ST ANDREW’S DAY BANK HOLIDAY (SCOTLAND) BILL

POLICY MEMORANDUM

INTRODUCTION

1. This document relates to the St Andrew’s Day Bank Holiday (Scotland) Bill introduced in the Scottish Parliament on 19 May 2005. It has been prepared by Dennis Canavan MSP, the member in charge of the Bill, with the assistance of the Parliament’s Non-Executive Bills Unit, in accordance with Rule 9.3.3.A of the Parliament’s Standing Orders. The contents are entirely the responsibility of the member and have not been endorsed by the Parliament. Explanatory Notes and other accompanying documents are published separately as SP Bill 41-EN.

POLICY OBJECTIVES OF THE BILL

2. The objective of the Bill is to establish a bank holiday on St Andrew’s Day or the Monday following that day if it falls at a weekend. This would be a new bank holiday and in addition to the bank holidays created by the Banking and Financial Dealings Act 1971, relating to Scotland.

3. The intention is to facilitate the creation of a “National Day” in order to celebrate Scotland and its people in terms of culture, diversity, history, tradition, contemporary society, arts, sport, enterprise, international standing, etc.

4. An underlying aim is to boost Scotland’s work-life balance through the addition of an extra holiday which would raise the number of recognised bank holidays. This would bring Scotland closer to Northern Ireland (which benefits from two more bank holidays than the rest of the UK) and other countries within Europe that enjoy more public holidays.

WHY A BANK HOLIDAY?

5. There is no legal definition of a public holiday in the UK and in Scotland the term tends to be used synonymously with that of bank holiday. Legislative provision for bank holidays originates from the Bank Holidays Act 1871, which designated named days on which banking transactions could be suspended to the following day without incurring a penalty. The provisions of the 1871 Act were eventually repealed and incorporated into the Banking and Financial Dealings Act 1971, which remains the statutory basis for bank holidays in Scotland today.
6. In spite of this statutory basis, the legislation does not actually require banks, or any other organisation, to close on these days. Moreover, it does not provide a statutory obligation to grant the holiday or any right to extra pay or time off in lieu for staff who work on these days. All of these issues are subject to contractual agreement between employers and employees.

7. The purpose of legislative provision is to allow banks to suspend financial and other dealings on bank holidays so that no penalties are incurred for payments delayed as a result of closure. It is the only vehicle by which bank holidays in the UK are formally recognised and Part II of Schedule 5 to the Scotland Act 1998 devolves responsibility for bank holidays in Scotland to the Scottish Parliament.

8. In Scotland, local holidays are based on local traditions and therefore vary, both in number and on days taken, across Scotland. Bank holidays, on the other hand, have a legislative basis and have evolved into ‘national’ holidays which are observed more generally across Scotland as a whole.

9. The following table outlines the current position in the UK:

<table>
<thead>
<tr>
<th>Scotland</th>
<th>England &amp; Wales</th>
<th>Northern Ireland</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Year’s Day (or substitute day in lieu)</td>
<td>New Year’s Day (or substitute day in lieu)</td>
<td>New Year’s Day (or substitute day in lieu)</td>
</tr>
<tr>
<td>2 January (or substitute day in lieu)</td>
<td>Good Friday</td>
<td>St Patrick’s Day (or substitute day in lieu)</td>
</tr>
<tr>
<td>Good Friday</td>
<td>Easter Monday</td>
<td>Good Friday</td>
</tr>
<tr>
<td>Early May Bank Holiday</td>
<td>Early May Bank Holiday</td>
<td>Easter Monday</td>
</tr>
<tr>
<td>Spring Bank Holiday</td>
<td>Spring Bank Holiday</td>
<td>Early May Bank Holiday</td>
</tr>
<tr>
<td>Summer Bank Holiday</td>
<td>Summer Bank Holiday</td>
<td>Spring Bank Holiday</td>
</tr>
<tr>
<td>Christmas Day (or substitute day in lieu)</td>
<td>Christmas Day (or substitute day in lieu)</td>
<td>Battle of the Boyne (Orangemen’s Day)</td>
</tr>
<tr>
<td>Boxing Day (or substitute day in lieu)</td>
<td>Boxing Day (or substitute day in lieu)</td>
<td>Christmas Day (or substitute day in lieu)</td>
</tr>
</tbody>
</table>

*Holidays in italics are in addition to those established by the original statute and are proclaimed annually by the Queen or Secretary of State for Northern Ireland.*


10. Bank holidays have become so widely observed in the UK that terms and conditions of employment commonly include entitlement to a holiday on those days. Indeed, some public sector employers (for example, the Scottish Parliament, Dumfries and Galloway Council, Clackmannanshire Council and Angus Council) already grant a St Andrew’s Day holiday to their employees, albeit as a replacement for an existing holiday or as one of the local holidays. The St Andrew’s Day Bank Holiday (Scotland) Bill would extend this recognition so that the holiday became one of national celebration.
WHY AN ADDITIONAL DAY AND WHY ST ANDREW’S DAY?

