1999 Scottish and Welsh Elections* - CREST, April 2000  
*New Scotland, New Politics* - Edinburgh University Press, 2001.

## Contacts

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[www.scottishsecretary.gov.uk](http://www.scottishsecretary.gov.uk)  
Scottish Youth Parliament  
[www.scottishyouthparliament.org.uk](http://www.scottishyouthparliament.org.uk)  
Scottish Civic Forum  
[www.civicforum.org.uk](http://www.civicforum.org.uk)  
Institute of Governance: University of Edinburgh  
[www.ed.ac.uk/usgs](http://www.ed.ac.uk/usgs)  
National Centre for Social Research, Scotland  
[www.natcen.ac.uk/units/scotland](http://www.natcen.ac.uk/units/scotland)  
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