

Background

1. Const. Provⁿ of the
Republic
70 - 2 Parliaments
U.K. & Stormont.
76 - 1 → 4 within
14 mths.
Upward - stability
for a generation.
2. Remoteness - Inevitably by birth.
Too much gov't. → Distortion
of - too little by
majority people.



Consequence - Many powers

- not exercised by politicians
- by people can't get it.

3. Decline in economic
status
opportunities.

Objectives

1. How best to justify
existence of U.K. as
whole.
2. Security ~~what we believe~~
to be the wishes
of the Scottish people
Superior - assessment -
directly elected
assembly.
3. Security taken in
such a way -
with harmoniously
- not without
differences. but
without resentment
bitterness or acrimony.

Present Bill

1. Changes in gov't
Scotland, Wales, U.K.
2. Wishes in same Bill.
Wishes to all to leave them
apart. ↘
Limestone. No separate
Powers. created
assembly.
Ref. - Admini-
Revolution.

Scotland



Particular form of devolution chosen

Legislative with defined powers - but subordinate subject to supervision. - distinct but not autonomous

Executive - subordinate to S.P.S.

Representation without term

Parliament as well as 150 M.P.'s in Assembly
71 in U.K. Parliament.

Power to legislate same - changes. License fee - stamp duty conveyance fees.
Division of 7% of revenues would be a handy way to supply Wales.

a) Not exclusive - concurrent with those of U.K. Parliament.

S.1. - U.K. can

S.1(2) - power to spend in devolved matters.

Inconsequential. Sell Council Houses.

Not sell -



Scotland

3

Power to legislate

Resolved Matters (2) - Union & Veto

s. 20. - Sub. Committee of P.C.
- Not compatible with E.C.
or Int. Obligations. "of opinion"

s. 45. "Power to move rejection of certain Assembly Bills"
"Appears to S.I.S. ^{convention} - (ought) to identify effect a matter in which
only Parliament has power to legislate -
and that provision would not be in the "public interest."

Veto - procedure into operation.
- lays it before House

? How Scottish M.P. vote.

s. 107. Can't get it through your charter.
- exclude that - v. if fails to pass within 10 days. beginning
on day it was moved.

Autob stays on own decision.

Legislative veto - if another



Scotland.



Involved Powers.

Schedule 6 or 7. - 12

- c) Power to take away with one hand what is given with the other
Ideal way to create dissatisfaction and a feeling that people
have been deceived.

Examples. Housing. Group 13. - Schedule 6.

Provision, improvement and management of dwellings
including regulation of rents.

Clause 52 - S.A.S. power to restrict rents.

53 - model rent rebate scheme.

Rates Group 9 - Per. & exp. of local authorities, rating.

Clause 54 - S.A.S. can prescribe model standard
scheme for rates.

Simon Lee letter on Pay Policy 55-57.



a) No power to legislate but Judicial Committee can exercise powers under U.K. Act (Power to call).

Fallen on the exercise of these powers.

claims Committee for the S.I. relationship to Scotland, Wales, Northern Ireland.

45-17

- general power of S.I. under Schedule 12 to

intervene if it appears to him that any action taken by the Scottish Executive might adversely affect any matter over which Scotland or Wales or Northern Ireland has power to act.

- 1/ he said defence or security.

Structure of the legislature

British system - if set up a legislature - Crown is usually one of the elements - through S.I. to H.M. is consistent the same as Royal Prerogative.



- Because you have chosen a ~~subordinate~~ ^{primary} but subordinate legislature

- because having given power to legislate Govt. has not given authority to legislate.

Tried to work a legislature on the Westminster model
with a county authority.

Proposed a hybrid. - Half way vote - unstable

Two points.

1). S.A. & power to appoint Prime Minister (Chief Executive)
Responsible to legislature - ^{whereas with him} - ^{has the responsibility to S.A. & for}
- 1) he can be dismissed - it would be at ^{1 vote}
the will of Westminster. S.A. ^{S. 21(3)}
^{- takes office at HM's pleasure.}

~~Don't know how far Home has considered~~
the crisis between his jobs.

Unchecked votes.