11. Debate about holiday entitlement in the UK is on-going and comparisons are often drawn with other countries, particularly our EU partners. In terms of the number of officially designated public holidays, the EU average is 12 days. Slovakia and Cyprus have the highest number with 15 days and Scotland, along with England and Wales, has the lowest number with 8 days.

12. The following table provides a comparison of officially designated public holidays across the EU:

<table>
<thead>
<tr>
<th>Country</th>
<th>EU average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>14</td>
</tr>
<tr>
<td>Belgium</td>
<td>11</td>
</tr>
<tr>
<td>Cyprus</td>
<td>15</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>12</td>
</tr>
<tr>
<td>Denmark</td>
<td>12</td>
</tr>
<tr>
<td>Estonia</td>
<td>9</td>
</tr>
<tr>
<td>Finland</td>
<td>14</td>
</tr>
<tr>
<td>France</td>
<td>11</td>
</tr>
<tr>
<td>Germany 9-14</td>
<td>1</td>
</tr>
<tr>
<td>Greece</td>
<td>12</td>
</tr>
<tr>
<td>Hungary</td>
<td>12</td>
</tr>
<tr>
<td>Ireland</td>
<td>10</td>
</tr>
<tr>
<td>Italy</td>
<td>12</td>
</tr>
</tbody>
</table>

1. Regional variations. 2. Includes half-days. 3. 10 holidays in Northern Ireland

Sources: www.incomesdata.co.uk & www.columbusguides.com

13. In addition to the lowest number of public holidays, it is widely acknowledged that UK workers traditionally work long hours with around 73% of the total working population admitting to working over and above their contracted hours. In addition, the UK At Work Report estimates that around 4.5 million people work over 48 hours per week which means that nearly one in five exceed the limit set out in the EU Working Time Directive.

14. Work related stress is often a symptom of long working hours and, according to NHS Health Scotland, each year stress costs UK business an estimated £3.7 billion and the loss of around 80 million working days. It is generally accepted that work-life balance is something that has to be better factored into all our lives. The establishment of an additional statutory bank holiday would contribute to this.

15. Having set out the case for an additional bank holiday, why St Andrew’s Day? Firstly, St Andrew has been recognised for many centuries as the patron saint of Scotland (cf. The Declaration of Arbroath 1320). Secondly, Scotland is one of the few countries in Europe which do not have an officially designated National Day holiday. In Europe, over 90% of countries

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3 http://www.hebs.scot.nhs.uk - Stress in the Workplace: A Simple Guide (accessed 04/03/05)
mark their official National Day with a public holiday such as \textit{Bastille Day} in France and \textit{Unification Day} in Bulgaria.\footnote{4 http://www.columbusguides.com}.

16. An obvious precedent closer to home is St Patrick’s Day which is celebrated in Northern Ireland as well as in the Republic of Ireland. Such celebrations have been formidably successful on several levels: attaining an international renown (and a popularity beyond even the heartlands of the Irish diaspora in Britain, North America, Australia and New Zealand); bolstering a sense of national esteem and identity; and bringing together Irish descendants, ex-patriates, and those living in Ireland today in order to express a shared sense of heritage. There are also economic benefits arising from St Patrick’s Day, especially in the hospitality and entertainment industries.

17. In 2004, the Trades Union Congress launched a campaign to choose new bank holidays. Popular options chosen by respondents included St Andrew’s Day for Scotland, St George’s Day for England and St David’s Day for Wales\footnote{5 http://www.tuc.org.uk/work_life/tuc-8507-f0.cfm – The Time is Right for a New Bank Holiday (accessed 04/03/05)}.

