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**Prospects of Scottish Independence in the  
Aftermath of Brexit**

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## **Abstract**

This dissertation titled “Prospects of Scottish Independence in the Aftermath of Brexit”, aims to examine the Scottish struggle for independence; after more than three centuries of alliance with Britain. Also it traces back the main stages through which the Scottish arrived at holding the Independence Referendum in the 18th of September, 2014. This work emphasizes the major reactions of the Anglo-Scottish union. Additionally, the current work sheds light on the main motives behind this desire for independence, and it provides the main arguments that support it. Notably this paper gives an overview about Brexit and its implications on the United Kingdom. In this context, it focuses on Brexit as a motive for Scotland to continue its march on the independence path mainly, the opportunity of holding a second referendum. It also examines Scotland’s future after the formal completion of the Berxit procedures with the EU.

## **Résumé**

Cemémoire porte sur l'effet de la sortie de la Grande-Bretagne de l'Union Européenne sur l'indépendance de l'écosse. Destiné à étudier le combat écossais pour l'indépendance après plus de trois siècles d'alliance avec la Grande-Bretagne. Il suit également les principales étapes franchies par les Ecossais lors du référendum d'indépendance du 18 septembre 2014. Cette action souligne les principales réactions de l'Union anglo-écossaise. De plus, ce travail éclaire les motivations sous-jacentes de ce désir d'indépendance et présente les principaux arguments qui le soutiennent. Il convient de noter que ce mémoire donne un aperçu de la sortie de la Grande-Bretagne de l'Union européenne et de ses implications pour le Royaume-Uni. Dans ce contexte, il met l'accent sur la sortie de Grande-Bretagne de l'Union européenne comme un motif pour l'écosse de continuer principalement sur la voie de l'indépendance et la possibilité d'organiser un second référendum. Avec les attentes de l'avenir de l'écosse après l'achèvement formel des procédures de sortie du Royaume-Uni de l'UE

## ملخص

تهدف هذه المذكرة بعنوان "أثر خروج بريطانيا من الاتحاد الأوروبي على الاستقلال الإسكتلندي" إلى دراسة الصراع الإسكتلندي من أجل الاستقلال. بعد أكثر من ثلاثة قرون من التحالف مع بريطانيا. كما أنها تتبع المراحل الرئيسية التي وصل إليها الإسكتلنديون في إجراء استفتاء الاستقلال في 18 سبتمبر 2014. يؤكد هذا العمل على ردود الفعل الرئيسية للاتحاد الأنجلو-إسكتلندي. بالإضافة إلى ذلك، يسلط هذا العمل الضوء على الدوافع الأساسية وراء هذه الرغبة في الاستقلال، ويقدم الحجج الرئيسية التي تدعمه. وتجدر الإشارة إلى أن هذه المذكرة تقدم لمحة عامة عن خروج بريطانيا من الاتحاد الأوروبي "بريكسيت" وتأثيراتها على المملكة المتحدة. في هذا السياق، فإنها تركز على خروج بريطانيا من الاتحاد الأوروبي كدافع لإسكتلندا لمواصلة مسيرتها على مسار الاستقلال بشكل رئيسي، وفرصة إجراء استفتاء ثانٍ. جنبا إلى جنب مع توقعات مستقبل إسكتلندا بعد الانتهاء رسميا من إجراءات خروج بريطانيا من الاتحاد الأوروبي.

**List of Abbreviations and Acronyms**

<b>EEA</b>	European Economic Area
<b>EEC</b>	European Economic Community
<b>EU</b>	European Union
<b>FAI</b>	Fraser of Allander Institute
<b>GDP</b>	Gross Domestic Product
<b>MPs</b>	Members of the Parliament
<b>MSP</b>	Members of Scottish Parliament
<b>SNP</b>	Scottish National Party
<b>UK</b>	United Kingdom
<b>UKIP</b>	UK Independence Party
<b>WTO</b>	World Trade Organisation

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## General Introduction

Uniting the kingdoms of Scotland and England had been proposed for a hundred years before it actually happened in 1707. Suspicion and mistrust between the two countries had prevented the union throughout the 17th century. The Scots feared that they would simply become another region of England. For England the fear that the Scots may take sides with France and rekindle the “Auld Alliance” was decisive. The “Auld Alliance” refers to an alliance made in 1295 between the kingdoms of Scotland and France. The alliance was formed for the purpose of controlling England's numerous invasions (Bonner 5-30). England relied heavily on Scottish soldiers and to see them turn and join ranks with the French would have been disastrous. In the late 1690s however, thousands of ordinary Scottish folk had been tempted to invest their hard earned money in a plan to link the two great oceans of the world by establishing an overland trading route between the Pacific and Atlantic.

Poorly, the venture ended early in 1700 with significant loss of life and financial ruin for the Kingdom of Scotland. With planned many influential individuals and whole families left bankrupt by the disaster, a few financial incentives appear to have convinced some dithering Scottish MPs of the potential benefits of a union with England. Moreover, in a poorly attended Scottish Parliament the MPs voted to agree on the Union and on 16 January 1707 the Act of Union was signed. The Act came into effect on May 1st 1707; the Scottish Parliament was dissolved and England and Scotland became one country. However, Scotland kept its independence with respect to its legal and religious systems, but coinage, taxation, trade, sovereignty, parliament and flag became one.

Since the Treaty of Union in 1707, which unified the English and Scottish parliaments in London, Scotland, has legally been joined with England. Over three hundred years later, Scotland formed a parliament, which set Scotland on a path of devolution with an unclear future. The Scots raised many proposals to the United Kingdom Government to gain their



home rule, but their attempts were failure, particularly the devolution referendum of 1979. In 1999, the Scottish Parliament was established in Edinburgh after the devolution referendum of 1979. Recently in 2011, the Scottish National Party; which was created in 1934, won parliamentary elections with 69 seats, taking control over the Scottish parliament, and thus permitting the first minister to demand the first Scottish Independence Referendum. This latter was held on the last 18th, September, 2014.

Moreover, in the Scottish Independence Referendum held on the 18th September 2014, scots voted for remaining as a part of the United Kingdom. Yet the United Kingdom suffered of many problems because of the Scottish Independence Referendum. However, the Scottish parliament asked for a second referendum because of “Brexit”. The Brexit refers to the possibility of Britain withdrawing from the European Union (EU). It was argued that if the UK separates itself from the EU, these fees can be used to benefit the UK. In 23 June, 2016 the people of Scotland voted decisively to remain in the European Union while the people of the United Kingdom as a whole voted to leave. While Scotland voted for the Remain.

Brexit is considered as a turning point in the history of the United Kingdom, since many issues would change. Therefore, this study is not only a mere description of the relationship of Britain and Scottish before and after the Act of Union, but it is also an analytical account of the UK’s membership and experience in the EU. It further not only describes the Brexit and the British situation after the complete exit from the EU, but it also gives an analytical explanation that digs deep into the Brexit impact on the United Kingdom generally and the Scottish reaction practically. In addition to explaining the British and Scottish relationship before and after the UK withdraw with EU, this study also helps in giving clear image about the possible economic situation in Britain in one hand and in Scotland in the other hand. Hence, this study will analyze the new situation of Scotland during and after the referendum.

In pursuit of the main topic, this dissertation deals with different questions concerning the impact of the British withdrawal from the EU on the Scottish referendum. It attempts to provide answers to the following questions: What are the events that led to the unification of Britain and Scotland? In what way this unification changed the type of relation between the two countries? How will Brexit affect the Scottish referendum? Does Brexit mean the Scotland exit from the UK? Will Scotland be an independent country? Will this affect the UK as whole?

To provide a solid ground that supports the main concern of the dissertation, this study is drawn on many works that have dealt with the UK's membership in the EU, its relationship with Scotland, and the latest referendum to leave the EU and the likely impacts it would have on the Scottish referendum and independence.

In order to accomplish this study, the bulk of this dissertation will be written based on the findings in different books, journals, and empirical research articles that best serve the topic. In the reading and data collection, the research will be certainly based on works which dig deep in the Scottish relationship with the UK, before and after the Act of Union and give more hints and reveal more the reality behind this act. In addition to the works which explain the Brexit and the Scottish reaction. The study will tackle scholars' evaluation, analysis and explanation of some previously used books and articles that will be of great importance in the progression

Christopher Whatley, by far the most eminent of the authors, adds further context to the Anglo-Scottish story. In *The Scots and the Union* 20 Oct 2006, he argues that it wasn't just threats and inducements that created Great Britain, but a committed group of Scottish Protestants who had long seen union as a means of extinguishing Catholic influence of the present work.

Moreover, Britain is now set to leave the European Union; the 2015 Conservative Manifesto contained a pledge to hold a referendum on UK membership of the EU. On March 29th the UK Prime Minister, Theresa May, formally notified the EU, in accordance with Article 50 of the Treaty of Lisbon that the UK proposed to withdraw. Harold D. Clarke, Matthew Goodwin, and Paul Whiteley wrote *Brexit: Why Britain Voted to Leave the European Union*. This book reveals, the historic vote for Brexit marked the culmination of trends in domestic politics and in the UK's relationship with the EU that have been building over many years. However, in Scotland a majority of those who participated in the referendum voted to Remain in the EU.

That certainly seems to have been the assumption under which the Scottish Government has been operating in recent months. In December it published a white paper in which it proposed that the UK as a whole should be seeking to remain in the EU single market and that it should continue to adhere to the freedom of movement provisions of the European Union. It also proposed that even if the UK were to be outside the single market and no longer observing the freedom of movement provisions, Scotland could and should be able to do so, even while remaining part of the UK. In short, the Scottish Government was suggesting that the UK might have a variegated relationship with the EU, with some parts having a closer relationship than others.

This work is divided into three main chapters. Chapter one entitled "Devolution and Scotland Act" provides the historical account of the development of the Anglo-Scottish relations. It sheds light on the Union of English and Scottish Crowns and the political union. In addition, it gives a description of the nature of union and the changes in Scotland in particular and the United Kingdom as a whole. Moreover, it focuses on the concept of Devolution which appeared after more than a century of union.

It also explains the basic reasons which pushed the Scottish people to ask for devolution. The Kilbrandon report, which changed the Scottish view towards the British identity and the Scottish one, added to the political and mainly the economic reasons behind devolution. This chapter explains the results of the spread of the concept of devolution, which is the Scottish Referendum of 1979 and 1997 and the causes of its failure. This chapter also explains the results of this latter election. Finally, it deals with the Scotland Bill of 1998 and its role in the Scottish parliament.

The Second chapter holds the title “The Scottish Independence Referendum”. It proves that the Scottish referendum independence was a result of many political developments and changes in Scotland. It also addresses the impact of the Scotland Act 1998. It gives a description of the new Scottish politics by focusing mainly on the nature of the government after the introduction of the coalition and minority government.

Further, it discusses the impact of general elections since 1999 to 2011 with the explanation of the legislative framework, such as: The Scotland Bill and Your Voice Your Referendum, between the governments of Scotland and UK during that era. Finally, the present chapter gives the general structure of Independence Referendum on September 2014. The analysis of the results of the referendum in light of the campaigning of this referendum which has a major impact on the results of this later, is also handled within this chapter

The third chapter which is entitled “Effects of Brexit on Scottish Independence”, provides that the Scottish independence path changed because of many factors, one of which is the Brexit. The later emerged during the 23 June 2016 referendum, which was held in the United Kingdom to decide if the British want to leave the European Union or not. It explains that during the later referendum the Scottish people had a different point of view than the other parts of the UK. This reason led to the emergence of the idea of the second Scottish independence. This chapter will explain the significance of Brexit concept together with

explaining the reasons of its emergence and its costs on the UK in general and on Scotland in particular.

Additionally, this chapter focuses on the Scottish arguments why Brexit refused. In addition, it gives a possibility about the arguments which would make the Scottish use Brexit as a factor for the independence, or why the Scottish believes that Brexit is an obstacle in the path of independence.

## **Chapter One**

### **Devolution and Scotland Act.**

#### **Introduction**

The first chapter of this dissertation is entitled “Devolution and Scotland Act” provides the historical account of the development of the Anglo-Scottish relations; it sheds light on the Union of English and Scottish Crowns and the political union. In addition, it gives a description of the nature of union and the changes in Scotland in particular and the United Kingdom as a whole.

Moreover, this chapter focuses on the concept of Devolution which appeared after more than a century of union. It explains the basic reasons which pushed the Scottish people to ask for devolution. The Kilbrandon report, which changed the Scottish view towards the British identity and the Scottish one, added to the political and mainly the economic reasons behind devolution.

After that, this chapter explains the results of the spread of the concept of devolution, which is the first Scottish Referendum of 1979. The causes of failure of this referendum eventually led up to the Scottish referendum of 1997. The chapter also explains of the results of this latter election. Finally, it deals with the Scotland Bill of 1998 and its role in the Scottish parliament.

