Draft Legislative Consent Motion

1. The draft motion, which will be lodged by the Cabinet Secretary for Parliamentary Business and Government Strategy, is:

   That, further to motion S3M-8114 passed on 10 March 2011, the Parliament:

   notes the letters exchanged between the Scottish and UK Governments on 21 March 2012; and agrees that the Scotland Bill, introduced in the House of Commons on 30 November 2010, as amended, should be considered by the UK Parliament.

Summary of developments and changes to the Bill

2. On 21 June 2011, the UK Government made changes to the Bill at Report Stage in the House of Commons. The main ones were:

   - a power for UK Ministers, in the future to allow Scottish Ministers to issue bonds; enabling Scottish Ministers to approve the appointments to the board of MG Alba;
   - providing for reciprocal consultation between UK Ministers and Scottish Ministers on electoral administration;
   - devolving the power to make an order disqualifying persons from membership of the Scottish Parliament;
   - changing the procedure for the UK Supreme Court to consider human rights issues raised in Scottish criminal cases.

   The UK Government also announced non-legislative measures on pre-payments for the Forth replacement crossing, and revenue management by the Scottish Government under the financial system proposed in the Bill (details are at Annex A).

Further legislative changes

3. Following agreement between the UK and Scottish Governments, the UK Government will now propose additional changes to the Bill at Report Stage in the House of Lords:

   - A statutory duty on both governments to report regularly to their respective Parliaments on the implementation of the financial aspects of the Bill;
   - Changes to the provision on the role of the UK Supreme Court in Scottish criminal cases to: ensure the role of the UK Supreme Court is properly defined; ensure that one procedure, with appropriate time limits, is available for human rights issues in criminal cases; retain the Lord Advocate and Advocate General’s current powers of reference to the UK Supreme Court and allow for points of general public importance to be referred to the High Court and then Supreme Court for adjudication before trial; and to allow for a review in three years of the
need for certification of cases by the High Court for Supreme Court consideration, to be chaired by the Lord President;

- Amendments to remove provisions on: reservation to the UK Parliament of legislative competence for regulation of the health professions and corporate insolvency procedures, including those in relation to Registered Social Landlords; partial suspension of Acts of the Scottish Parliament referred to the UK Supreme Court; shared executive competence to implement international obligations.

Non-legislative measures

4. The UK and Scottish Governments have also agreed non-legislative measures to address issues raised by the Scotland Bill.

Financial

- **consistent with the principle of consent in the UK Government’s Statement on Funding Policy**, both governments should reach agreement on implementation issues, including adjustments to the block grant, to take account of the Scottish Parliament’s new fiscal powers. Each government should also provide assurance to its Parliament before relevant provisions of the Bill are brought into force and before implementation arrangements are brought into effect. The Scottish Government proposes to seek the agreement of the Scottish Parliament as part of this process.
- the governments will develop an adjustment to the Scottish block grant based on the proposals of the Holtham Commission on funding the Welsh Assembly.
- there will be transparency for Parliaments on implementation.
- there will be discussions between the governments on devolving additional taxes, and borrowing limits.
- there is agreement in principle that borrowing from the National Loan Fund can be for terms longer than ten years.

Non-financial

- the UK Government has committed to work with the Scottish Government, and the other Devolved Administrations, to find ways to improve the way UK delegations to the EU are managed
- a review is planned on the regime for marine conservation.
- a review is being considered on elections to the Scottish Parliament.
- insolvency: both governments are committed to the modernisation programme for insolvency procedures that is already in place, and will consider further changes so that that, where appropriate, Scottish procedures for insolvency should be in step with the rest of the UK.

