

Scotland Bill

Church of Scotland – Church and Society Council

General Comments

For many years, the Church's approach to constitutional issues has broadly been based on the principles of **(a) the sovereignty of God**, entrusted to the community of the realm, i.e. the people of Scotland, who may therefore entrust decisions to such bodies as they may from time to time determine (as reflected in the Claim of Right); and **(b) subsidiarity**, i.e. that nothing should be done by a larger and more complex organisation at a higher level which can be done as well by a smaller and simpler organisation at a more local level.

Our view of sovereignty leads on the one hand to acceptance of the referendum decision as expression of the will of Scotland's people, and on the other to a belief that, while legislative powers are devolved to the Scottish Parliament, devolution of power should not stop there. The inspiring range of people who saw in the referendum – many for the first time in their lives – a chance to make a real difference in their communities must not be cut off from the decision-making about powers, nor from the various ways in which these powers may be exercised. Along with many others we would favour a long-term process in which civic Scotland can play a substantially greater role in shaping Scotland. We need a de-centralisation of power and decision-making. This must involve a shift from considering democracy in a primarily representative mode to developing patterns of participative democracy. We believe the *Scotland Bill* should be tested in a citizen-led process in an ongoing basis with the first review after five years.

During the referendum campaign, the Church of Scotland took no official view on the referendum question but encouraged its members and others to use the opportunity to "imagine Scotland's future". From this process of 32 events across Scotland, there emerged three key values: (1) equality (2) fairness and (3) justice.

These values remain central to our thinking on Scotland's future now, after the referendum decision that Scotland should remain part of the UK but with enhanced powers beyond those already agreed.

Therefore we view the question of enhanced powers in terms of ensuring that we have the powers needed to realise these values in crucial areas of Scottish life; in particular, we look for powers to tackle the scandals of poverty and inequality in Scotland.

Within the development of a more participatory democracy, particular attention must be paid to those who have previously felt marginalised from democratic processes. A number of Commissioners within the *Poverty Truth Commission* voted for the first time in their lives (or for the first time for many years). The *Scotland Bill* has an obligation to do what it can to maintain and develop significantly increased levels of participation in the democratic process.

Although there was no uniform voting pattern amongst social and economic classes, it is a statement of fact that in the four local authorities where there are the highest levels of deprivation there was a majority in favour of independence. The *Scotland Bill* must pay particular attention to this fact and focus on powers which will make the greatest impact in alleviating poverty and reducing inequality.

In this context it is noted with disappointment that the UK Government was unwilling to accept any amendments to the Scotland Bill during its consideration by a Committee of the whole House.

Taxation and Welfare Reform

The Scottish Parliament should have the main responsibility for the tax/benefit system, including the balance between different forms of taxation; we recognise that some areas of taxation (e.g. VAT) are constrained by EU commitments, but believe that a substantial portfolio of other taxation powers is needed to secure a measure of fiscal autonomy which would better enable the Scottish Parliament and Government to respond to Scottish concerns and give effect to distinctive priorities. We therefore envisage that both Parliaments would have taxation powers, and a fair system of allocation would be needed at the outset to avoid substantial initial disadvantage in either direction and to express a degree of solidarity across the United Kingdom, where prosperity is shared and those with broadest shoulders can carry the extra weight of supporting those less fortunate.

Benefits, except pensions, should be a Scottish responsibility. We believe that this would allow Scotland to design a Social Security system which was more responsive to the requirements and aspirations of the Scottish people.

Immigration Policy

With regard to immigration and asylum, while ultimate responsibility must remain with the UK Government, the experience of the Fresh Talent scheme and of the concordat on treatment of refused asylum seekers show that some flexibility is possible. While the legal framework remains UK-wide, how migrants and those seeking asylum are dealt with while here in Scotland (in terms of housing and support etc.) should be a Scottish responsibility.

Human Rights

The Church of Scotland notes with concern the proposal of the UK Government to repeal the Human Rights Act 1998. We call for the devolution of Human Rights issues and legislation to the Scottish Parliament and Government.