#### **1.1. The Path towards the Act of Union**

Until the early 17th century, England and Scotland were two entirely independent kingdoms (Lambert). This however, changed dramatically in 1603 on the death of Elizabeth I of England. The death of this English monarch announced the end of the English Tudor dynasty and left the throne with no heirs because she was the last, unmarried and childless monarch in the Tudor line of succession. The English crown passed to the next available heir, her cousin James VI King of Scotland, who had a Stuart grandfather (James IV) and a Tudor

grandmother (Margaret Tudor). As a result, England and Scotland now shared the same monarch under what was known as the “Union of Crowns” (Lmabert “A History of the 17th...”).

After the union of the crowns there was no immediate move to unite the countries. However, during the last decade of the 17th century, there was not only political and economic stagnation in Scotland, but there was a big famine as the country was recovering from a severe crop failure (Pettegree). Since the Anglo-Scottish relations were still not satisfactory, there was an urgent need to find a way to solidify them. One of the possible solutions was to strengthen the bonds between the countries and create a well-functioning union, Great Britain, despite the fact that Scotland tried to improve its economic situation without the help of Britain. For that purpose, the Scottish established a trade company called the Company of Scotland for trade with Africa and the West Indies. However, without the involvement of Britain all attempts were in vain (De Castella and Judah).

There had been many attempts to unite politically the two realms between 1606 and 1689, but the parliament failed to join them until the early years of the eighteenth century. The process of unification passed through many stages and acts, which were legislated in order to regulate the union and the relation of the two countries under the union (“Scotland and England: a...”)

### **1.1.1. The Act of Settlement June 12, 1701**

It is Act of Parliament that, since 1701 had regulated the succession to the throne of Great Britain. The English Parliament was concerned about the identity of the successor who was to succeed the throne after Queen Anne’s death. The act disqualified anyone who became a Roman Catholic, or who married one, from inheriting the throne and this removed a lot of lines who were closely related to Queen Anne and the Stuart line. The Act also helped strengthen Parliament position by restricting the monarchs power. They were not allowed to

leave the country without Parliaments approval, nor were they able to throw the country into war without Parliament's agreement. Eventually it was decided that Electress Sophia of Hanover, a granddaughter of James VI & I, would be next in line to the throne. The Act of Settlement is nowadays still valid ("Act of Settlement 1701 - Wikisource, The Free Online Library"). This act stated that:

no person born out of the kingdoms of England, Scotland, or Ireland, or the dominions thereunto belonging (although he be naturalized or made a denizen), except such as are born of English parents, shall be capable to be of the Privy Council, or a member of either House of Parliament, or enjoy any office or place of trust, either civil or military, or to have any grant of lands, tenements, or hereditaments from the Crown to himself, or to any other or others in trust for him (Hallam 465).

In response to this act, the Scottish Parliament passed two acts in 1703. The first act was the *Act Anent Peace* in which Scotland claimed its control over its foreign policy and expressed its refute to wage war for England's benefits. Yet the second act was the Act of Security.

### **1.1.2. The Act of Security 5th of August 1704**

Scotland refused to follow the English Act of Settlement and responded with issuing the Act of Security, an important step towards Union, in 1704 according which the succession was resolved by Parliament and that the successor in England would not be named if Scottish grievances over religion, liberty, and trade were not met. In other words, this act was supposed to preserve the independence of the Scottish Crown. It also provided, rather pointedly, for a military force to be trained for the defense of the country. Further measures removed foreign policy from the control of the Sovereign and provided for the duty-free import of French wines (Cannon 35). Extract from the Act of Security:



upon the said Death of Her Majesty, without Heirs of her Body... the foresaid Estates of Parliament... are hereby Authorized and Empowered, to Nominate and Declare the Successor to the Imperial Crown of this Realm, and to Settle the succession thereof... being always of the Royal Line of Scotland and of the true Protestant Religion. Providing always that the same be not successors to the Crown of England, unless there be such conditions of Government settled as may secure the Honor and Sovereignty of this Crown and Kingdom; the Freedom, Frequency and Power of Parliament; Religion; and Liberty and Trade of the Nation from English or any Foreign Influence

In return, the English Parliament responded in 1705 with the Alien Act.

### **1.1.3. The Alien Act 1705**

English reaction to the Act of Security was swift. In 1705, the Alien Act was passed. Under this act all Scotsmen were to be treated as aliens, also this act would also class all Scottish people living in England as “aliens” and any property they owned would be “alien property”. This would mean that a line of inheritance would not be guaranteed which could lead to Scottish landowners losing their estates in England.

that from and after the 25 day of December 1705, no Person or Persons being a Native or Natives of the Kingdom of Scotland... shall be capable to inherit any Lands... within this Kingdom of England ... or to enjoy any Benefit or Advantage of a natural-born Subject of England: But every such Person shall be from henceforth adjudged and taken as an Alien born out of the allegiance of the Queen of England, until such time as the Succession to the Crown of Scotland, be declared and settled by an Act of Parliament in Scotland ("Union Of 1707 - Scotland 1689 - 1707").

Moreover, England threatened that unless Scotland agreed to negotiate terms for union and accepted the Hanoverian succession. The act of Aliens also set out to ban exports of major Scottish products - cattle, sheep, coal or linen in England despite the harsh circumstances happening in Scotland. At that time, the countries seemed to be close to war. (Westminster passes the Alien Act 1705).

Since the war between the countries was not in the interest of neither England nor that of Scotland, they had to act quickly in order to avoid the armed conflict. That was why in summer 1705 John Campbell, 2nd Duke of Argyll, set off to Edinburgh as the Queen's Commissioner to initiate negotiations for the Anglo-Scottish union. It took some time to persuade the Scottish Parliament to authorize the negotiations for the Treaty of Union.

#### **1.1.4. The Act of Union 1707**

The process and the negotiations about the Act of Union was not an easy task to fulfill. Each country was trying to protect its goods and needs, also both of countries tried to benefit to the maximum extent from the union. The idea of the Union had its supporters and opponents. One of the major anti-union representatives was the Church of Scotland. Another group of opponents were the Jacobites whose attitude against the union outgrew into a revolution in later years. Meanwhile, it is considered as "inevitable" because of the economic and social growth of the island of Great Britain, and saw it as a middle solution for both English and Scottish interests. Others considered it as a result of self-interest and bribery of some members of the last Scottish Parliament, while other historians saw it as a natural termination of the Union of Crowns of 1603. These interpretations overwhelmed the Scottish politics since 1707 (Bowie).

The Treaty of Union was negotiated between the two countries (the commissioners and the British MPs) which led to the drawing up of the Bills which became the 1706/1707 Acts. The Acts went into effect on May 1, 1707. At that time, England succeeded in making

the representatives of the Scottish parliament carry on the discussions over the union issue in 1706; these led to the unification of the Scottish and the English Parliaments and formed the Parliament of Great Britain in 1707 (Robertson 129-130). The newly created parliament was housed in the Palace of Westminster in London, the former home of the English Parliament while both former parliaments of England and Scotland are dissolved. These Acts are referred to as the Union of the Parliaments.

### **1.1.5. Articles of the Treaty of Union**

Thus the Treaty of Union consisted of 25 articles (see appendix) each of which dealt with an area in which the kingdoms were united and the way the union worked. The commissioners agreed on the articles and signed the Treaty. The articles were the following: Article I stated 1 May 1707 as the day from which the two kingdoms were united. The name of the union should be Great Britain; and the flag -Union Jack should be used. Article II, Princess Sophia is to inherit the succession to the monarchy of the United Kingdom, and her successor should be of a Protestant belief while Catholics are to be excluded from the succession.

Article III, established new Parliament which was mutual for Scotland and England, known as the Parliament of Great Britain. Article VI provided for the subjects of the United Kingdom the total freedom to trade and navigate to and from any port or area within the Kingdom and its Dominions. Moreover, it highlighted the communication of all other rights and privileges of the Kingdom's people except the agreed upon in these articles ("Articles of Union").

Articles V – XV, XVII and XVIII dealt with trade, taxes, regulations and every aspect of equal treating all subjects of the new Union, while Article XVI solved the problem with common currency and the following Scottish re-coinage. Then, Article XIX dealt with the legal system of Scotland which remained separated from England belonging to the

jurisdiction of Scotland. Article XX solved the question of heritable Offices, Superiorities, heritable Jurisdictions, and Offices for life and Jurisdictions for life. While Article XXI protected the rights and privileges of the boroughs, Article XXII, declared that there should be 16 Scottish representatives in the House of Lords and 45 Scottish MPs in the House of Commons (“Articles of Union”).

Finally, Article XXIII provided the Scottish and the English peers must have equal rights, and Article XXIV provided Great Britain with a new seal different from the one used before the Union was established. Furthermore, Article XXV said that all Laws and Statutes in either Kingdom so far as they are contrary to, or inconsistent with the Terms of these Articles, or any of them, shall from and after the Union cease and become void, and shall be so declared to be by the respective Parliaments of the said Kingdoms (“Articles of Union”).

The debate about the articles took a long period of time, since each part of the deal tried to make sure of the results of the union and tried to agree on the articles. However, the last article was approved on 14 January 1707 (Hanham).

## **1.2. Scotland after the Act of Union 1707**

The Act of Union was a turning point in the British and Scottish history. Without regard to the reasons of the union, debates after 1707 turned around the consequences of the union. Mostly because many non-supporters of the union claimed that the union is all about the British domination over Scotland. Thus many scholars admitted that the Act of Union caused an absolute change in Scotland in many areas of social, economic and political life.

### **1.2.1. Economic Changes**

One historical interpretation of the union is that it was the only way out of an economic dead-end for Scotland. Yet in the years immediately after 1707, the economic disadvantages severely outweighed the advantages gained by the Scottish from the union. Only by 1740 were some benefits becoming apparent. Still the union changed the economic

situation in Scotland, since it allowed skills, technology and ideas to move from England to Scotland. This latter helped in renewing and fashioning materials. Also trade was refreshed and merchant shipping benefited, particularly through trade with Baltic and Caribbean. For example, by 1725, Glasgow had doubled its import of tobacco but it wouldn't be until the 1740s before the real boom developed. In addition to the linen industry which brought more economic benefits and goods. Besides the improvement in the agriculture knowledge because of the use of new methods which were imported from England; and the use of technology which facilitated the process and doubled the products.

The middle decades of the eighteenth century witnessed a change in the Scottish ports, it became increasingly specialized in their trade with Newcastle. The emergence of multiple Scottish ports independently of Leith also encouraged the opening of new trading links with north-eastern England. Therefore, in terms of inter-regional trade between north-eastern England and southern and eastern Scotland, Scotland's old trades did not disappear but merely relocated and were divided between Newcastle, Sunderland and Stockton. On one hand, the inter-regional trade improved the two countries economy And on the other, the Anglo-Scottish inter-regional trade became increasingly complementary.

Similarly, as a part of the United Kingdom, Scotland has a free access to European Community Markets. As a result, the Scottish exports has access to the largest markets (almost 40 percent of world trade and almost 30 percent of the world production). Since 1707, Scotland as a part of the Union, has enjoyed the four freedoms. The freedom of goods, services, people and capital. As a result, the Scottish economy flourished and developed (Mackay 1-10).

### **1.2.2. Social and Cultural Changes**

The loss of their identity was the biggest fear of the Scottish after the union. One effect of the union was the Scottish attempted to preserve their identity by teaching their

culture and customs and making a clear difference between their culture and the British one, in order to avoid any mix in culture or the overwhelming of the British culture on their mother culture. In addition to writing about their identity as in 1739 Scotland published the first edition of the “Scots Magazine” as a way of writing about Scottish history, culture and current affairs. It was the world’s first magazine.

Despite the many attempts of the Scottish to avoid the change, William Robertson and David Hume emphasized that the circumstances produced by the Union of 1707 had resulted in a new phase of civilization in Scotland. In such way the union caused many changes such as including “liberalism in the Church, changes in the curriculum of the universities like including the British history, the development of Edinburgh as a middle class social center, political stability, the decline of religious controversy, and growing wealth” (Ouston 10).

### **1.2.3. Political Changes**

At first, Scottish politics were merged into English - there was no Privy Council in Edinburgh and no one in London had responsibility for Scotland. New boards or commissions were set up in Scotland providing jobs in return for government support. After 1725 the pattern of politics became clearer because of the Earl of Islay. From London he controlled a network of appointees using a portfolio of patronage, handled in Edinburgh by Lord Milton. In the 1740s Islay's supporters lost their majority of Scottish MPs but this was restored after the Jacobite rising of 1745-6. The 1745 Jacobite rising led by Charles Edward Stewart was an unexpected rebellion which made its successes seem more dramatic and its failure more complete (Carrell).

These Jacobites were against the union, they tried to work with France in order to colonize Scotland and make it a part of it rather than a part of Britain. By the 1750s the political system had stabilized and the British state was established. Political managers

implemented the British government's wishes rather than representing Scotland to the government. This tension has existed ever since (Chapman).

Another effect of the Union was the changes in Scottish law. Even though the Articles of the Union stated that Scotland could keep its own laws and sovereignty, they were altered later by the British government. In 1708, the English Law of Treason was extended into Scotland after the Jacobite rebellion. Thus many Scots thought this was overstepping the mark. Therefore, in 1712 the House of Lords became a court of appeal for Scottish cases ("Parliament Of The United Kingdom").