5. On other issues, such as the Crown Estate and broadcasting, the UK Government does not propose further devolution to the Parliament nor changes to Scottish Ministers’ responsibilities. The Scottish Government does not share those conclusions and will continue to argue for further devolution in the future.
Background

6. This supplementary memorandum has been lodged by Bruce Crawford, Cabinet Secretary for Parliamentary Business and Government Strategy, under Rule 9.B.3.1(c) of the Parliament’s standing orders. The Scotland Bill was introduced in the House of Commons on 30 November 2010. The Bill can be found at:

http://services.parliament.uk/bills/2010-12/scotland.html

7. The Scottish Government lodged a previous legislative consent memorandum under Rule 9.B.1.(a) on 1 December 2010. The memorandum can be found at:

http://www.scottish.parliament.uk/LegislativeConsentMemoranda/ScotlandBillLCM.pdf

8. The Bill has been considered by ad hoc Committees of this Parliament and its predecessor. The reports of those Committees can be found at:

Report of the Session 3 Scotland Bill Committee (published on 3 March 2011)


Report of the Session 4 Scotland Bill Committee (published on 15 December 2011)

http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/45318.asp

9. The last session of Parliament considered a legislative consent motion on the Bill on 10 March 2011 and resolved (S3M-8114):

That the Parliament agrees that, further to motion S3M-7550 passed on 9 December 2010 supporting the general principles of the Scotland Bill as introduced in the House of Commons on 30 November 2010, the Bill be considered by the UK Parliament; invites the UK Government and the UK Parliament to consider the amendments and proposals made in the report of the Scotland Bill Committee, and looks forward to considering any amendments made to the Bill with a view to debating them in a further legislative consent motion before the Bill is passed for Royal Assent.


Content of the Bill and proposals for change

10. As the Bill stands at 20 March 2012, it would provide the Scottish Parliament and Government with new financial powers:

- to set a Scottish Rate of Income Tax;
- competence over taxes on land transactions and disposals to landfill;
- power to borrow for capital expenditure.

11. In non-financial areas, the Bill as it stands would provide the Scottish Parliament with one area of additional legislative competence, over the regulation of air weapons, and would currently reserve to the UK Parliament or reduce the role of the Scottish
Parliament in five areas (regulation of health professions, corporate insolvency procedures, implementation of international obligations, the reference to Acts of the Scottish Parliament to the UK Supreme Court, and regulation of activities in Antarctica). It would provide Scottish Ministers with further executive competence in the following areas:

- functions in the administration of elections to the Scottish Parliament;
- a role in appointments to the BBC Trust, MG Alba, and the Crown Estate;
- to approve practitioners to treat drug addiction;
- to prescribe drink driving limits and speed limits for cars.

12. The Scottish Government and both Scotland Bill Committees have proposed changes to the Bill to improve the economic powers of the Scottish Parliament and to remove, or mitigate, provisions that would be damaging to devolved institutions.

13. To avoid detriment to devolved institutions, the Scottish Government proposed:

- That Parliament should have a role in commencing the finance provisions (in part to provide assurance that consequent changes to the block grant were acceptable to the Scottish Government and Parliament);
- Changes to the role of the UK Supreme Court on human rights in Scottish criminal cases;
- Removal of proposed reservations on health professions and insolvency (particularly in relation to Registered Social Landlords);

The Cabinet Secretary for Parliamentary Business and Government Strategy summarised these proposals in the letter to the Convener of the Scotland Bill Committee on 7 September 2011:


14. The United Kingdom Government announced amendments to the Bill for its Report stage in the House of Commons on 21 June 2011. These were announced by a Written Ministerial Statement on 13 June:

http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110613/wmstext/110613m0001.htm#11061333000005

The Cabinet Secretary for Parliamentary Business and Government Strategy wrote to the Convener of the Scotland Bill Committee on 12 August 2011, setting out the Scottish Government's reaction to the amendments:

http://www.scottish.parliament.uk/S4_ScotlandBillCommittee/General%20Documents/Letter_from_Bruce_Crawford_following_oral_evidence_12_August_2011.pdf

These are described in more detail at Annex A to this memorandum.

15. The Scottish Government's major proposals for improvements were:
Better borrowing powers;
Devolution of corporation tax;
Devolution of excise duty;
Devolution of the management and revenues of the Crown Estate in Scotland;
Greater responsibilities in broadcasting;
Guaranteed place in EU meetings.