Body making laws should consist of
Crown & Assembly.

Crown should get & dismiss Ministers
acting President to convention of
Parliament for. ^{not the S.A. who is only}
^{one of the majority's Ministers}



2 Effect of this on Royal Prerogative

?

Normally S. 21 would enact on use of Royal Prerogative

the exercise and dividing the Crown of

something quite basic to the Constitution.

Prerogative spreads into the rest of the sphere

Members of British Executive are to exercise

on behalf of H.M. such of her prerogatives as

relate to devolved matters. (~~S. 21(2)~~) S. 21(2)

In other words we now have a statute dividing the
Crown of its Royal Prerogative. The words 'on behalf
of' do not alter that. The Executive may exercise
it in H.M.'s name - but it will no longer be
the Crown's except nominally.

Also - Just Prerogative given to West Bank.



I believe the Bill provides for total delegation (rather than the prerogative
of the prerogative to Ministers - (Money) 8

- dangerous precedent, in view of the underlying significance of
the Royal Prerogative in our constitution

Cost of Bureaucracy - see over page.



Scotland & Wales.

Cost & Financing

1) cost in Wales
- over more expensive
than in Scotland.

	Wales	Scotland	
Cap.	£3.8 -	£4 ←	
Pring	£12.5 -	£12	
Max	1300	£750, 240	
Cost benefit			over forecast costs

2720
= 1978.

i.e. total
of 14,000 =
1978

Conclusions:

Wales & Scotland - (M. out.)
 Scotland & Wales
 - This structure is the
 the very best it is
 designed to avoid.
 6 days discussion → Report
 200 people.
 30-40 days discussion.
 Will be very difficult if not
 possible to put right.
 Will draw a further measure
 of regional council
 where those who want
 to preserve the unity.
 → Demand is for less government control
 over in the future

EEC committee
 copy 7,800

L. Report on U.K. Parliament.

10

Present Position

Try to have equal representation here - because all members of U.K. Kingdom or in particular U.K. have for better members than either Scotland or Wales.
Great for U.K. - that has been the present for some time.

(Pati answers 22 Nov 1976)

~~on present~~

1) we go to \leftarrow more more powerful Scotland itself
Disruption - that will not hold.

71	-	150	-	221
86	-	168	-	116

+ extra staff
both for Scotland
& Dublin.

Remains for reduction at least to parity - already



150
21
21
36
16

Cannot have 2 kinds of M.P. in same U.K. Parliament,²
- those who can vote on everything
and those who can't vote on certain things.

This is a question which even now ought to be considered
at Speaker's Conference

As you go to - majority but solution for
one part of the U.K.
- the federal the effective Parliament

The further you go for the undivided its authority.
So that Members and to some extent

Other members will have a reduced role
at Westminster.



Conclusion.

1. Wrong to have Richard Owen in same Bill.

- and then to interweave two very different assemblies with different powers together.

- difficult to turn.

1) Par. need to show one Assembly was not wanted + Parliament looks that advice here to introduce new Bill

~~Don't believe~~

2. Scottish Assembly

Committee ^{opposed to the} Assembly ^{with its problem of powers}
that is giving power with one hand + taking it back with the other, is ~~needed~~ will surely ~~have~~ and lead to the very disorder - ~~could be~~

but it is our purpose to avoid this will be used as a basis of criticism to prevent the inevitable extra layer of government in this model will lead to delay, confusion + complexity - for those who hope to get on with the business



The authority of the U.K. Parliament
and the unity of the Kingdom - would be
seriously endangered by that effect.

But because they have + enjoy the consent
respect of all the people.

I believe the vast majority of our citizens in each
part of the United Kingdom wish that authority should
be continued. ~~This is all they do not wish to lose~~
~~expound to the country I do not believe that these~~
~~proposals will ever become it is a mistake to let~~
~~the knotes of the~~ These proposals will seriously harm.
The Bill is a bad Bill and the things I do not understand
is to not even say so seriously and
accordingly.



4

Returned to face the effect on the U.K. Parliament
by ~~the~~ enclosing it.

Neither the authority of the U.K. Parliament
nor the Union of the King