### **1.3. A Background to Devolution in Scotland**

During the 18th and 19th centuries Scotland was a part of the United Kingdom. At that period both countries were assimilated together, and they were benefiting from the union at the social, economic and political levels. There were hardly any signs of dissatisfaction on either side. Generally speaking, this period was beneficial for both Scotland and England. However, things changed at the beginning of 20th century when the tendency of Scotland to become an independent nation was revived. Yet many factors, including the rise of the Irish Home Rule movement in the nineteenth century, led to the emergence of a Scottish Home Rule Association in 1886. However, in 1907 a Scottish Committee of the House of Commons was set up and Scottish Members could deal with Scottish Bills. The Scottish enthusiasm for the recovery of national sovereignty was stopped by World War I and later World War II, but after that it got stronger and stronger. ("BBC - Intermediate 2 Bitesize Modern Studies - The Principles of the Scottish Parliament: Revision 3")

Thus the Scottish Office was a department of the United Kingdom Government from 1885 until 1999, exercising a wide range of government functions in relation to Scotland under the control of the Secretary of State for Scotland (gov.uk). The turning point in the evolution of the Scottish Office took place in 1934, the Scottish National Party (SNP) was

formed under the leadership of John MacCormick. Its original aim was to secure a Scottish Parliament within the UK, but during the Second World War separatists favoring independence took charge and gradually started to undertake the steps to create an independent nation.

Moreover, in 1939 with the opening of St Andrew's House in Edinburgh as the administrative headquarters of government in Scotland came the transfer of the functions of the Scottish Office from London to Scotland. Since then, Dover House, the London end of the Scottish Office, has had only a skeleton staff and a branch office role. This reorganization included many Scottish departments as the department of Agriculture, Health and Education. Likewise, in 1949, Scottish Covenant was written. It was a petition which was signed by two million of Scots and proposed to the UK to create a home rule for Scotland. The document stipulated:

We, the people of Scotland who subscribe to this Engagement, declare our belief that reform in the constitution of our country is necessary to secure good government in accordance with our Scottish traditions and to promote the spiritual and economic welfare of our nation.

We affirm that the desire for such reform is both deep and widespread through the whole community, transcending all political differences and sectional interests, and we undertake to continue united in purpose for its achievement.

With that end in view we solemnly enter into this Covenant whereby we pledge ourselves, in all loyalty to the Crown and within the framework of the United Kingdom, to do everything in our power to secure for Scotland a Parliament with adequate legislative authority in Scottish affairs (Mitchell 101).

However, this petition lacked enough support in the British government and was rejected.



### 1.3.1. The Royal Commission on the Constitution

Another motive for devolution was the Report of Royal Commission on the Constitution, or what is called The Kilbrandon Report. In 1966 Plaid Cymru was able to elect the first MP to the British Parliament, this election was considered as a win of the Welsh Nationalist Party. Similarly, the election of a Scottish National Party in 1967 had a great effect in British Politics. Due to these Irish and Scottish electoral feats, Prime Minister Harold Wilson created the Kilbrandon Report in 1969. This report worked on the examination of the constitution of the United Kingdom besides the consideration of change in the constitutional status of both Scotland and Wales and the structure of UK government as a whole. He also, in his speeches, insisted on the election of a Scottish assembly. In May 1968 during his speech to the Scottish Conservative Conference at Perth he said:

And so in this situation I turn again to our basic principles. We find there two important strands. The first is that we have long been the Party of Union. Our fundamental belief is in the destiny of the United Kingdom. The second strand is our belief in the devolution of power (*Edward Heath, The Declaration of Perth And The Scottish Conservative And Unionist Party, 1966-1970* 1).

While in October 1973 the final works of the Kilbrandon Commission was published. The report discussed many issues in the United Kingdom, as the economic and political relationship between the units providing the description of how it should be, with the possible solutions for the current problems (Kilbrandon 7). Meanwhile, the main body of this latter commission favored the form of devolution for Scotland and Wales. Accordingly, devolution is defined as “the delegation of central government powers without the relinquishment of sovereignty”. In addition, it rejected separatism (i.e. independence) and federalism as solutions and a majority of its members favored the creation of Scottish and Welsh assemblies with legislative powers, elected by proportional representation, and the creation in England of

“regional coordinating and advisory councils, partly indirectly elected by the local authorities and partly nominated.”

International changes in the world like the fall of the former empires, in the post-war decolonization and the consequent loss of power in international arena, the French rejection UK membership to the European Communities, all added to the decline of the British sense of exceptionality (Krejcová 16). In addition to the internal changes the Kilbrandon Report noted the implications of devolution for central demand management in terms of total public expenditure (Kilbrandon para.679).

The discovery of North Sea oil in 1970 removed many of the economic fears associated with secession. This led to the emergence of new organizations and associations with different slogans like: “It’s our oil” which encouraged devolution and independence, because without independence Scotland would not benefit from the oil. After that on September 1974, the new Labor government published a White Paper based on the Kilbrandon Commission entitled Democracy and Devolution.

It consisted of a series of Proposals for Scotland and Wales with the Scottish Assembly having legislative but not tax-raising powers and the Welsh Assembly having executive powers only. There was a sharp rise in nationalist support, which registered in the first of the two general elections of 1974, when the SNP gained 22% of the votes and became the 2nd strongest party in the UK (“Scottish Referendums”).

Consequently, a second White Paper was published in November 1975 entitled Our Changing Democracy: Devolution to Scotland and Wales. A Scotland and Wales Bill was published in November 1976 but the government, lacking a secure majority, was unable to get it through all the necessary stages in Parliament and the Bill was abandoned. Furthermore, this previous papers led to the publishing of the Scotland Act on 1978. And the conflicts of

interests were getting more and more severe and it finally led to the Scottish Devolution Referendum in 1979.

### **1.3.2. Scottish Devolution Referendum in 1979**

The basic step of the 1979 referendum was chiefly the 1978 Scotland Act because it was the first occasion for official discussions of devolution in British Politics. Thus the Act” is a strange document bearing the scars of its parliamentary experience” (Greer 144). The Scotland Act provided the referendum on devolution in Scotland and specified in great detail the legislative and executive competences devolved from Westminster. According to this act some powers must be transferred from the Scottish Office to a devolved Scottish legislature and enumerated the responsibilities that would be left to the proposed Scottish Assembly.

Strictly speaking, the Act proposed a Scottish Assembly with limited powers including authority over education, environment, health, home affairs, legal matters and social services. However, the act was considered as detailed and specific but complicated, ambiguous and difficult to understand. The key principles of the legislation are summarized below:

- The establishment of a Scottish Assembly elected by first past the post consisting of 145-150 members.
- The creation of a separate Westminster style Scottish Executive, headed by a First Secretary chosen by the Assembly.
- Retention of a Secretary of State for Scotland with oversight functions.
- The transfer of legislative powers for a broad range of subjects including health and social services (not social security benefits) education (including universities) housing planning, transport (excluding rail) roads and various Home Office functions relating to the courts, the legal profession, crime and the fire services. Also to be transferred were most matters connected with local government in Scotland, specifically structure and functions, and executive responsibility for the Scottish Development Agency and

the Highlands and Islands Development Board (within statutory guidelines set by central government).

- No independent powers of taxation for the Assembly. Finance was to be derived from a non-statutory block grant; however, the Assembly would be responsible for distributing rate support grant to local authorities. -Legislation subject to judicial scrutiny before Royal Assent, and post assent judicial review was also provided for.

This act caused a dilemma and was extremely controversial because it included an extra requirement which needed to be confirmed or disconfirmed. Some MPs agreed and some others disagreed and suggested instead to organize a post-legislative Devolution Referendum. The date was scheduled on 1, March 1979. So the 1979 election came to legislate the Scotland Act of 1978. On that day Scottish voters were asked "Do you want the provisions of the Scotland Act 1978 to be put into effect?"

However, at that time, there was a rise in the YES Campaign and NO Campaign. For the YES campaign, the main campaigning groups were to be the Labour Movement Yes Campaign, the Scottish National Party, the Yes for Scotland group, the Alliance for an Assembly, the Liberals and the Communists, although other groups emerged during the campaign, such as the Conservative Yes group and several student organizations. These groups were pro-devolution. Justifying their opinion with their strong sense of Scottish identity. they also believed that Scotland needed more home rule. On the other hand, the "No" side was slightly less fragmented, with Scotland Says No, Labour Vote No and the Conservative Party No campaign.

Defending their opinion, the NO campaigners argued that devolution will definitely lead to the independence and Scotland cannot be stable without England. They argued that there are other options and solutions for the situation besides a strong sense of British identity. Professor of Politics, John Curtice, of the University of Strathclyde, confirmed that "the truth

is that most people in Scotland feel some mix of the two identities”. They incorporated an argument sometimes called the “vote no and get a better Act” technique which suggested that a more acceptable agreement could be reached if the 1979 referendum failed than if it passed. Meanwhile, the NO campaign encouraged people to vote with not and even not going to vote. Because of the “Cunningham Amendment” or “40 Per Cent Rule.”

### 1.3.3. The Cunningham Amendment

Named after George Cunningham, who belonged to the Labor Party. Cunningham strongly opposed Scottish devolution. According to Vernon Bogdanor, the Cunningham amendment “has some claim to be the most significant backbench initiative in British politics since the war for it played a crucial part in securing the repeal of the Scotland Act, depriving the Scots of an Assembly for which a majority had voted” (Vernon 249).

At Cunningham’s prompting the House accepted an amendment to the 1978 Scotland Act that a majority voting “yes” in the devolution referendum would have to constitute at least 40% of the Scottish electorate. Lord Cunningham tried to limit the possibility of the devolution. He claimed that: If it appears to the Secretary of State that less than 40% of the persons entitled to vote in the referendum have voted “Yes” in reply to the question posed in the Appendix to Schedule 17 of this Act or that a majority of the answers given in the referendum have been “No” he shall lay before Parliament the draft of an Order in Council for the repeal of this Act (Scotland Act 1978 38).

The results were as follows:

Table 1: Results of Scottish Parliament Referendum 1979

Type	Electorate	Turnout	No	Yes
Number	3 747 112	2 383 163	1 153 520	1 230 937
Percentage	100%	63,6%	48.4%	51.6%

Source: <https://journals.openedition.org/rfcb/1187>

In the 1797 election, even though the majority of voters, 51.6 percent voted in favor of the establishment of the Scottish assembly, it was rejected because this percentage formed only 32.8 percent of the Scottish electorate, which would, broke the Cunningham Amendment (Krejcovà 18). The referendum showed that the question did not gain a mass support as a result the Scottish assembly was not published. However, the Scottish attempts did not stop but it gets stronger leading to another referendum organized during 1997.

#### **1.3.4. A Background to the Scottish Devolution Referendum 1997**

After the unsuccessful attempt in the Scottish Devolution Referendum 1979 throughout the 1980s and early 1990s Scottish home rule was resolutely off the Westminster agenda. Within Scotland pressure for a devolved parliament began to grow again. therefore, many pro-devolutions members and parties joined together forming what is named the Scottish Constitutional Convention of 1989. The committee, chaired by Sir Robert Grieve, issued a report in July 1988, A Claim of Right for Scotland. The report (paragraph 12.1) recommended that a convention should be established to “draw up a scheme for a Scottish Assembly, mobilise Scottish opinion behind that scheme and deal with the Government in securing approval of the scheme, or an acceptable modification of it”

It is argued that without the Convention’s work devolution would not have come as quickly, or as consensually, to Scotland as it did after Labour’s general election victory in 1997. In his book *Politics and Society in Scotland* in 1998 Alice Brown who is Professor of Politics at the University of Edinburgh and Co-Director of the Governance of Scotland Forum, claimed that the Convention built wide political and popular support for devolution and helped put in place the framework that would create the Scottish Parliament. Meanwhile the aim of the Constitutional Convention was to achieve to Scottish home rule and sovereignty, In the words of John Smith to the Constitutional Convention, a Scottish Parliament would reflect the “settled will of the Scottish people” (Gary 47).

Thereby their slogan was “A Claim of Right for Scotland”. Support for the Convention came from Labor, Liberals, Democrats, Nationalists, churches, unions, small businesses and other civic groups who initiated a campaign for constitutional change but it was boycotted by the Conservatives and SNP after some internal debate and disagreement. The Convention met for the first time on 30 March 1989 adopted a declaration of policy which acknowledged “the sovereign right of the Scottish people to determine the form of Government best suited to their needs”. Which declared the sovereign right of the Scottish people to determine the form of government in their country and pledged to devise a scheme for a Scottish Assembly or Parliament.

The Scottish Constitutional Convention conducted a wide-ranging policy development exercise, involving public consultations, working parties and plenary meetings, and produced what it considered to be a final report in late 1990, *Towards Scotland’s Parliament*, in anticipation of a Conservative defeat at the next general election. However, when the Conservatives were re-elected in April 1992, the Convention resumed its labors, culminating in the much more substantial *Scotland’s Parliament: Scotland’s Right* on November 1995. According to this report “The creation of the Scottish parliament will mark a distinct change of approach, by placing a culture of co-operation and stability at the heart of the relationship between the Parliament and local authorities”.