Detailed papers on these proposals were sent to the both the UK Government and the Scotland Bill Committee over the course of 2011. (They are available on the Committee’s website here: http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/31329.asp)

16. These proposals were generally supported by the current Scotland Bill Committee of the Parliament which also made other major proposals: that the Scottish Rate of Income Tax extends to all bands; that the Bill provides a mechanism for devolving welfare, and full financial powers to the Scottish Parliament.

Further amendments proposed by the UK Government following discussion with the Scottish Government

17. The Bill is now being considered by the House of Lords. It completed its Committee stage on 21 March. Its Report stage is planned for 26 and 28 March. The UK Government has proposed a number of amendments for the Report stage in the Lords that reflect discussions on the Bill with the Scottish Government. These amendments are described in more detail at Annex A. Following discussions, the governments have also agreed to a number of non-legislative measures on issues raised by the Scotland Bill which are also described in this memorandum. The agreement between the governments is contained in an exchange of letters dated 21 March 2012 between the Secretary of State for Scotland and the Cabinet Secretary for Parliamentary Business and Government Strategy which is at Annex B.

Provisions which relate to Scotland

18. The Bill as a whole relates to Scotland.

Reasons for seeking a legislative consent motion

19. The purpose of the Scotland Bill is to revise the devolution settlement and adjust the competence of the Parliament and the Scottish Government. The Bill as a whole therefore requires the consent of the Parliament under the Sewel Convention. The Parliament could refuse consent to any aspects of the Bill it does not support. Under the Convention, the UK Parliament would not proceed to consider those aspects of the Bill to which the Parliament did not consent.

Consultation

20. The Scotland Bill Committees of both this and the previous Parliament have taken extensive evidence on the Bill.
Financial Implications

21. The financial provisions are central to the Bill. The Scottish Government has been concerned about four main aspects of the UK Government's proposals:

- there were no proposals for the mechanism to adjust the Scottish Block grant in the light of the new Scottish Rate of Income Tax (SRIT) and the devolved taxes on land transactions and landfill; assurance to the Scottish Parliament on the effect on Scottish public finances of the mechanism and implementation of the Bill;
- there were not sufficient devolved financial powers to provide significant economic powers to the Scottish Parliament;
- the borrowing powers were insufficient;
- the costs of implementation would be met entirely by the Scottish Government, particularly as delivery would be through HMRC, a UK Government body.

22. To address these concerns, the letters exchanged on 21 March 2012 set out the governments’ common understanding of how the financial provisions of the Bill will be implemented. The main points are:

- a statutory duty on both governments to report regularly to their respective Parliaments on the implementation of the financial aspects of the Bill;
- both governments commit to develop a mechanism based on the proposals of the Holtham Commission on funding the Welsh Assembly. This provides a better methodology than other proposals;
- on assurance to the Scottish Parliament the letter from the UK Government says: “consistent with the principle of consent, both governments should reach agreement on implementation issues, including adjustments to the block grant, to take account of the Scottish Parliament’s new fiscal powers. Each government should also provide assurance to its Parliament before relevant provisions of the Bill are brought into force and before implementation arrangements are brought into effect. The Scottish Government proposes to seek the agreement of the Scottish Parliament as part of this process.”;
- on additional devolved taxes, there is a commitment that the power in the Bill to devolve additional taxes will be used for Aggregates Levy and that other taxes will be considered in the future, following a transparent process in line with the criteria set out by the UK Government;
- on borrowing, there will be consultation on access to the bond market, and there is agreement in principle that borrowing from the National Loan Fund can be for terms longer than ten years; there will be reviews of the annual and total borrowing limits;
- on costs of implementation, savings from devolved taxes might offset the costs of SRIT, and both governments will work together to ensure HMRC deliver value for money.

