

Specimen Response for Study Theme 1A (Exemplar 2)

STUDY THEME 1A: DEVOLVED DECISION MAKING IN SCOTLAND

Question

The retention of powers at Westminster means that there are limitations on what the Scottish Parliament can do.

Discuss.

(15 marks)

Response

In 1997, a 'Devolution Referendum' was issued to the Scottish people. The result was an overwhelming 'yes' to a devolved government for Scotland. Scotland then took to the ballots in May 1999 and elected the members of the first Scottish Parliament in 300 years. Although the Scottish Parliament have many powers - and a large say in the running of Scotland - the country is still not totally independent and there are several limitations on those powers.

Since 'Law and Home affairs' is a main devolved power of the Scottish Parliament, they are able to introduce new bills and legislation. Jack McConnell opened the new session of Parliament with no less than 2 bills - one of which was increasing the penalty for carrying a knife from two years to four years. Since the introduction of the Scottish Parliament several legislations have been passed including the abolition of university tuition fees, a ban on hunting with dogs and a very controversial and much debated ban on smoking in bars, restaurants and public places. The smoking ban was approved in June 2005 and will come into effect in March 2006.

On the other hand, as part of 'post devolution' Britain, legislative sovereignty remains with central government, which effectively means, as a last resort, legislations put forward by the elected Scottish legislature can be overruled or veto'd. This has not happened to date but the limitations on this power has huge restrictions over Scottish Parliament's power in introducing bills and legislation.

Scotland has a number of devolved powers given to them by the UK government. There are actually 47 devolved powers - but the Scottish Parliament are not confined to this number as they have a certain amount of power over all non-reserved matters. Devolved powers include sport and the arts, education and

health. The Scottish Parliament exercise these powers in a number of ways. In a recent bid to clampdown on 'flu' which stormed Scotland's hospitals last year, the Scottish Executive introduced a number of T-V campaigns including the participation of T-V doctor - Dr. Chris. The lack of confinement over strict matters give the Scottish Parliament a lot of say over several matters.

However, 'reserved' matters still remain the reserve of the UK government - without these Scotland would not need to be considered part of the UK. A main reserved power limiting Scotland's power is 'defence and national security'. In the recent and much publicised and debated war in Iraq, the Scottish Parliament had no direct say in how the war was handled or decisions made regarding it. Although the Scottish Parliament were free to debate the war and make their views known all decisions were made by the UK government. This is a matter affecting Scotland, however, as the country did not have a direct influence on the war. This is a huge limitation and restricts heavily the involvement of the Scottish government.

The Scottish Parliament has a lot of financial power. It has mainly an independant say in the spending of the budget. The Scottish Parliament are responsible for allocating local government budgets and therefore have a lot of power in this area. Opposingly, the Scottish Parliament receives most of their finance from central government in a block allocation. Therefore this limits greatly their financial freedom as they are very dependant on finance from the UK government. One of the most important powers of the Scottish Parliament is representing the views of the Scottish people. MSPs take several measures to represent the views of the Scottish people. Debating is a successful method of representation as they can debate and discuss the views of the people to achieve the best decision for their benefit. They also make themselves available to the Scottish people, perhaps the most modern and effective way is via. E-mail. There are no restrictions on this power.

To reflect, we can see that the Scottish Parliament have several powers important in the running of the country. Although Scotland is not a fully independant country due to the restrictions it faces from central government, the devolved government of Scotland is a fairer representation of the Scottish nation and gives the Scottish people a voice in the running of the country. The Parliament is a large step towards a more independantly run country.

Marking Instructions for Study Theme 1A (Exemplar 2)

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(15 marks)

Developed, exemplified, balanced and analytical answers may refer to:

- ◆ devolved powers over education, health, justice, the courts and the police etc
- ◆ Westminster and the key reserved powers e.g. defence, social security, most economic policy, immigration and asylum seekers etc
- ◆ some devolved powers are limited to some extent e.g. health
- ◆ the Parliament is limited through financial restrictions imposed by Westminster but could use the 'tartan tax'
- ◆ but – the Parliament can allocate the budget as it chooses. Credit exemplification to, for example, tuition fees, free personal care for the elderly
- ◆ 'Scottish solutions to Scottish problems' The role of the Executive and MSPs in highlighting issues and passing laws
- ◆ other relevant points.

'Achieve' answers must feature both knowledge and understanding and analysis.

Comments on Specimen Answer to Study Theme 1A (Exemplar 2)

The candidate has answered the question and clearly understands that it is about what the Parliament can do in a broad sense rather than simply listing and commenting on the reserved and devolved powers.

There is, however, good, recent exemplification of the use of devolved powers and discussion of areas in which the Parliament could speak but could not directly influence – the war in Iraq.

The reference to the role of MSPs is well made and relevant to the question.

This is a thoughtful answer which succinctly makes many important points and gives good analysis and discussion.

15/15