18. More recently, a MORI poll commissioned by The Glenlivet, found that 75\% of respondents were in favour of St Andrew’s Day being a national holiday\footnote{6 http://www.mori.com/polls/2004/glenlivet.shtml}. These findings broadly reflect the findings of the consultation undertaken as part of the preparation for this Bill (see para.37 below).

19. Lord Macfarlane of Bearsden, widely respected for his business acumen, has stated that:

\begin{quote}
\textit{As a businessman, I can see enormous potential in such a joyous celebration of St Andrew’s Day and in its ability to bring together the Scots community worldwide. Around the world there are an estimated 30 million people of Scots descent. In whisky, tartan, golf and international reputation for business sagacity, Scotland has the most readily recognised national symbols of any country in the world. But as a nation, are we maximising these tremendously strong marketing assets adequately for the long-term benefits of Scotland plc? I do not believe that we are, and I share the vision that the time has come to capitalise on these assets and make St Andrew’s Day a focus for worldwide celebrations of Scotland and Scottish achievement.}
\end{quote}\footnote{7 Pia, S. (2001) \textit{Should St Andrew’s Day be a Holiday?} The Scotsman 1/12/01}

20. Respondents to the consultation who had experienced St Andrew’s Day celebrations abroad expressed surprise and disappointment upon returning to Scotland to find the day passing with little or no notice paid. It is something of a paradox that St Andrew’s Day is often more revered outside Scotland by ex-patriate communities than it is at home.

21. As Lord Macfarlane states, Scotland has the most readily recognised national symbols of any country and none more so than St Andrew and his connection to Scotland as patron saint and the distinctive St Andrew’s Cross which is incorporated in the Saltire, Scotland’s national flag.
CELEBRATING THE DIVERSITY OF CONTEMPORARY SCOTLAND

22. The appropriateness of St Andrew’s Day is not only its strong association with Scotland but also with the person of St Andrew. The Commission for Racial Equality in Scotland, in a parliamentary briefing in November 2004, stated: “St Andrew has the potential to become a symbol of a diverse and integrated Scotland. After all, St Andrew is an international figure who never visited Scotland in his lifetime, but who is now viewed as being quintessentially Scottish.”

23. Indeed, the Scottish Trades Union Congress celebrates St Andrew’s Day with an annual rally and march against racism and fascism. At the St Andrew’s Day march in 2004, STUC General Secretary Bill Spiers said: “This event was about showing discrimination is unacceptable in a modern Scotland. Scotland was built on diversity and our multi-cultural society is something that enriches and strengthens us and should be celebrated.”

24. In identifying the theme of One Scotland, Many Cultures for the celebration of the 2005 St Andrew’s Day, the First Minister said: “I want all of Scotland to take part in celebrating our national day. The One Scotland, Many Cultures theme will allow us to celebrate our national identity in a positive, diverse way, not just in an exclusive, traditional Scottish way.”

25. Critics may question whether a Christian saint or indeed any religious figure can be a unifying factor in a multi-faith or secular society. However, the responses to the consultation document did not indicate any problem in that respect. On the contrary, a number of respondents felt that St Andrew’s Day could be a celebration of Scotland’s diversity.

26. The Scottish Inter Faith Council – whose representatives come from the Christian, Muslim, Jewish, Baha’i, Buddhist and Sikh communities – were very positive about St Andrew’s Day as a National Day. In reply to the Member’s consultation, the Council described its position as “….supportive of a national holiday for Scotland and would see it as an opportunity to celebrate the multi-faith and multi-cultural nature of Scottish society as well as Scottish culture and history.”

27. In addition, the Council stated:

“The religious leaders recognised that the origins of St Andrew’s Day lay within the Christian community. However they hoped that it could, in the 21st century, be invested with new meaning and that its designation and celebration as a national holiday would be a focus for all the faiths and cultures embraced by Scottish society.”

THE DATE OF THE BANK HOLIDAY

28. One issue from the consultation that elicited a variety of views concerned the day upon which the St Andrew’s Day bank holiday should occur. Alternatives include: always on 30 November; always on the nearest Monday or Friday; 30 November unless this is a weekend, in which case the nearest Monday or Friday.

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8 http://news.bbc.co.uk/nol/pda/ukfs_news/hi/newsid_4047000/4047057.stm
29. The Bill provides that the bank holiday is taken on St Andrew’s Day itself but with the qualification that, if 30 November falls on a Saturday or a Sunday, then the bank holiday should occur on the following Monday. This was the preferred option of the majority of respondents who expressed a view on this matter through the consultation.