23. The assessment of the Scottish Government is that the Bill now provides additional financial, particularly borrowing, powers to the Scottish Government and Parliament, and that the agreement on implementation reduces the risk to the Scottish public finances to an acceptable level.
Non-financial issues

24. Annex A records the position reached between the UK and Scottish Governments on non-financial issues raised by the Bill. Neither the proposed amendments to the Bill nor the non-legislative measures would meet the proposals of either the Scottish Government or the Scotland Bill Committees. The Scottish Government regrets that the UK Government has not made proposals to provide the Scottish Parliament and Government with these additional responsibilities. However, the agreed changes to the Bill set out in the exchange of letters between the governments address the risks to devolved institutions identified earlier in the Bill’s progress, in particular to remove the proposed reservations of insolvency and regulation of health professions, and the provisions on the reference of Acts of the Scottish Parliament to the Supreme Court and implementation of international obligations. The changes to the provisions on the role of the UK Supreme Court in Scottish criminal cases would provide a significant improvement on the current situation, and the prospect of the case for certification by the Scottish High Court of Justiciary being examined further in a review after three years chaired by the Lord President. The Scottish Government therefore recommends that the Parliament gives its consent to the Bill, amended as proposed, as an enhancement of the responsibilities of the Parliament and Government.

Conclusion

25. The Scottish Government remains of the view that the Scotland Bill could have been improved significantly and an opportunity has been missed to provide further responsibilities to the Scottish Parliament and Government, particularly in relation to job-creating and economic powers. The Scottish Government believes that view has been reflected in the reports of Committees of the UK and Scottish Parliaments, as well as the outcome of the Scottish election in May 2011 and subsequent events.

26. Despite these views, the Scottish Government believes that the measures in the Bill provide additions to the responsibility of the Parliament and Government in the following areas:

- Increased financial, particularly borrowing responsibilities;
- Powers to address the issue of air weapons in Scotland;
- Responsibility for drink driving and speed limits on Scotland’s roads;
- A role in appointments in broadcasting and the Crown Estate;
- An improved new procedure for Scottish criminal cases to go to the UK Supreme Court.

The Scottish Government also believes that the previous risks to devolved institutions have been addressed:

- Assurance will be provided to the Parliament on the implementation of the financial provisions, and, consistent with the principle of consent, both governments should reach agreement on implementation issues, including adjustments to the block grant, to take account of the Scottish Parliament’s new fiscal powers. The Scottish Government proposes to seek the agreement of the Scottish Parliament as part of this process.
- The proposed reservations of health professions and insolvency have been removed, as have provisions that risk the integrity of Acts of the Scottish Parliament and the Parliament’s role in international obligations.
The Scottish Government is therefore prepared to recommend that Parliament consents to the Bill.

Scottish Government
March 2012
ANNEX A

THE SCOTLAND BILL

AMENDMENTS AND NON-LEGISLATIVE MEASURES TO ADDRESS ISSUES RAISED BY THE BILL

AMENDMENTS

(Note: amendments to be proposed by the UK Government at Report stage in the Lords are in bold; other amendments were made at Report stage in the Commons.)

Finance

New Clause [*] Reports by UK and Scottish Ministers to UK and Scottish Parliaments

This provision would require UK and Scottish Ministers to provide regular reports to their respective Parliaments on the implementation of the financial provisions of the Bill. It provides an important part of the transparency arrangements to give assurance to the Scottish Parliament that Scottish interests are being safeguarded.

Clause 31 Income tax for Scottish taxpayers

The amendment to this clause ensures that the ability to borrow to cover a shortfall on forecast receipts would apply to the existing Scottish Variable Rate (SVR) power.

Clause 32 Definition of Scottish taxpayer for Scottish variable rate

This new clause would apply the Bill's definition of a Scottish taxpayer to SVR, replacing the definitions used in the Scotland Act 1998.