Since it incorporates the plans in *Key Proposals for Scotland's Parliament*, noting in its final section that” the Convention fully recognizes that detailed work of both a political and legal nature remains to be done to draft the Scottish Parliament Bill. That responsibility rests ultimately with the UK Government, and with the political parties in Westminster.” (The Way Forward 18)

This report focused particularly on the form of the electoral system, gender balance, the parliament’s practices and procedures, and its relationship to both Westminster and the

European Union. Proposed power sharing went largely along the lines of powers that were already attributed to the Scotland Office. The significant responsibilities left to Westminster included defense, foreign affairs, immigration, nationality, social security policy and economic and fiscal responsibilities. Notably the Convention did suggest that the Scottish Parliament should be allowed to vary tax rates (The Experiences of Scottish Devolution 33).

The Convention would take part in that process where appropriate and in particular would work towards the creation of a set of standing orders in consultation with organizations and individuals. For the immediate future the Convention tried to accomplish two key objectives which are first to increase public awareness of how widely the powers of Scotland's Parliament will range; of their implications and of the impact they will make on key areas of concern; and "to facilitate and heed informed public debate about the expectations people have of constitutional change, any reservations they harbor, and any ideas they wish to advance." (Crick and Miller 1-8)

### **1.3.5. The 1997 Referendum**

The conservatives were against devolution, basing their point of view on the grounds that "the development of new assemblies in Scotland and Wales would create strains which could well pull apart the union" and could create rivalry and conflict between these parliaments or assemblies and the parliament at Westminster. After eighteen years of Conservative domination, The Labor party won the UK general election in May 1997. As a result, Tony Blair became the British Prime Minister. Labor were pro-devolution. Tony Blair has been called the "Godfather of Devolution", because he "cut through the haggling and got things done". Also he claimed "For Scotland we propose the creation of the parliament ... firmly based on the Scottish Constitutional Convention."

After the 1997 election the Scottish Parliament published a *White paper* titled "*Scotland's Parliament*" in 24 July 1997. This paper followed the constitutional convention



proposals. The labors cited in the white paper the detailed proposals for making a Scottish Parliament with law and tax-varying powers The Government's proposals were put to a referendum of Scottish voters in September 1997 (Fraser 18).

By 1990s devolution had become a much more consensual issue in Scotland. Four reasons are generally given for this. First of all, eighteen years of Conservative rule and Thatcherite policies had convinced the mainly Labor voting populations of Scotland that there was a "democratic deficit" in Britain which only the creation of local assemblies could improve. Secondly, the 1997 referendums, which took place in the aftermath of Labor's landslide election, were held in a very different context from the 1979 referendums, which had been organized by the weak Callaghan government.

This meant that the 1997 Labor government was not held to ransom by rebel Labor MPs as the 1979 Labor government had been. Thirdly, the pro-devolutionists were much more united the second time round, as a quick comparison between the 1979 and 1997 referendum campaigns will show. Finally, the 1979 referendums had been post-legislative and had concerned the precise devolution projects contained in the 1978 Scotland Act.

Moreover, the referendum asked two questions of the Scottish electorate: figure 1

- First: did they approve of a Scottish Parliament:
  - (i) I agree that there should be a Scottish Parliament; or
  - (ii) I do not agree that there should be a Scottish Parliament
- Second: did they wish it to have the power to vary the standard rate of income tax in Scotland by up to three pence in the pound:
  - (i) I agree that a Scottish Parliament should have tax-varying powers; or
  - (ii) I do not agree that a Scottish Parliament should have tax-varying powers.

However, in the 1997 referendum campaign, Labor, the Liberal Democrats, the Greens, and the SNP all campaigned for “Yes” votes or the “yes, yes” vote on both the creation of a Scottish Parliament and on tax raising powers. The cooperation of these parties could be seen a “minor miracle” it was called “Scotland Forward” this latter was launched on 15 May 1997. Its chairman is businessman Nigel Smith. In this union they based their campaign on the demand for a Parliament which should be quite different from Westminster, and based in a “new politics”. The Scottish Parliament would be more open, more inclusive, more transparent and more directly in touch with the people. Meanwhile, the Conservative Party campaigned for a “No” vote on both questions, in other word, to campaign for a vote against both the establishment of a Scottish parliament, and the granting of tax-raising powers to such a body in the forthcoming referendum. Eventually they formed “Think Twice” campaign on 20 June 1997.

Think Twice was established by Conservative public relations manager Brian Monteith as a nonparty campaign. However, after failing to find funding or cross party support for his campaign it was officially taken over by the Conservative Party. However, at that time another campaign emerged named: “No, Yes campaign”.it was created by some conservatives. They were pro-devolution yet against the tax-raising.

The 1997 referendum votes results gave a decisive majority for a Scottish Parliament with 74.3% “Yes” (a total of 1,775,045 voters).at the same time, on the issue of tax-varying powers we find 63.5% (1,512,889 voters) agree and 36.5% disagree. Only two areas, Orkney and Dumfries & Galloway, voted “no” in this referendum. The first question was decided with 44 per cent of the Scottish electorate in favor so even if the 40 per cent rule of 1979 had been in place, this vote would have secured a Scottish Parliament.

This result was satisfactory enough for Tony Blair to declare, on 13 September 1997, “Well done. This is a good day for Scotland, and a good day for Britain and the United

Kingdom...the era of big centralized government is over!”. All in all, Devolution was a postponed goal since 1979 and which could be achieved by 1997 referendum, an achievement that was considered as a victory of nationalism (Plchová 24), as the Scottish people expressed their will to have their own legislative body.

Table 2: Scottish Parliament Referendum Results 1997

Number	Question	Votes cast	Percentage
1	Agree	1,775,045	74.3
	Disagree	614,400	25.7
2	Agree	1,512,889	63.5
	Disagree	870,263	36.5

Source: <http://thaicouncil.org/publications/184263092x.pdf>

Moreover, the results of the 1997 Devolution Referendum implied the foundation of an elected, devolved Scottish parliament, whose principal role would be to legislate formatters affecting Scotland: areas such as education, health, the criminal law, the environment and industrial support. However, matters such as defense, foreign policy and the broad economy were still to be run by Westminster. Many people were surprised about the events in Scotland. James Robertson is a Scottish writer who was involved in the political magazine *Radical Scotland* in the 1980s.

When talking about 1997 election, proudly stated: “It is impressive rather than magnificent, stylish rather than grand, humorous rather than staid, welcoming rather than imposing, celebratory rather than monumental. It invites comment and challenges preconceptions...It honours history but projects itself into the future. It seems right for 21st century Scotland” (Robertson 11). Finally, The Scottish devolution referendum marked the end of an era. For most of the twentieth century, the home rule debate has formed a backdrop to Scottish politics.

### **1.3.6. The Scotland Bill**

After the referendum which was held in Scotland on 11 September 1979 and which produced a clear majority in favor of the creation of a Scottish Parliament with tax varying powers, the Government introduced the Scotland Bill. This bill was introduced on 17 December 1979. It provided for the establishment of a Scottish Parliament and a Scottish Administration it devolved significant responsibilities to a Scottish Parliament with legislative and tax-varying powers. Indeed, former Prime Minister Lord Home made these points in the second reading debate on the 1979 Scotland Bill:

“I am quite certain that an Assembly must be given some ability to raise revenue, otherwise we shall be asking for trouble. It need not be a great deal. The cry for the right to tax is very popular before the taxes have to be applied. If I had had my way, and it had not conflicted with regulations in Europe... I would have applied a sales tax. It would have been immensely unpopular, and no Assembly would have wielded it except in the most moderate way”

However, the Second Reading of the Scotland Bill 1979 took place on 14 November 1979, with 307 votes for and 263 against. Yet after the second reading the bill became Scotland Act on 19 November 1979, at Westminster by Donald Dewar.

### **1.3.7. The Scotland Act 1979**

The Scotland Act 1979 defines the legislative competence of the Scottish Parliament. It does so largely by listing a range of subjects where legislative competence is reserved to the UK Parliament. This Bill designated areas as reserved to the UK instead of setting out all the areas that are devolved to the Scottish Parliament. This allows the Scottish Parliament more freedom to act on any issues not reserved. The act is in form of a list. However, the list of reserved matters is lengthy and complex. In some areas legislative competence differs slightly from the executive powers devolved to the new administration. The list of reserved subjects in

The Act of Scotland 1998 see (Appendix 2) All in All, The Scotland Act 1998 transformed the constitutional position in Scotland within the UK by the establishment of its own parliament.

### **Conclusion**

Throughout this chapter and with the data it provides, the results show the fact that the Scottish people were not satisfied with the Union since after the many changes which accorded in their society in many levels of the life, their dissatisfaction was clearly shown. Through their demand of devolution. This chapter also shed light on the reasons of the unsuccessful first devolution, with the changes in the second Referendum and the main role that the labor party played after the 1997 election. Finally, it describes the Act of Scotland 1998 which helped to establish the Scottish parliament and to regulate the relationship with the UK parliament.

## **Chapter Two**

### **Scottish Independence Referendum**

#### **Introduction**

The Second chapter of this dissertation holds the title “The Scottish Independence Referendum”. It proves that the Scottish referendum independence was a result of many political developments and changes in Scotland. It also addresses the impact of the Scotland Act 1998, which is considered as a turning point in the Scottish history.

This chapter also gives a description of the new Scottish politics by focusing mainly on the nature of the government after the introduction of the coalition and minority government. Further, it discusses the impact of general elections since 1999 to 2011 with the explanation of the legislative framework. The latter framework incorporates the Scotland Bill, Your Voice Your Referendum and the Edinburgh Agreement between the governments of Scotland and UK during that era.

Finally, the present chapter gives the general structure of Independence Referendum on September 2014. The analysis of the results of the referendum in light of the campaigning of this referendum which has a major impact on the results of this later, is also handled within this chapter

#### **2.1. The Path to the 2014 Referendum**

On 18<sup>th</sup> September 2014, the Scottish independence referendum took place. People were asked whether they want to remain part of the United Kingdom, or to withdraw from the union and eventually establish an independent state. The referendum was the completion of a number of political developments in Scotland after the Scotland Act 1998.

##### **2.1.1. The Impacts of the Scotland Act 1998**

During the 1999 the Scottish Parliament was established, on the ground of the Scotland Act 1998. Consequently, significant powers were transferred from Westminster to

Scotland, but much still remained centralized. Indeed, under the Scotland Act, the Parliament's main areas of responsibility have implications for the operations of local government in Scotland. Its main areas of responsibility are: education, housing, the legal system and policing, the environment and rural affairs. The Westminster parliament and government still control key areas of domestic policy, including taxation, social security, energy, employment regulation and equal opportunities law, as well as defense, foreign affairs, immigration and other matters of high politics.

Scots had a deep dissatisfaction with the devolution's outcomes. It was argued that devolution did not give new powers to Scotland; rather nearly all of the powers of the Scottish Parliament are powers that were once run out of the Scottish Office. In this case, Professor John Curtice cited in his book *The State of the Nations 2001: The Second Year of Devolution in the United Kingdom*, that Devolution has so far done little to strengthen support for the maintenance of the United Kingdom in its current form. Equally it is difficult to argue that it has done much damage. In contrast, according to Peter Lynch "Devolution... did not involve new powers for the Scottish Parliament, but rather different institutional arrangements for designing and implementing these powers" (16). Moreover, Keating *et al* in 2003 described the Scottish Office's policy-making role simply "putting a Scottish face on British policy" (454).

In addition to the growth of feeling of dissatisfaction, the Scottish politics changed after devolution, and a new "Scottish Policy style" emerged. The main target of the new Scottish Parliament was to create a non-Westminster political culture and political style and to introduce a new consensual style of politics (Schlesinger 71). As a result, the Scottish and British policies drifted apart because of the different points of view on how to lead the country, how to manage the finances and how to take care of the people's welfare. This latter

gradually led to the will for the Scottish Parliament to gain even more power and to administer their own affairs.

Meanwhile, this new political era was characterized by the Coalition System or what is called the Partnership Government, and the Minority Government. Correspondingly, the Coalition Government consists of two or more political parties creating a formal pact to work together. It is formed when no one party can create a majority in parliament. Also it is formed by parties which have roughly the same ideas and policies. In order to stop other parties from getting together and voting against them. Furthermore, the minority government occurs when a single political party forms the government despite falling short of an absolute majority of seats, but still more than any other single party gained. In his speech prior to the vote, the Scottish nationalist leader Alex Salmond said in the Official Report about the Scottish Parliament:

“This Parliament is a proportional Parliament. It is a Parliament of minorities where no one party rules without compromise or concession. The SNP believes that we have the moral authority to govern, but we have no arbitrary authority over this Parliament. The Parliament will be one in which the Scottish Government relies on the merits of its legislation, not the might of a parliamentary majority. The Parliament will be about compromise and concession, intelligent debate and mature discussion. That is no accident. If we look back, we see that it is precisely the Parliament that the consultative steering group – the founding fathers of this place – envisaged.” (“Official Report - Parliamentary Business: Scottish Parliament”)

This coalition and minority government occurred in Scottish politics during the 1999 and 2003 Elections. Since the Labour Party did not win the governmental majority 56 seats in the parliament, it had to agree on a coalition form with one of other parties, the Liberal Democrats. Yet, the Labour Party was the party which formed the government with no



majority seats. In the meantime, the idea of referendum was introduced by Brian Souter, who organized a private referendum, however the major parties did not support this referendum. Nonetheless, the growth of nationalism during the 2007 election changed the Scots point of view towards the referendum (MCCALL).

