

Policy Paper on Devolution from the Scottish
Devolution Policy Group, chaired by Mr. Rifkind

Our devolution policy should have three broad objectives:
 a) strengthening the integrity and unity of the United Kingdom;
 b) improving the quality of government in Scotland; and c) meeting the political challenge posed by the rise of nationalism.

If the principle of devolution and the Conservative commitment to it is accepted, there are two areas where likely Government proposals should be greeted with approval. Firstly, the Assembly should be directly elected. Secondly, its area of responsibility should be virtually identical to that presently covered by the Scottish Office.

Beyond that the White Paper is likely to go further than Conservatives should favour. It will propose an Assembly that is fully autonomous in determining Scottish legislation. Parliament will have no right to review or reject on a regular basis the legislation that has proceeded through the Assembly. In addition, the Assembly will have an executive drawn from it, responsible to it, and organised on a Cabinet structure. Whatever it is called, it will be, in effect, a Scottish government with a Scottish Prime Minister. It is suggested that our opposition to this should be based on the following propositions: 1) that a Scottish government in an autonomous legislature will be highly dangerous to the future unity of Britain. 2) that the proposed co-existence of a separate Scottish government and the Secretary of State for Scotland would result in two Scottish executives and Civil Services with inevitable expense, duplication and friction. It could only be resolved by stripping the Secretary of State of his remaining powers which would make him a political enunch, or abolishing his Office which would be contrary to Scotland's interests. 3) that the White Paper will propose a unicameral legislature with no opportunity for review or reconsideration of its legislation. 4) that the removal of Parliament's rights to participate in Scottish legislation will create demand for a major reduction in Scottish representation at Westminster.

Accordingly, it is suggested that the Conservative Party should propose an Assembly that will be integrated into the work of Westminster and will exercise its functions as part of the British Parliament.

The executive should remain the Secretary of State for Scotland responsible to Parliament. All purely Scottish legislation should be formally introduced into Parliament and then sent to the Assembly for Second Reading, Committee Stage and Report Stage. The legislation would then return to Westminster which would decide whether to give the Bill its Third Reading and might also have certain powers to amend. Given the full consideration which would have been given by them, it would be hoped that passage through the Lords would involve minimal delay.

If the Assembly declined to give a Second Reading, the Government could either amend to meet the Assembly's objections or withdraw the Bill. In some cases it would be possible to foresee Assembly opposition and consideration could be given to the possibility of United Kingdom legislation that would be solely considered by Parliament. In extreme cases, if the Assembly was being purely and consistently obstructive, Parliament would, of course, have the legal right to by-pass the Assembly on purely Scottish bills.

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Members of the Assembly should also have the power to initiate their own legislation. Once it has completed its Stages in the Assembly it would go to Parliament which would have identical powers as with government legislation. The consideration of Scottish legislation in the Assembly should be led by the Secretary of State and his junior Ministers who should have the right to be present and speak during the proceedings of the Assembly. In addition, there should be no objection to the appointment of junior Ministers, including a Minister of State, from the ranks of the Assembly. At present, for example, the Solicitor-General for Scotland is not in either House of Parliament and, accordingly, no new principle would be being invoked.

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The Assembly should also have the power to summon Scottish Ministers before it or before a Select Committee with power to examine and scrutinise the actions of the Scottish Office.

With regard to finance, the Secretary of State should receive a block grant from the Treasury rather than the present practice of determining specific amounts for each of his functions. The Assembly should be entitled to debate the allocation of this grant between each of the functions of the Scottish Office. Consideration could also be given to allowing the Assembly to determine the allocation of discretionary expenditure.

These proposals have been developed from the recommendations of the Constitutional Committee, chaired by the then Sir Alec Douglas-Home. It is believed they would be acceptable to a very high proportion of the Scottish Conservatives and would reassure many of those doubtful about the principle of devolution within the Party in England and Wales. While it is accepted that it would be unusual to have an autonomous legislature without an executive responsible to it, it must be stressed that the proposed Assembly would not be autonomous but would operate virtually as a chamber of Parliament for purely Scottish purposes. In this respect, it would be no unlike the upper elected chambers of several Commonwealth Parliaments.

These proposals, it is suggested, would meet the Conservative commitment, improve the quality of government in Scotland and be the basis for a form of moderate devolution that would strengthen the United Kingdom.

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