Clause 37 Borrowing by the Scottish Ministers

This clause has been amended to introduce a power in the Bill which would allow the Secretary of State, with the consent of the Treasury, to amend in future the way in which Scottish Ministers can borrow without the need for further primary legislation. (The power to borrow currently included in the Bill is limited to borrowing by way of loan.) In his letter of 21 March 2012, the Secretary of State undertakes that a consultation on the use of bonds will be launched very soon. The Scottish Government looks forward to participating in that consultation. The Scottish Government remains of the view that it is entirely appropriate for Scottish Ministers to consider the full range of debt instruments and to select for each tranche of borrowing the option which best serves the interests of Scottish taxpayers. This position was endorsed unanimously by the Scottish Parliament in June 2011 and was a clear recommendation of both Scotland Bill Committees.
Non-finance

Clause 1 Administration of elections

This clause was amended to require the Secretary of State to consult Scottish Ministers before making regulations about Scottish Parliament elections (in those areas where responsibility has been retained rather than devolved).

The Scottish Government asked the UK Government for this amendment, which would provide consistency as the Bill requires Scottish Ministers to consult the Secretary of State before making regulations in those areas where responsibility has been devolved.

Clause 2 Combination of polls at Scottish Parliamentary and other reserved elections

The amendment made to this clause relates to the section of the Bill which includes Scottish Parliament elections in the provisions of Section 15 of the Representation of the People Act 1985. Section 15 covers the procedure to be followed if different polls were to be taken on the same day and not taken separately (ie. they were to be combined). This power would not be devolved and it would remain for the Secretary of State to make the necessary regulations. The amendment provides that where the Secretary of State decided that elections were not to be taken together, local returning officers would not have the power to determine that local elections in Scotland and Scottish Parliament elections should be combined.

The amendment also provides that where the Secretary of State made any regulations about the combination of election he would have to consult Scottish Ministers.

The Scottish Government supports these amendments.

Clause 3 Supplementary and transitional provision about elections

A technical amendment was made to this clause, clarifying that regulations made by the Secretary of State in relation to elections would be subject to the affirmative procedure. The Scottish Government is content with the amendment.

Clause 7 Partial suspension of Acts subject to scrutiny by the UK Supreme Court

The amendment would remove this clause. Both governments agree that the current provision in the Scotland Act 1998 provides clear incentive to ensure that all legislation introduced in the Scottish Parliament is prepared within competence. As the Scottish Government and Scottish Parliament have both indicated a preference for the current arrangements, the UK Government has agreed to remove this clause.

Clause 12 Insolvency

The amendment would remove this clause. Both governments believe that it is important to address the concerns of stakeholders that, where appropriate, Scottish procedures for insolvency should be in step with the rest of the UK. Both governments are committed to the modernisation programme for insolvency procedures that is already in place. The Scottish Government does not believe
that the clause in the Scotland Bill is necessary to address to achieve these objectives and the UK Government has agreed to remove it from the Bill.

Clause 13 Regulation of the health professions

The amendment would remove this clause. The Scottish Government is committed to working with the UK Government on the regulation of health professions, with the aim of regulatory systems which apply consistently across the UK, but are sensitive to each country’s needs, facilitating cross border movement of staff and aiding public understanding. The Scottish Government does not believe that the clause in the Scotland Bill is necessary to address to achieve these objectives and the UK Government has agreed to remove it from the Bill.

Clause 16 Exercise of power to make Order disqualifying persons from membership of the Parliament

This clause is the UK Government's response to the Session 3 Scotland Bill Committee's Recommendation at paragraph 189 of its 1st Report: "We consider that ... the rules relating to disqualification should be devolved to the Scottish Parliament."

The clause falls short of devolving all matters relating to disqualification from membership of the Parliament. The clause instead would provide for amendments to various parts of the 1998 Act to enable Scottish Ministers to exercise powers to promote orders made under section 15(1) and (2) of the 1998 Act. Such orders list office-holders who are disqualified from being an MSP. The Scottish Government welcomes this amendment. However, the clause falls short of the competence in this area sought by both the Scottish Government and the previous Scotland Bill Committee.

