



## Japan Local Government Centre, London

### Monthly Report for June 2009 (Scotland) – Calman Commission report

#### **Background**

The Calman Commission (or Commission on Scottish Devolution) was established by resolution of the Scottish Parliament in December 2007. The terms of reference set for the commission were:

*“To review the provisions of the Scotland Act 1998 in the light of experience and to recommend any changes to the present constitutional arrangements that would enable the Scottish Parliament to serve the people of Scotland better, improve the financial accountability of the Scottish Parliament and continue to secure the position of Scotland within the United Kingdom.”*

The commission’s chair was Sir Kenneth Calman, Chancellor of Glasgow University. Other members of the commission appointed by the parliament and the UK Government were nominated by the three pro-union parties represented in Edinburgh (Labour, Liberal Democrat and Conservative), as well as representatives of the business community, academia and voluntary sector.

The process ran alongside that of the pro-independence Scottish Nationalist Party minority administration’s ‘National Conversation’, a rival exercise launched in August 2007 with the *Choosing Scotland’s Future* White Paper. The white paper included a draft bill on options for a referendum on Scottish independence. The Calman commission’s remit did not include any reference to the question of an independent Scotland outside of the union and was in fact a direct challenge to the Scottish Government’s policy of aiming to hold a referendum on the question by autumn 2010.

#### **First report**

The commission’s first report, *The Future of Scottish Devolution within the Union*, was published in December 2008. This affirmed the commission’s belief that devolution had been a success and that Scotland should remain within the union. However, the report ruled out any question of Scotland gaining full fiscal autonomy as this would be inconsistent with the idea of the union, it argued.

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## Final report

The commission published its final report, *Serving Scotland Better: Scotland and the United Kingdom in the 21st Century*, in June 2009. The report said:

*“The first conclusion we have reached is that devolution has been a real success. The last 10 years have shown that not only is it possible to have a Scottish Parliament inside the UK, but that it works well in practice. Having a Scottish Parliament is in general popular with the people of Scotland, and they welcome the scope to have Scottish issues debated and decided in Scotland. The Scottish Parliament has embedded itself in both the constitution of the United Kingdom and the consciousness of Scottish people. It is here to stay.”*

The report went on to make a series of recommendations:

- that the Westminster and Edinburgh Parliaments agree the social rights (eg. access to education and healthcare) that should exist across the Union
- that part of Scotland’s budget should be funded by more direct taxation in Scotland than by block grant, with a separate Scottish income tax rate, with responsibility for taxes on aviation, landfill and Stamp Duty devolved to Scotland
- that the Barnett Formula should remain in place to calculate any remaining block grant to Scotland until any UK-wide review of it takes place
- that any fiscal changes should be introduced gradually to prevent any short term instability but that Scottish ministers should gain additional borrowing powers immediately
- that the Westminster Parliament should accord more respect to the Scottish Parliament by formally recognising its existence more but also ending the recent convention that MPs do not discuss matters reserved to the Scottish Parliament; there should be greater communication and coordination between the two legislatures also
- that the prime minister delegate responsibility for appointing senior civil servants in the Scottish Government to the Head of the Civil Service
- that the Scottish Parliament should exercise powers over elections in Scotland currently held by the Scotland Secretary
- that the Scottish Parliament should receive legislative competence in the areas of animal welfare, airguns, treatment of drug addiction, drink-driving limits, the road speed limit, funding for deprived areas and the social fund
- that the Westminster Parliament resume competence in a number of areas currently under the Scottish Parliament’s jurisdiction, namely charity registration, food labeling, regulation of health professions and insolvency
- that Scotland’s demographic profile and needs should be considered by the UK Government in matters concerning immigration and children of asylum seekers
- that the Scottish Government should have the power to vary aspects of Housing Benefit and Council Tax Benefit and welfare to work programmes run by the Department for Work and Pensions in Scotland

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- that the parliamentary procedure for the Scottish Parliament be reformed to allow for more consideration of bills and ability to amend them and for more flexibility in how it chooses its Presiding Officer

The proposals were welcomed by prime minister Gordon Brown as “imaginative and bold” and also by the leaders of the three pro-union parties in Scotland. The Scottish Government responded in saying that the commission had merely proposed to allow Scotland to have a greater say over its “pocket money” and that the UK government would remain in control over Scotland’s finances under them.

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