Before the 2007 election, the Labour Party ruled for five decades. However, during its rule people were dissatisfied with its achievement. Moreover, the Labour Party preferred the union rather than the independence claiming that independence may cause a harsh economic situation for Scotland. On the other hand, during the election campaign, the SNP promised the Scots a major change on the political level, in addition to holding a referendum on independence.

Opinion Polls showed a higher support for the SNP which won the election with an appropriate number of seats that allowed it to form a minor Government. This election was a turning point in the Scottish politics. It made things upside-down, the SNP became the biggest party and the Labour Party dropped to the second place (Krejcovà 27). For the first time in history did a party that supported Scottish independence win the Scottish elections. SNP leader Salmond made the following statement: "Scotland has changed forever and for good. Never again will we say that the Labour Party assumes it has a divine right to rule Scotland."

After the election, because the SNP had not obtained a total control of the Scottish Parliament, they formed a coalition with the Green Party. Their joint statement declared common opposition towards nuclear weapons, reduction of climate-change pollution and believed that Scotland can be more successful with independence and will work to extend the responsibilities of the Scottish Parliament, always trusting the people to decide their constitutional future (Scottish National Party and Scottish Green Party Cooperation Agreement).

Therefore, the goals of the new government were to make changes in the devolved powers of Scottish parliament and the possibility of making Scotland an independent country. In particular, during the SNP government, the matter of the independence referendum dominated this political era. On 14 August 2007, the recently formed minority SNP Scottish Government published *Choosing Scotland's Future: A National Conversation Independence and Responsibility in the Modern World*.

### **2.1.2. The White Paper: “Choosing Scotland’s Future” and the Calman Commission**

The white paper was a document published by the SNP government, it was a National Conversation on Scotland’s constitutional future. The paper opens with a quote from Charles Stewart Parnell: "No man has a right to fix the boundary of the march of a nation; no man has a right to say to his country, 'Thus far shalt thou go and no further'." Moreover, the white paper stated that the Scottish constitutional position must change. It also, presented three options for further development: first, extending Scottish devolution and giving the parliament more powers, secondly, providing fiscal powers for the Parliament a thirdly requesting full independence (*Choosing Scotland's Future: A National Conversation*. scotland.gov.uk)

As a reaction to the white paper, on April 2008 the Pro-Union Parties and the UK government established Commission on Scottish Devolution, under the chairmanship of Sir Kenneth Calman “the Calman Commission”. It is important to mention that the SNP government was opposed to the creation of this commission, but since the SNP was a minority it could not prevent the other parties from establishing the commission. However, Sir Kenneth argued that the commission is needed for the change in the Scottish parliament, in his speech he said: “Our radical and innovative proposals to introduce a new Scottish rate of income tax will significantly strengthen the accountability of the Scottish Parliament and

enable it to serve the people of Scotland better, with a union secure for the future” (In quotes: Calman report reaction).

The Calman Commission was an independent review of the experience of Scottish devolution since 1998. Kenneth Calman declared that the primary focus of the commission was the relationships between the United Kingdom Parliament and the Scottish Parliament, and between the United Kingdom Government and the Scottish Government. It had the following terms of reference:

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.

However, on 19 June 2009 the Commission established the final report, which was entitled *Serving Scotland Better: Scotland and the United Kingdom in the 21<sup>st</sup> Century*. In addition, it produced a summary of evidence, executive summary and overview booklet, explaining the report’s conclusions and recommendations. The recommendations of the report can be classified under four eras or headings. The first one Strengthening Devolution, under this era and comprised 24 recommendations discussing the era which caused pressure and the need for change. Among these, the administration of elections to the Scottish Parliament; the appointment of the Scottish member of the BBC Trust; the regulation of air guns (which the Scottish Government has expressed a wish to outlaw) and drink-driving limits.

The second era entitled the Strengthening Cooperation which discussed the relation between the government and the parliament. The third recommendations entitled the Strengthening Financial Accountability, the recommendations increased the control over income tax rates, as well as other taxes, claiming that Scotland can be more financially

responsible and accountable which would also reduce the block grants from the United Kingdom. Finally, the fourth era which was the most important one in the report. entitled Strengthening the Scottish Parliament, this era gave recommendations to help in changing the Scottish parliament in addition to improving its system.

Moreover, recommendations of the report presented the plans for a Scotland Bill. The Queen in her speech on 25 May 2010 supported the implementation of the final report in the Scotland bill “My Government will introduce legislation to implement recommendations from the Final Report of the Commission on Scottish Devolution” (“Queen's Speech: Scotland Bill”).

## **2.2. Referendum Bill 2010**

The Scottish Government continued to develop its own proposals, and published another White Paper *Your Scotland, Your Voice* in November 2009. Alex Salmond in the introduction of this white paper says: “Two things are clear: First, there is a demand in Scotland to consider and debate our national future. Second, the current arrangements do not meet the ambitions of our nation. Ten years on from devolution, almost all agree that it is time to expand the responsibilities of our Parliament.”

This later examined the possible position and future of Scotland. It suggested four possible options available for Scotland’s future:

- The status quo - Scotland retains its current responsibilities, but the Parliament gains no further powers.
- Implementing Calman's recommendations.
- “Full devolution”, sometimes called “devolution max”. This anticipates transferring the maximum range of responsibilities to Scotland that can be achieved while Scotland stays in the UK.

- Independence, whereby Scotland achieves all the rights and responsibilities of a normal state.

Henceforth, on 2010 the Scottish government announced the *Scotland's Future: Draft Referendum (Scotland) Bill*. But before the white paper was published people questioned whether the Scottish government had the power to hold a consultation about independence. Yet the Scottish government stated that it had the power to hold a referendum as long as it would not contradict or change the reserved constitutional elements and powers of the Scotland Act 1998.

The White Paper worked to achieve the Government's expectation that the Scottish Parliament and the Scottish Executive will operate according to the principle of subsidiarity, i.e. "that decisions should be made as close as possible to the citizen" The draft Bill included proposed ballot papers for a two question referendum, as a result, it gave the Scots the chance to vote on two proposals, the first about an extension of the powers and responsibilities of the Scottish Parliament, short of independence, and the second about whether the Scottish Parliament should also have its powers extended to enable independence to be achieved.

The Scottish Government needed the Scots decision on two issues and choose one option which would be included on the referendum ballot paper. The first option, full devolution sometimes called Devolution Max. This latter according to Stewart Maxwell, SNP member is: "not up to us to define devolution max. We support independence, but I think the common understood definition of devolution max is that it is full devolution of all powers with the exception of defence and foreign affairs". In other words, devolution max means that the Scottish Parliament and Government have the responsibility for almost all domestic matters and most revenues and public spending in Scotland (Buchanan). On the other hand, the UK Parliament and Government would continue to have responsibility for defense, foreign affairs, financial regulation, monetary policy and the currency.

The second option for the first question would involve a more limited extension of devolution based on the financial recommendations made by the Commission on Scottish Devolution (the "Calman Commission") in June 2009. The Scottish Parliament would have the following additional responsibilities: first, responsibility to set a Scottish rate of Income Tax. Also the power to set the rates of Stamp Duty Land Tax and other minor taxes, and to introduce new taxes in Scotland with the agreement of the UK Parliament and limited power to borrow money.

Even though the referendum was needed and people are convinced with the must of empowering the Scottish parliament, the referendum was postponed to the 2011 elections, because the SNP government was a minority government and lacked parliamentary support. Yet the results of 2011 elections changed the government and the future of Scotland.

### **2.2.1. The Impact of 2011 Elections**

the year 2011 brought a radical change to the existing government in Scotland. In The election held on the May 5<sup>th</sup>, 2011, the SNP won another 23 seats. This fact made the SNP the only party which gained seats, whereas all other parties suffered a loss. As result it reached total of 69 seats and thus managed to become the first majority party in the history of the devolved Parliament. The second largest party, Labour, got only 37 seats which was 9 seats less than the previous time. Moreover, Conservatives got only 15 seats. Finally, the Lib Dems lost 11 seats, which left them with the small number of 5 seats. Generally speaking, the minority government that had proven highly successful in ruling the country now became a one party majority government, a rarity since the Additional Member System was invented to prevent one party from gaining an absolute majority.

Table 3: May 5, 2011 Election Results - Scotland Totals

<b>Electorate</b>	3,950,626	
	<b>Constituency Vote</b>	<b>Regional Vote</b>
<b>Total Votes</b>	1,989,232	50.4% 1,990,926

<b>Party</b>	<b>Constituency Votes</b>	<b>%</b>	<b>Simple Majority Seats</b>	<b>Regional Votes</b>	<b>%</b>	<b>List Seats</b>	<b>Total Seats</b>
Scottish National Party	902,915	45.4	53	876,421	44.0	16	69
Scottish Labour	630,437	31.7	15	523,559	26.3	22	37
Scottish Conservative and Unionist Party	276,652	13.9	3	245,967	12.4	12	15
Scottish Liberal Democrats	157,694	7.9	2	103,472	5.2	3	5
Scottish Green Party	-	-	-	86,939	4.4	2	2
All Scotland Pensioners Party	1,618	0.1	0	33,253	1.7	0	0
United Kingdom Independence Party	2,508	0.1	0	18,138	0.9	0	0
Socialist Labour Party	-	-	-	16,847	0.8	0	0
Scottish Christian Party	1,193	0.1	0	16,466	0.8	0	0
British National Party	-	-	-	15,580	0.8	0	0
Scottish Socialist Party	-	-	-	8,272	0.4	0	0
Others	16,215	0.8	0	46,012	2.3	1	1

(electionresources.org/uk)

According to the BBC opinion poll, the campaigning process has major impact on the results of the elections. Since the electoral parties tackled valence issues such as: employment, education, health care or crime, while the independence was not one of the campaigning topics. Campaigns differed from one party to another. The two major contenders, Labour and the SNP, were running neck and neck in voting intentions. However, SNP support increased steadily while that for Labour declined. The Conservatives and Liberal Democrats, meanwhile, lagged well behind with the latter, in particular, looking set to do badly. Because,

The SNP transferred its optimistic view about Scotland's future and invited Scottish people to vote for "Scottish Government working for Scotland" (Krejcovà 30).

In fact, one of the things that made the SNP so electable to the Scottish electorate in 2011 was the pledge by Alex Salmond, the then leader of the SNP, that a vote for the SNP was not a vote for independence. In other words, meaning that not only nationalist could vote for the SNP, even unionist Scots could vote for the SNP. The Labour party, on the other hand, had rather a negative campaign, at first it targeted on Conservatives, and with the election approaching the Labour leader focused on negative campaign aimed at the SNP due to its prospect of independence and tax issue.

After the SNP's won the 2011 election and established the majority government. The Scottish Parliament was in a position to implement its manifesto pledge to bring forward a Referendum Bill and to hold a referendum on independence. The 2011 manifesto included the following commitment:

Independence will only happen when the people in Scotland vote for it... We think the people of Scotland should decide our nation's future in a democratic referendum We will, therefore, bring forward our Referendum Bill in this next Parliament. A yes vote will mean Scotland becomes an independent nation" (Scottish National Party Manifesto 28).

The SNP government launched a campaign during October 2011, in order to convince the Scots of the importance of the referendum. However, this campaign faced a lot of rejection by the minor parties. Forward, the SNP had not fixed a date or a specific question for the Referendum, the UK showed its intention to help them in timing and content aspects, and this was clearly stated by David Cameron UK Prime Minister" the greater clarity on the timing of the vote is needed because we owe the Scottish people something that is fair, legal and decisive". (Krejcovà 33) The Scottish government together with the help of the UK



parliament established a consultation paper called *Your Scotland, Your Referendum* On 25 January 2012.

### **2.3. Your Scotland, Your Referendum**

The Scottish Government have stated in *Your Scotland, Your Referendum* that they “will have the option of a referendum on the basis” that they set out in 2010. The aim of the white paper was to collect people’s views and opinions about its proposals and suggestions for the Referendum on the Scottish dependence. The public consultation lasted till 11 May 2012. The results of the consultation paper would help the Scottish Government to make a Draft Referendum Bill, in which it would set a suggested legal framework for carrying on the referendum. (Griesbach, Robertson, Waterton and Birch 6). The paper stated that the Scottish government’s preference is for a short, direct question about independence.

Under those circumstances, the Scottish government accepted that it would require legislation by the UK Parliament to make Scotland independent, but argued that the Scottish parliament already had the power under the Scotland Act to hold a referendum to find out the wishes of the people, when the UK government accepted the right of the Scottish people to determine their own future. In their preface to *Scotland’s Constitutional Future*, the Prime Minister and Deputy Prime Minister wrote that: “We want to keep the United Kingdom together. But we recognise that the Scottish Government holds the opposite view We will not standing the way of a referendum on independence: the future of Scotland’s place within the United Kingdom is for people in Scotland to vote on”.