Clause 17 The Supreme Court and human rights

The provision in the Bill, following amendment would:

- Remove the Lord Advocate from the vires control of section 57(2) of the Scotland Act when he is exercising his functions as prosecutor or in his capacity as head of the system of criminal prosecution in Scotland.
- Restrict the power of the Supreme Court to adjudicating on a compatibility issue, reserving to the High Court the application of the Supreme Court’s decision. This would end the ability of the Supreme Court to substitute its decision for that of the High Court.
- Create a single system for dealing with ECHR and EU compatibility issues in Scots criminal law which would apply to issues raised about the actions of any public body, and to the compatibility of Scottish Parliament legislation in the criminal justice system.
- Ensure that the Lord Advocate and Advocate General continue to have a power of reference to the Supreme Court.
- Allow lower courts to refer compatibility issues to the High Court.
- Provide time limits for compatibility appeals to the Supreme Court and for appeals on devolution issues to the Supreme Court in criminal proceedings.
- Include ECHR and EU based challenges to ASPs will be included within the scope of compatibility issues.
There is a requirement that the operation of the new scheme should be subject to a review. The review would be conducted after three years of operation, but there would be provision for a review to be triggered at some point before three years where UK Ministers think that new circumstances have arisen which justified this. The review would be chaired by the Lord President. In the course of the review, the views of the Lord Advocate, the Scottish Ministers, the Scottish Courts, the Supreme Court, and representative bodies with an interest in the criminal justice system, would require to be sought. The Bill will include a power for the scheme to be changed by secondary legislation following the conclusion of the review. The power will specifically allow for the introduction of certification. Any order would be affirmative, made following consultation with the Scottish Ministers.

Clause 19 Power to vary retrospective decisions about non-legislative acts

The effect of this amendment would be to extend an existing power in the Scotland Act to potentially protect all acts of the Scottish Ministers from becoming retrospectively null, should a court decide the acts were outwith devolved competence. It would be up to the court in question, however, to decide whether, and to what extent, to apply such protection.

The Scottish Government supports this amendment.

Clause 21 Exercise of functions relating to Seirbheis nam Meadhanan Gaidhlig

At present, appointments to the board of MG ALBA are made by Ofcom and approved by the Secretary of State for Scotland. Scottish Ministers are, in practice, consulted on appointments, but have no power to approve or veto appointments. This new clause would require appointments to the board of MG ALBA to be jointly approved by the Secretary of state and by Scottish Ministers. The amendment puts on the face of the Scotland Bill the executive devolution arrangements already in place, including that the Scottish Ministers would pay annually to OFCOM an amount that they felt to be appropriate for the financing of programmes in Gaelic from the Gaelic Television Fund. This amendment follows proposals from Scottish Ministers, and a unanimous recommendation from the Session 3 Scotland Bill Committee that Scottish Ministers should approve the appointment.

Clause 27 Implementation of international obligations

The amendment would remove this clause. Both Governments acknowledge the importance of ensuring that all of the UK’s international obligations are fully implemented across the UK on a timely basis. The Scottish Government does not believe that the clause in the Scotland Bill is necessary to address to achieve these objectives and the UK Government has agreed to remove it from the Bill.

Transitional provision for Scottish statutory instruments

This clause was removed at Commons Report. It is no longer necessary, as the provisions have now come into force under the Interpretation and Legislative Reform (Scotland) Act 2010.
NON-LEGISLATIVE MEASURES

Finance

Capital borrowing

The Secretary of State for Scotland announced that the total of £100m pre-payments (outside the Scottish Government's Capital Departmental Expenditure Limit (CDEL) over the Comprehensive Spending Review (CSR) period, starting in 2011-12. It would not amount to early implementation of borrowing.

Revenue borrowing

The Secretary of State announced that the UK Government would remove the requirement for Scottish Ministers to absorb the first £125 million of tax forecasting variation within their budget and to make discretionary payments into the Scottish Cash Reserve for the next 5 years, up to an overall total of £125 million.