30. Although a few respondents referred to possible disruption caused by a mid-week holiday, no evidence was produced to support this assertion.

31. In terms of precedent, Christmas Day and New Year’s Day are fixed dates. However, in each case, if they happen to fall on a Saturday or a Sunday, the practice is to have the bank holiday on the following Monday. In this sense, the Bill follows existing practice.

32. For centuries, 30 November has been designated as St Andrew’s Day and is recognised as such throughout the world. As one of the aims of the Bill is to have St Andrew’s Day recognised as Scotland’s National Day, it would be in keeping with other National Days, such as St Patrick’s Day on 17 March in Ireland, Independence Day on 4 July in the USA and Bastille Day on 14 July in France.

33. Another aim of the Bill is to establish an additional bank holiday in Scotland. If 30 November falls on a Saturday or a Sunday, it would therefore be consistent to follow the practice of the Christmas and New Year bank holidays by moving the bank holiday to the first Monday after 30 November.

CONSULTATION

34. The member in charge of the Bill carried out an extensive consultation exercise between July and October 2004. Over 150 copies of the consultation paper were sent in hard copy to various groups and individuals, including those from the business sector, the voluntary sector, trade unions and other representative organisations, ethnic minority groups, faith groups, political groups and individual politicians, equality groups and members of the public.

35. In addition, over 100 electronic copies were sent out to domestic and international interest and cultural groups. The consultation paper was available on the Member’s website with 81 copies downloaded over the consultation period. A press statement was also issued to the national media regarding the proposal.

36. The main areas of consultation were: potential benefits and problems arising from the establishment of a St Andrew’s Day bank holiday; ways in which the day could become a national celebration of cultural diversity; potential economic impact of making the day a bank holiday; options regarding the actual day on which the proposed bank holiday be taken.

37. There were 142 responses to the consultation with the majority of respondents (85%) expressing support. Less than 6% of respondents were opposed\(^1\).

\(^1\) The remaining 9% were either unsure or were unable to comment.
38. Responses came from a wide range of organisations and individuals including: local authorities, political groups, trade unions, the business community, faith and equality organisations, MSPs, and community and cultural associations. Feedback came from most, if not all, parts of Scotland as well as from ex-patriate Scots from as far afield as Moscow, Dubai and North America.

39. A consultation summary and conclusions was published with the formal Bill proposal and can be viewed in more detail on the Scottish Parliament website at http://www.scottish.parliament.uk/business/bills/membersBills.htm. The information contained in that document was used to inform the foregoing discussion and was instrumental in forming the policy conclusions and are summed up in the following:

- The overwhelming majority of respondents considered a St Andrew’s Day Bank Holiday would be a positive step in promoting a celebration of national identity and diversity in cultural, ethnic and religious terms;
- It was suggested that the “multi-ethnic” appeal engendered by St Andrew’s genealogy would encourage Scotland to adopt an international perspective and help to promote the nation on the world stage; and
- It was acknowledged that a St Andrew’s Day Bank Holiday would provide the business community with excellent opportunities, especially in tourism, retail and entertainment.

EFFECTS ON EQUAL OPPORTUNITIES, HUMAN RIGHTS, ISLAND COMMUNITIES, LOCAL GOVERNMENT, SUSTAINABLE DEVELOPMENT ETC.

40. The Bill will have no negative effect on equal opportunities.

41. In positive terms the Scottish Inter Faith Council expressed the view that St Andrew’s Day can be “invested with new meaning” to provide a “focus for all the faiths and cultures embraced by Scottish society”.

42. In addition, the Commission for Racial Equality described St Andrew as “an international figure” who, although never having visited Scotland during his lifetime, is “now viewed as being quintessentially Scottish”.

43. The fact that the Scottish Trades Union Congress chooses St Andrew’s Day to raise the awareness of the Scottish people to our diversity of culture is indicative of the multi-cultural, multi-ethnic and multi-faith appeal which St Andrew’s Day reflects as a day of national celebration.

44. The Bill does not affect rights under the European Convention on Human Rights and there is no distinction made by the Bill between island and rural communities and any other communities. Neither is there any direct effect on sustainable development.

45. The Bill may impact on provision of front line services of local government but only to the same extent as other bank holidays (See Financial Memorandum for more detail).
ST ANDREW’S DAY BANK HOLIDAY (SCOTLAND) BILL

POLICY MEMORANDUM


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