However, the UK argued that the Scottish Parliament did not have the legal power to hold a referendum; only the UK parliament had competence to legislate for a referendum.

Moreover, the consultation document contained nine open-ended questions, which sought views on a range of issues including: the wording of the referendum question and design of the ballot paper; the timetable; whether there should be one question or two; the

arrangements for the operational management and oversight of the referendum; proposals for increasing voter turnout; the franchise; and spending limits for campaigning organizations (Griesbach, Robertson, Waterton, Birch 1)

The questions of “Your Scotland, Your Referendum” are stated below:

Question 1: What are your views on the referendum question and the design of the ballot paper?

Question 2: What are your views on the proposed timetable and voting arrangements?

Question 3: What are your views on the inclusion of a second question in the referendum and the voting system that could be used?

Question 4: What are your views on the proposal to give the Electoral Management Board and its Convener responsibility for the operational management of the referendum?

Question 5: What are your views on the proposed division of roles between the Electoral Management Board and the Electoral Commission?

Question 6: What are your views on the idea that the referendum could be held on a Saturday or on other ways which would make voting easier?

Question 7: What are your views on extending the franchise to those aged 16 and 17 years who are eligible to be registered on the electoral register?

Question 8: What are your views on the proposed spending limits?

Question 9: Do you have any other comments about the proposals in the draft Referendum (Scotland) Bill?

The consultation of the questions showed that a total of 26,219 valid responses were received. However, the paper *Your Voice, Your Referendum* implemented the legislative power of the Scottish parliament, since the Scottish government worked to remove the UK

government doubts about the competence of the Scottish Parliament to put the referendum effectively beyond legal challenge by the UK Government or any other party.

This latter decided the date of the referendum before the end of the SNP government. Alex Salmond claimed that the day of the referendum would be in autumn 2014. He justified his choice with many reasons, as follows: this day is both the 700th anniversary of the Battle of Bannockburn on 24 June 1314, when Robert the Bruce vanquished an English army led by Edward II; it was the decisive battle in the “first war of independence”. Also an iconic event for nationalists, and a year of significant cultural and sporting events in Scotland, including the 2014 Commonwealth Games in Glasgow, the Ryder cup golf tournament at Gleneagles and the Year of Homecoming, a celebration of Scottish culture and the Scots Diaspora. These many reasons gave the Scots a positive connotation towards the referendum (Carrell 4).

### **2.3.1. The Edinburgh Agreement**

On 15 October 2012, the UK and the Scottish governments signed an agreement on a referendum of independence for Scotland also known as the “Edinburgh Agreement” in Edinburgh by the First Minister, the Prime Minister, the Deputy First Minister and the Secretary of State for Scotland. It is the culmination of negotiations between the two governments on the holding of a referendum on independence for Scotland. In other words, the United Kingdom government and the Scottish government have agreed to work together to ensure that a referendum on Scottish independence can take place. In a blog post, Ewan Smith (a lecturer at Hertford College, Oxford) and Alison Young (a Professor of Public Law at the same College) described the issue:

“In 2012, before the 2014 Referendum was announced, lawyers prepared arguments on whether the Scottish Government, or the Scottish Parliament had the power to call a referendum. Many of us were relieved when the Edinburgh Agreement found a way to call the referendum that satisfied all parties. But it is important to remember that the

Agreement did not settle the debate about the powers of the Scottish Parliament and Government. It postponed it” (Smith and Young).

Therefore, the two latter governments agreed that the referendum should have a clear legal base; to be legislated for by the Scottish Parliament; be conducted so as to command the confidence of parliaments, governments and people. Finally, it should deliver a fair test and a decisive expression of the views of people in Scotland and a result that everyone will respect.

The arguments over competence were never tested in court. Both the question of competence and the other issues were resolved politically by the Edinburgh Agreement of 15 October 2012. (McHarg et al 6). Under the agreement, the UK Government would bring forward a section 30 Order, which would grant the Scottish Parliament powers to bring forward legislation to hold a single question referendum on Scottish independence to be held before the end of 2014. The referendum legislation worked to set the date of the referendum which was to take place before the end of the 2014. Also, the franchise was to allow 16 and 17 year-olds to vote in the referendum.

In addition, it ensured a significant role for the Electoral Commission in regulating and establishing the wording of the question. Both governments agreed that the referendum question must be fair, easy to understand and capable of producing a result that is accepted and commands confidence, the rules on campaign financing and other rules for the conduct of the referendum.

The Edinburgh Agreement, therefore, helped both the Scottish government and the UK government to achieve what they desired. The UK government got its wish that there should be a single question referendum with no third option of further devolution on the ballot paper. While, the Scottish government got its wish for a lengthy referendum campaign and the extension of the franchise to 16- and 17-year olds. After all, the Edinburgh agreement was accompanied with the Scottish Independence Referendum (Franchise) Bill.

## **2.4. The Referendum Bills**

In order to provide a legal framework to the conduct of the referendum, the Scottish government published the following bills:

### **2.4.1. Scottish Independence Referendum (Franchise) Act 2013**

The Scottish Independence Referendum Act is the first piece of legislation related to the referendum to be introduced by the Scottish Government in relation to the referendum. This act was introduced by the Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities, Nicola Sturgeon MSP, on 11 March 2013. The Bill was passed by the Scottish Parliament on 27 June 2013. It received Royal Assent on 7 August 2013. It is published by Scottish Parliament to make provision about those who are entitled to vote in a referendum on the independence of Scotland, including provision for the establishment of a register of young voters for the purposes of such a referendum.

The Bill created of Young Voters, allowing registration of those young people, who would be at least 16 on the date of the referendum, who are not presently eligible to be entered in the usual annual household canvass used to create the local government electoral register. The Bill also seeks to ensure that the data on the young people, not usually on the Register, is protected.

### **2.4.2. The Scottish Independence Referendum (Franchise) Bill**

The Bill for this Act of the Scottish Parliament was passed by the British Parliament on 14th November 2013 and received Royal Assent on 17th December 2013. Further, this is Act of the Scottish Parliament to make provision, in accordance with paragraph 5A of Part 1 of Schedule 5 to the Scotland Act 1998, for the holding of a referendum in Scotland on a question about the independence of Scotland.

Together, these two Bills (Scottish Independence Referendum (Franchise) Act 2013 and The Scottish Independence Referendum (Franchise) Bill) assumed that the referendum

will take place on 18 September 2014. The question on the ballot paper will be Should Scotland be an independent country? The electoral franchise for the referendum will include 16 and 17-year olds and the referendum will be regulated by specific campaign rules as set out in the Scottish Independence Referendum Bill, which amended the existing referendum campaign rules as set out in the Political Parties, Elections and Referendums Act of 2000.

In addition to the two bills, the Scottish government published *Scottish Independence: White Paper Answers Vow*. According to the Deputy First Minister, Nicola Sturgeon the MSP “will help provide the answers for undecided Scots ahead of next year’s referendum.”

### **2.4.3. The Scottish Independence Referendum**

On Thursday 18th September 2014, the Scottish independence referendum took place. Voters had to choose whether to be part of the United Kingdom or to be a separate independent country. Both governments the Scottish and the UK government decided under the terms of the 2012 agreement to respect the outcomes of the referendum. That means that if a majority vote in favour of independence, the UK government is pledged to enter into talks on the terms of Scotland’s exit from the UK, an outcome that the Scottish Government at least would like to achieve.

The Scots had to answer the following question “Should Scotland be an independent country?” Levels of voting were high and steady throughout polling day, with many polling staff experiencing queues at the door when voting opened at 7 am, such was the engagement of the electorate keen to express their preference on the referendum question. The atmosphere in polling places was reported by police, staff and observers to be good natured throughout the day. There were some reports of incidents during the campaign and on polling day but the prospect of a widespread air of intimidation, which had been raised prior to polling day, did not materialize. The count commenced shortly after the close of poll at 10pm on 18

September and continued throughout the night. However, the result showed that this proposition was rejected by a margin of 10.6 percentage points.

Table 4: Results of the 18th September 2014 Scottish Independence Referendum

Results		
Should Scotland be an independent country?		
<b>Location</b> <u>Scotland</u>		
<b>Date</b> 18September2014		
	Votes	%
<b>Yes</b>	<b>1,617,989</b>	<b>44.70%</b>
<b>No</b>	<b>2,001,926</b>	<b>55.30%</b>
<b>Valid votes</b>	<b>3,619,915</b>	<b>99.91%</b>
<b>Invalid or blank votes</b>	<b>3,429</b>	<b>0.09%</b>
<b>Total votes</b>	<b>3,623,344</b>	<b>100.00%</b>
<b>Registered voters/turnout</b>	<b>4,283,392</b>	<b>84.59%</b>

("Scottish Independence Referendum, 2014")

There were 3,623,344 (representing 84.6% of the electorate) votes counted

- 2,001,926 people (55.25% of all voters) voted No
- 1,617,989 people, (44.65% of all voters) voted Yes

Some key statistics:

- 4,283,938 registered voters for the referendum
- 109,593 16 and 17 year olds registered
- 796,835 (18.6%) postal voters
- 3,429 (0.1%) ballots rejected at the referendum count

- 5,579 polling stations within 2,608 polling places
- Maximum 800 electors per polling station
- 42 campaign groups or individuals registered with the Commission (21 campaigning for a Yes vote and 21 for a No vote)
- 2.5 million EC Voting Guides delivered to Scottish households

However, the result of the referendum was mainly affected by the campaign process. Since during the campaign period Scotland was divided to many groups. Each group had an opinion towards the proposition.

## **2.5. The Referendum Campaigns**

As for the evaluation of the campaigns, the tone and content of the two campaigns varied greatly (Mitchell 2014).

### **2.5.1. “Yes Scotland”**

The campaign in support of the Scottish Independence, “Yes Scotland” started officially on the 25th, May 2012 within an event at a cinema in Edinburgh, with the participation of many celebrities and politicians, who gave supporting speeches for the referendum (Carrell and team). The three main parties belonging to the “Yes Campaign” are: Social Democrats, Socialists, and Greens. On the 27th June, a chief executive was appointed while the remained roles were appointed in the late summer 2012, allowing the organization to open its offices in Glasgow, on the 20th August. People who were more likely than others to say they would vote Yes rather than No because of some reasons:

### **2.5.2. Identity and Society**

According to some voters, Yes vote is a reflection of people’s sense of national identity. Believing that the who feel strongly Scottish and perhaps reject any sense of British identity. As result they choose the Scottish rather than the British identity and choose independence rather than being part of the UK. To ascertain people’s feelings of identity,



Scottish Social Attitudes asked some Scots the so-called Moreno question (Moreno, 1988).

This invites respondents to choose between five possible descriptions of themselves:

Which, if any, of the following best describes how you see yourself?

Scottish, not British

More Scottish than British

Equally Scottish and British

More British than Scottish

British, not Scottish

The results showed that there is no certainty about how Scottish perceived themselves. So having a sense of being Scottish is an almost ubiquitous attribute in Scotland. This feeling has attribution in ensure that people are willing to support independence. Many also feel a sense of British identity, and this seems to make them draw away from supporting independence.

Also there is a difference between men and women in voting. For men they are with the independence claiming that it is much better for them in the different levels of life specially the economic one. While women were afraid about their husbands and children jobs in UK and they were feeling uncomfortable about the change. Moreover, older people were more likely to vote No than younger people. Because older people believe that they are British and they lived their whole life under the UK government. While the younger they are believing that there is a need for a change and need for Scotland to be an independence country

### **2.5.3. Equality and Economy**

The “Yes Campaign” argues that independence is the key to create a fairer Scottish society as well as to develop the country’s economy. According to the YES campaign, there is no equality under the UK government. In addition to that Scots opinion is not taking into

consideration as the British one. The independence would be better able to respond to the more social democratic ethos that is thought to pervade Scottish society, and create a more equal society than the UK is at present. Moreover, establishing a Scottish country would help to fulfill the people's need in one hand. On the other hand, it would make the government closer to people as a result it would improve the situation in Scotland.

The Scottish government's first instrumental claim is that independence would enable Scotland to become a more prosperous country. The Oil Reserves in the North Sea would help Scotland to be stable. Also claimed that if Scotland become an independent country this would give the chance for its citizens to explore and benefit from the sources and the jobs instead of the UK exploration. (Brocklehurst)

#### **2.5.4. Better Together Campaign**

This campaign formed because of the uncertainties over what currency the country would use in the event of a yes vote. Better Together was formed with the support of the three main pro-union political parties in Scotland: Scottish Labour, the Scottish Conservative Party, and the Scottish Liberal Democrats, with each represented on its management board. It took place at the home of Alistair Darling in Edinburgh (Carrell and team). "Better Together" started officially on the 25th June 2012 after one month of the launch of "Yes Scotland" campaign.