The Scottish Government welcomed these proposals, which responded to recommendations in the Session 3 Scotland Bill Committee report (Paras 116 and 118). However the proposals do not address the £200 million annual and £500 million total caps on revenue borrowing nor the overly restrictive requirement that any resource borrowing must be repaid in four years (also criticised by the Scotland Bill Committee - Para 117). The Scottish Government would still only be able to borrow to correct variations between tax receipt forecasts by the OBR and actual income from taxes, and not to address cyclical falls in tax revenue.

Welfare

On 13 June 2011, the Secretary of State for Scotland announced the UK Government's intention to strengthen inter-governmental dialogue in areas of mutual interest in welfare. No details have yet been provided about the content of this proposal or about how it might align with Scottish interests in the UK Government's ongoing programme of wider welfare reforms which will include further devolution in respect of Council Tax Benefit and elements of the discretionary Social Fund.
Non-finance

Elections to the Scottish Parliament

The Scotland Bill devolves administrative responsibility for elections to the Scottish Parliament. However, there are elements of the powers which will remain the function of the Secretary of State - essentially, the franchise, and the power to combine Scottish Parliament elections with other reserved elections. A number of issues have been raised in the House of Lords on the Scottish Parliament electoral system, including a review of the system. The UK Government is considering how to progress these suggestions.

Crown Estate

The Scottish Affairs Committee published its report on the Crown Estate on 19 March. The Scottish Government and the Scotland Bill Committee of this Parliament had already made proposals for change, based on extensive evidence from stakeholders. The UK Government has made no commitment beyond reviewing the SAC report, alongside the report of the Scotland Bill Committee and the views of the Scottish Government.

European Union

The UK Government has committed to work with the Scottish Government, and the other Devolved Administrations, to find ways to improve the way UK delegations are managed, to ensure that full advantage is made of the expertise that the Devolved Administrations can bring, consistent with maintaining a single UK line.

Broadcasting

The UK Government has committed to considering the scope for UK Government endorsement and future legislative changes if the Scottish Government established a Scottish Digital Network.

Air weapons

The clause in the Bill will allow the Scottish Parliament to pass legislation to regulate all air weapons, except for those defined as ‘specially dangerous’. Specially dangerous air weapons, are not treated as air weapons and instead fall within the scope of Firearms Acts which will remain reserved.

Speed limits

The Bill does not devolve further competence over a wider range of vehicles than cars. The UK Government is currently planning to review speed limits for other categories of vehicles.
Drink-driving

The Scotland Bill will give Scottish Ministers the power to set drink-drive limits. The UK Government wishes to retain competence for the legislative framework for drink driving across Great Britain.

Marine conservation

The Marine and Coastal Access Act 2009 set out a new legislative framework for management of the Marine environment across the UK. The Calman Commission recommended that the effectiveness of agreement reached by the UK and Scottish Governments on executive devolution of nature conservation in offshore waters adjacent to Scotland should be kept under review by the inter-governmental machinery, and that nature conservation should be devolved to the Scottish Parliament at the earliest opportunity. The UK Government has committed to work closely with the Devolved Administrations in designing and delivering the review.

Rail regulation

Scottish Ministers have executive responsibility for rail under the terms of the Railways Act 2005, including for setting a rail strategy for Scotland and the renewal of the ScotRail franchise. This is not matched by legislative competence for rail regulation or other aspects of rail. The UK Government believes that these devolved powers are best exercised within a single GB structure as provided for under the Railways Acts of 1993 and 2005.

Other recommendations of the Scotland Bill Committee

In its report of December 2011, the Scotland Bill Committee recommended that the Scotland Bill be amended to devolve the full range of financial powers to the Scottish Parliament, and that the UK Government gives consideration as to how to amend the Scotland Bill to include enabling provisions which would begin the process of devolving welfare and benefits to the Scottish Parliament. The UK Government does not intend to accept these proposals from the Committee. The Scottish Government supports the overall conclusions of the Committee on these matters and will continue to argue the case for further devolution in the future.