Better Together was supported by the Westminster parties against independence, argues that the Scottish government has made cynical promises to the electorate, falling short on crucial detail and presenting independence as a magic wand to solve all of Scotland's social ills. This campaign used to describe the good history under the union and to present any positive vision for staying within the union. It used collection of short movies and interviews with politicians, who asked them about their opinions and views on a Scotland within the United Kingdom, in order to convince people to vote with NO. (Simpkins)

### **2.5.5. Arguments and Reasons for the “No” Vote**

The Better Together campaign used many arguments to support their point of view:

### **2.5.6. Two Complementary Identities**

The pro-union campaign attracted attention Scotland’s shared historical ties with the other members of the United Kingdom. Scottish and British identities were described as complementary and indistinguishable. The Prime Minister, the Scot, Gordon Brown. Both in his numerous speeches for the “No” campaigning as well as in his book *My Scotland, Our Britain*, he declared that the fight was not between Scotland and the rest of Britain but actually between two different visions of the country’s future: a first one that sees Scotland prospering with a strong Edinburgh-based parliament inside the United Kingdom, and the other one severing political links with the UK.

### **2.5.7. The Question of Scotland’s Economic Future**

The other argument was about the uncertainty of the economic future of Scotland. Indeed, despite Alex Salmond’s claims that it would create more jobs, protect the National Health Service, fight poverty and protect public services, many felt that during a time of crisis and financial instability, keeping the status quo and staying in the UK was the safest thing to do. If we take the crucial question of currency, for example, while the SNP leader argued for a monetary union with the United Kingdom and the continued use of the pound, that is to say a currency union comparable to the euro zone, the three main Westminster parties clearly showed their opposition, refusing to bow to this option, leaving Scotland the choice between a new currency destined for a chaotic start, or adopting the euro, a possibility rejected by the leader of the independence campaign.

### **2.5.8. More Powers from Westminster and the Fear of Isolation**

The Better Together campaign argued that when Scotland would have more devolved powers from the UK government, in this case Scotland situation would be better. Moreover,

“No” vote was the fear of isolation, the isolation from the UK and eventually from the European Union. The isolation from the European Union and the enjoinment may be difficult and cause the Scottish parliament many problems, and Scotland must use the Euro. Further, European leaders on the media conference on November 2013, Mariano Rajoy issued the following unequivocal statement:

I would like that the consequences of that secession be presented with realism to Scots. (...) Citizens have the right to be well informed and particularly when it's about taking decisions like this one. ( ) I respect all the decisions taken by the British, but I know for sure that a region that would separate from a member state of the European Union would remain outside the European Union and that should be known by the Scots and the rest of the European citizens.( Scottish independence: Mariano Rajoy says Scotland would be “outside EU”)

The Better Together campaign convinced Scots and won the majority in the Scottish independence Referendum, because it gave more realistic image about what would happen to Scotland if this latter became an independent country and withdrew from the UK.

### **Conclusion**

The second chapter of this dissertation; “The Scottish Independence Referendum 2014”, focused on the impact of the Scotland Act 1998 in helping the Scottish government to find the path to the referendum. Starting by explaining the impacts of the elections on the changes of the Scottish parliament and government.

Moreover, the present chapter tackled the legislative framework of the referendum starting with the Consultation Paper: The white paper “Choosing Scotland’s Future”, “Your Scotland, Your Referendum”, the Edinburgh Agreement and Scottish Independence Referendum (Franchise) Act 2013.sheding light the role of each act in legislating and regulating the Scottish Independence Referendum.

Finally, this chapter provides data about the results of the referendum and its general statistics with the description of the campaigning of the referendum; the “Better Together” campaign and the “Yes” campaign with the explanation of the reasons and arguments of each campaign with the explanation of the reasons which led the Scots to choose to vote NO rather than voting YES.

## **Chapter Three**

### **Effects of Brexit on Scottish Independence:**

#### **Introduction**

The Scottish independence path changed because of many factors, one of these factors is the Brexit. This emerged during the 23 June 2016 referendum, which was held in the United Kingdom to decide if the British want to leave the European Union or not. During the later referendum the Scottish people had a different point of view than the other parts of the UK. This reason led to the emergence of the idea of the second Scottish independence. This chapter will explain the significance of the Brexit concept together with explaining the reasons of its emergence and its costs on the UK in general and on Scotland in particular.

Additionally, this chapter focuses on the Scottish arguments why Brexit was refused. In addition, it gave a possibility about the arguments which would make the Scottish use Brexit as a factor for the independence, or why the Scottish believe that Brexit is an obstacle in the path of independence

#### **3.1. Brexit**

Brexit is a very crucial element in the Scottish and British history. Since this later effected both countries on different levels social, political and economic. Yet many studies worked to clarify the significance of this concept, and explaining the impacts of this later on the UK as a whole and Scotland particularly.

##### **3.1.1. Significance of the Concept**

The term “Brexit” is not an ancient word but it is a result of many political changes. Moreover, the term “Brexit” has been coined in 2012, used initially in print and social media in the UK and in Europe, it was named the word of the year 2016 by Collins Dictionary. The linguist Fontaine in his article *The Early Semantics of the Neologism BREXIT: A Lexico-grammatical Approach* explained that the word “Brexit” is a blend of *Britain* or *British* with

*exit*. Its formation was influenced by analogy to the term *Grexit*, which is also a relatively recently blend (*Greek* + *exit*), although older, and which was coined in response to the Greek debt crisis in 2010. Both *Grexit* and *Brexit* capture the meaning of “an exit from the European Union”. In brief the term “Brexiteer” expresses the meaning of “Britain exiting from the EU” (Fontaine 1 2)

In order to know the history of the “Brexiteer”, one must go back to the history of the UK and the European Union relationship. Over the past century there has been a dramatic change in the UK relationship with the European Union (EU). This later relationship trace back to the 1961, when the United Kingdom made its first application to join the European Union. Yet this application was vetoed by the French Government in 1963 with a second application vetoed by President Charles de Gaulle again in 1967. Because the French government was concerned that the UK enjoinment to the EU would cause it loss of its position and the French language would be replaced by the English language. However, on January 1<sup>st</sup> 1973 the United Kingdom joined the European Economic Community (the European Union name at that time) under Prime Minister Edward Heath (Ronek 225 230).

Moreover, the Labour general election manifestos in February and October 1974 promised a renegotiation of the UK’s terms of membership of the European Economic Community (EEC or Common Market), followed by a referendum on the UK’s continued membership. The referendum was on 5 June 1975, the result of the referendum was in favour of staying in the EEC 67% and 33% voted against. Subsequently, the continuous demands from British politicians to retract from the EU, alongside calls to hold referendums on key EU issues (namely, on specific treaties and on the euro) as well as on membership itself (Gifford 321-338).

Furthermore, Labour Prime Minister Tony Blair, who won a landslide victory in 1997, was strongly pro-European Union, also worked to rebuild ties with the rest of Europe while in

office believing that UK economy is better served in the EU. While the following PM David Cameron insisted on protecting Britain's financial sector and he became the first PM to veto a EU treaty in 2011. In early 2013, the growth of British vote to the UK Independence Party (UKIP) which is a Eurosceptic political party supported David Cameron perceptions towards the UK position in the EU. As a result, he gave a much-anticipated speech "Bloomberg speech", in which he outlined the challenges facing Europe and promised to hold an in-out referendum on the UK's membership in the EU before the end of 2017 if his Conservative Party won a majority in the next general election (Moussaoui 47).

On 2015, David Cameron was re-elected again. Cameron went to work renegotiating the UK-EU relationship. As a result, he wrote a letter to Donald Tusk, the Prime Minister sets out the four areas which he wants to reform (the migrant welfare payments, financial safeguards and easier ways for Britain to block EU regulations.) "Cameron Sets Out EU Reform Goals". The Queen's Speech on 27 May 2015, which set out the new UK Government's legislative agenda following the May 2015 UK Parliamentary General Election, included a commitment to legislate for a referendum on the UK's membership of the European Union:

My government will renegotiate the United Kingdom's relationship with the European Union and pursue reform of the European Union for the benefit of all member states. Alongside this, early legislation will be introduced to provide for an in-out referendum on membership of the European Union before the end of 2017. (The Queen's Speech 2015 60)

On 17 December 2015 in order to decide whether the UK should remain as a part of the UE the European Union Referendum Act receives Royal Assent (Glencross 23). Finally, in February 2016, the PM announced the results of the previous negotiations, and set June 23 as the date of the promised referendum.



The 2016 referendum was the culmination of a 20-year campaign against Britain's membership of the European Union. The question adopted in the referendum statute that the electorate was confronted with was: *Should the United Kingdom remain a member of the European Union or leave the European Union?* The table below displays the results of the vote: the majority 51.9 % voted for the country to "Leave" the EU while 48.1 % of voters backed "Remain". The referendum turnout was 71.8 %, with more than 30 million people voting. England voted strongly in favour of leaving, by 53.4 to 46.6%, as did Wales. Scotland and Northern Ireland backed remaining in the Union by 62 % and 55.8% respectively. This result implies that votes for Leave and Remain were not evenly distributed across the UK (Blog et al.).

Table 5: The Referendum Results on the UK's Exit of the EU on 23rd June 2016

<b>United Kingdom European Union membership referendum, 2016</b>		
<b>Choice</b>	<b>Votes</b>	<b>%</b>
<b>Leave the European Union</b>	<b>17,410,742</b>	<b>51.89</b>
Remain a member of the European Union	16,141,241	48.11
Valid votes	33,551,983	99.92
Invalid or blank votes	25,359	0.08
<b>Total votes</b>	<b>33,577,342</b>	<b>100.00</b>
Registered voters and turnout	46,500,001	72.21
Voting age population and turnout	51,356,768	65.38

(Electoral Commission).

The EU referendum caused a chaos to the two main political parties into two different sides, the leaving and remaining side. The same issue occurred in the Conservative party, as a matter of fact, the Conservative MPs were deeply divided in their preference for Leave or Remain, yet Conservative supporters ignored the advice of their Prime Minister and voted for Leave (EU Referendum: One Year On 6). Besides the Liberal Democrats, the SNP and the Green party are also predominantly for remaining in the union. While Jeremy Corbyn the leader of the Labour Party, was supporting the Remain side but the Labour MPS were against him and defeated his will. Also the UKIP which was led by Nigel Farage supported UK withdrawal from the EU. Around a third of Labour voters went against their party's advice and backed Leave too (Glencross 35-37).

The day after the announcement of the results of the referendum the PM David Cameron announced his desire to resign. Since during the campaign the former was supporting the union with EU and campaigning for the Remain camp, claiming that the British situation is better with the EU (Liddle 29-51). On 24 June 2016, he gave a speech explaining his decision, he said:

“I held nothing back, I was absolutely clear about my belief that Britain is stronger, safer and better off inside the European Union and I made clear the referendum was about this and this alone -- not the future of any single politician including myself”. “I will do everything I can as prime minister to steady the ship over the coming weeks and months but I do not think it would be right for me to try to be the captain that steers our country to its next destination”. (Caplan and McBride)

The new Prime Minister Theresa May took office 20 days later, together with taking the reins as head of the Conservative Party, although she has not won her own election. During the last referendum May campaigned with Remain side. Yet since the first day in the

office she claimed that she will follow the will of people to achieve the Brexit, she said that “we’re going to make a success of it” and has called for “a Brexit that works for Britain”.

According to her Brexit means regaining national control over our laws and our borders. (*A Successful Brexit: Four Economic Tests*).

Theresa pledged to make the UK the first country ever to leave the EU. As a result, she called for an election on Thursday, 8 June 2017. The 2017 general election was billed as the “Brexit election”. Set against the backdrop of the 2016 referendum on EU membership, Prime Minister Theresa May framed the election as a way of “strengthening her hand” ahead of the negotiations with the EU and ensuring stability. But, in the end, she achieved neither (Salter 30).

While her Conservative party won most of the seats, but unexpectedly Theresa May failed to secure a majority at the 2017 general election, her voters are now more pro-Brexit. To put it in another way, she achieved her aim to the extent that this election confirmed both the referendum and the Article 50 notification bill. Alongside the general stability of British public attitudes on this issue, this means the need is for a full Brexit i.e. hard one (*EU Referendum: One Year On 18*)

However, before the call for an election in the end of March 2017, she confirmed that Britain had triggered Article 50 of the Lisbon Treaty, beginning a legal process that must end in two years’ time with Britain leaving the EU. Article 50 of the amended *Treaty on European Union* (TEU) allows a Member State unilaterally to leave the EU in accordance with its own constitutional requirements. Moreover, May told the House of Commons in London that “This is an historic moment for which there can be no turning back. Britain is leaving the European Union” (Angela Dewan and Bryony Jones). The formal notice was delivered in the form of a letter to Donald Tusk President of the EU Council. (“The United Kingdom’s exit from and new partnership with the European Union” 65). On 29 March 2017 The UK

government, invoked Article 50 with the overwhelming support from parliament, notifying the EU of its intention to leave the Union.

However, the final step in the process of the Brexit, is the Queen Speech of 21 June 2017, which declared that ministers are committed to working with parliament on the country's future outside the European Union. In her speech she said:

My government's priority is to secure the best possible deal as the country leaves the European Union. My ministers are committed to working with Parliament, the devolved administrations, business and others to build the widest possible consensus on the country's future outside the European Union. (Queen's Speech 2017)

Additionally, in this speech she argued that even though the political are different in the principles and believes, they must work hand in hand to achieve the target Brexit and better future for the kingdom without the EU (Cabral, Gonçalves and Rodrigues 104 105).

### **3.1.2. Causes of Brexit**

Since the British electorate voted to leave the European Union, many commentators have sought to explain the reasons why UK chose to leave the EU after 46 years of membership. According to Professor Matthew Goodwin there were three major reasons behind the Brexit. The first was the deleterious impact of globalization and neo-liberal policies on large swathes of the population, mainly unskilled workers, the unemployed and pensioners.

The second was the impact of poorly regulated immigration, first from Central and Eastern Europe and subsequently from the Middle East and Africa. The latter wave was a tragic consequence of wars and destabilization that stemmed far more from British military adventurism than from any specific EU policies. The former was a result of ill-thought-out EU enlargement, a policy promoted enthusiastically by London, and the fact that Prime Minister Blair decided to open the UK to immigration from Central and Eastern European

countries immediately upon their accession in 2004 rather than wait the agreed seven years. The anti-immigration sentiment rose in Britain and caused different disagreement (Clarke, Goodwin and Whiteley).

The third major reason for the Leave vote was a crisis of English national identity. For decades after World War Two, the English remained “proud to be British” and tended not to minimize that identity by embracing “Englishness” (Goodwin 6). For Britain, the united Europe project is seen merely as something made out for economic reasons, a union supposed to create a common European market, not political community.

### **3.1.3. Effects of Brexit**

The long-term impact of Brexit remains unknown, yet the implications of the UK vote have already started to be felt across the UK, Europe and beyond. Also Brexit would cause an economic consequence in inside. With the political impact, which would be as important as the economic one. Together with doubts about that future UK and EU future relationship. Following the decision made by Britons, the world economy entered a moment of uncertainty, with financial markets experiencing some falls, while the real impact stems from the depreciation in the value of British pound and the Euro immediately after the vote. The pound dropped to its lowest level against the dollar in more than thirty years.

There are economic benefits from European integration, but obtaining these benefits comes at the political cost of giving up some sovereignty. Inside or outside the EU, this trade-off is inescapable. In another hand, migration from the EU can have both positive and negative economic effects. Since the European Union law preserves the idea of “free movement of EU nationals, which means that nationals of the EU member states have the right to seek a job and working in any other member state. Immigration has increased national income (more workers will produce more GDP) and has benefited the immigrants who have come to the UK and they are better off than in their country of origin. (Battiston 8)

Migrants from some origins do remit some of their income to their home countries and this can be regarded as a loss for the UK economy. Or they work with lower wage levels than the British people which may cause them a lot of problems specially unemployment. So stopping immigration may help in solving this issue. (Dustmann and Preston 145-73)

However, Brexit has disadvantages, one of them is the potential loss of Britain's tariff-free trade status with the other EU members. Tariffs raise the cost of exports, making British companies higher-priced and less competitive. It also increases import prices. That creates inflation and lowers the standard of living for UK residents. (Amadeo)

Finally, under Brexit, the UK may lose Scotland. First, Scotland will try to stop Brexit by voting against it. But Scotland doesn't have the authority to do that. It could then decide to join the EU on its own, as some countries within the kingdom of Denmark have. Last but not least, Scotland's leader has also warned she may call for another referendum to leave the UK. (Amadeo).

### **3.2. Brexit and its Effects on Scotland**

Brexit had an impact not only on the United Kingdom. In fact, every side of the UK was effected specially Scotland. Since this later argued that the UK economy would be effected without the EU.

#### **3.2.1. Scottish Reaction to Brexit**

During the 23 June 2016 referendum, 62% of votes cast in Scotland were for remain, the highest percentage of any of the nations of the UK. There was a broadly consistent picture across Scotland, with a majority for remain in each of the counting areas though this was on a relatively low turnout of 67.2% lower than the turnout in England and Wales, and over 17 percentage points lower than the turnout for the 2014 Scottish independence referendum. The Scottish Government and all the main political parties in Scotland were pro-remain, as were a majority of Members of the Scottish Parliament (MSPs). As a result, the First Minister

requested the authority to hold a second referendum on Scottish independence as a result of what she referred to as the “material change of circumstances” brought about by the UK’s vote to leave the EU. Scottish First Minister Nicola Sturgeon claimed that: “Scotland has delivered a strong, unequivocal vote to remain in the EU, and I welcome that endorsement of our European status” (Geoghegan).

In particular, nearly two in three voters in Scotland were in favour of requiring EU migrants to have to apply to come to the UK in the same way as non-EU migrants, and thus, by implication, backed an end to freedom of movement. Support for ending the ability of EU migrants to claim welfare benefits was also similar to elsewhere across Britain, as was the popularity of terminating some of the EU’s labour market regulation, such as that on how many hours someone can be expected to work. Meanwhile, there appeared to be relatively little enthusiasm for the idea led by the Scottish Government (Scottish Government) that Scotland might have a more liberal immigration policy and a closer trade arrangement with the EU than the rest of the UK.

But the choice was not only Scotland’s to make. In her speech to the Conservative Party Conference last autumn, Theresa May insisted, “Because we voted in the referendum as one United Kingdom, we will negotiate as one United Kingdom, and we will leave the European Union as one United Kingdom. There is no opt-out from Brexit.” By contrast, First Minister Nicola Sturgeon insisted, “we didn’t vote to leave – we voted to remain. To be told that we have to leave, regardless, is tantamount to being told that our voice as a nation doesn’t matter”

Moreover, the Scottish government that does not possess the powers to guarantee the rights to EU citizens in Scotland nevertheless made clear its intentions in a letter sent to all EU citizens resident in Scotland 5th July 2016 which stated: “The immediate status of EU nationals living in Scotland has not changed and you retain all the same rights to live and to

work here. I believe those rights for the longer term should be guaranteed immediately and have written to the Prime Minister and all of the candidates to succeed him, calling for all EU citizens living here to be given an assurance that their residency will be unaffected” (First Minister of Scotland)

After the announcement of the result the Scotland First Minister Nicola Sturgeon of the Scottish Nationalist Party (SNP), said that a referendum on Scottish independence was on the table. Yet according to the paper Scotland’s Place in Europe, which was issued in December 2016. Scotland is faced with a number of options in responding to Brexit. These have been subject to debate in the Scottish Parliament and in the wider society.

### **3.2.2. Acceptance**

Scotland may accept the Brexit, since the majority of the UK voted for it. In that case, Some Brexit supporters, and some Conservatives who were for Remain, argue that the reversion of powers to Scotland provides opportunities to gain more autonomy. A small SNP pro-Brexit group has argued that this is the strategy to pursue in the short term. On the other hand, the powers that would revert are not central to the big Single Market issues; so advocates of this approach have also argued for a general expansion of devolved powers. It has been noted, for example, that outside the EU it would be possible (although technically rather difficult) to devolve Value Added Tax.

### **3.2.3. Stop Brexit**

The SNP did argue, when the referendum was decided, that leaving should require a concurrent majority across the four nations of the United Kingdom. This was not accepted and is not being pressed now. Even the argument that legislative consent is required is not being made in order to secure a Scottish veto. The SNP might have used their strength in the UK Parliament (where they hold 35 out of Scotland’s 59 seats), to join a blocking coalition but



this would have required support from the Labour Party and pro-European Conservatives which has not materialized. The SNP now accepts that this will not happen.

#### **3.2.4. Soft Brexit for the UK**

There is wide cross-party agreement in Scotland that, if Brexit has to happen, it should be a “soft” Brexit, which means keeping as much of the Single Market as possible. The SNP and the other main parties in Scotland have few problems with freedom of movement, so this does not pose the same problem as for Labour or the Conservatives in England. In its policy paper, the Scottish Government argues for the UK to stay within both the single market and the customs union, keeping freedom of movement. Again, however, this would require a cross-party coalition in the House of Commons. Following the 2017 General Election and the Conservatives’ loss of their majority, there is greater scope for parliamentary influence (Hunt and Wheeler).

#### **3.2.5. Differentiated Brexit**

The Scottish Government proposed a differentiated arrangement that would allow Scotland to retain as much as possible of EU membership, even if full membership is not possible. The centerpiece is that Scotland would remain in the Single Market even as England and Wales left. This would give it a status analogous to that of the European Economic Area (EEA); indeed, Scotland might formally become part of the EEA. As with the EEA, agriculture and fisheries would be excluded. If the UK were to leave the EU customs union, Scotland would also leave, remaining in a customs union with the UK. This would allow it to avoid tariffs and rules of origin on trade in goods between Scotland and the rest of the UK and thus obviate the need for a physical border. There would be full access to the Single Market in services and provision for the free movement of workers between Scotland and the EU-27. Scotland would participate in European social provisions, academic exchange research and in aspects of EU Justice and Home Affairs policies.

### 3.2.6. Independence

Until the 1980s the Scottish National Party looked unfavourably on Europe and in the 1975 referendum favoured leaving. In the mid-1980s the SNP changed direction and joined those other autonomist and secessionist parties that seek Europe as an important external support system, underpinning their own aspirations (Bogdanor 89). In the independence referendum of 2014, nationalists used the promise that both Scotland and the remaining UK would be in the European Union to counter unionist arguments about putting up new economic and physical borders or being isolated. In that referendum, Scotland voted by 55 per cent to remain in the United Kingdom. It has now voted by a larger majority to remain in the European Union. The unionist parties argue that the independence issue was resolved in 2014 and that the relevant majority in the EU referendum was UK-wide.

The SNP notes that, during the 2014 referendum, the unionist side insisted that remaining in the UK was the only way to secure EU membership; yet the opposite happened. In their program for the 2016 Scottish elections, the SNP accepted that another independence referendum was off the agenda unless there was a material change of circumstances such as Scotland being taken out of the EU against its will.

Whilst the First Minister's speech at Butte House requesting the authority to hold a second independence referendum reiterated her stance that voters in Scotland deserved "the right to choose our own future", Ms. Sturgeon also offered a cautionary note, highlighting that when voters made their choice in June 2016 "independence was not on the ballot paper ... we cannot simply assume that because someone voted to Remain in the EU that they would vote Yes for an independent Scotland" ("How Much Does Scotland Care About Brexit? - What Scotland Thinks"). On 16 March 2017, Prime Minister Theresa May stated that "now is not the time" to discuss another referendum, because the focus should be on "working together, not pulling apart" for Brexit negotiations. It appears her caution was well-

founded ("Referendum Demand 'Will Be Rejected'"). Also Theresa May, writing in the Times, stated that:

I do not agree with the Scottish National Party (SNP) that now is the time to be talking about second independence referendum. To do so now, while all our energies should be directed towards the negotiations with Europe, would make it more difficult to get the right deal for Scotland and the right deal for the UK as a whole. (We can build a stronger, fairer Britain)

However, in Scotland the government was trying to collect data about people's attitude towards independence. Table 6 shows the Scottish support for independence

Table 7: Support for Independence in Scotland: October 2014, April 2015, July 2015, May 2016

How would you vote in a Referendum on Independence	October 2014	April 2015	July 2015	May 2016
Yes	49%	42%	45%	41%
No	45%	51%	50%	48%
Don't Know	6%	7%	5%	12%

Source: (What Scotland Thinks, <http://bit.ly/29lcWfj>).

In March 2017 the Scottish Government successfully asked the Scottish Parliament for a resolution authorizing it to request the UK Government to negotiate with the UK Government for a Section 30 order (Scotland Act) enabling a second independence referendum, which would take place between late 2018 and early 2019, "when the shape of the UK's Brexit deal will become clear" this approval was obtained on 28 March. At the end of March, The First Minister sent the formal request to the UK Government for a Section 30 order.

### 3.3. Costs of Brexit on Scotland

The Scotland's Place in Europe paper which was published in December 2016, demonstrated that Brexit represents a significant threat to the UK's and, in particular, to Scotland's future economic and social prosperity. In the intervening 12 months since the publication of that paper, the scale and specific nature of this threat has become even more evident. It is now even more clear that any kind of future relationship short of EU membership will be damaging to Scotland's future economic and social prosperity. The extent of this damage, will be more significant the further away the future relationship is from membership of the European Union (EU).

However, there are many uncertainties about the final Brexit settlement. This cause many difficulties in identify to how extent the Scottish economy would be effected However, the Scottish economy's reliance on particular sectors and skills suggests that there could be a differential economic impact from Brexit on Scotland, as compared to the rest of the UK (The Impact of Brexit on the Scottish Budget 2).

Many organizations studied the impact of Brexit on the Scottish economy. The Fraser of Allander Institute (FAI) has produced economic analysis on behalf of the Scottish Parliament, which models the potential impact of Brexit on Scotland. The analysis incorporates the economies of both Scotland and the rest of the UK, helping to capture spill-over effects arising from the high levels of economic integration between the Scottish and UK economies. The FAI have also presented the impact on jobs, suggesting Brexit could cost up to 80,000 jobs (Long-term Economic Implications of Brexit 7).

The FAI analysis examines the long-term impacts of Brexit by comparing a range of potential future trade scenarios (all characterized by less economic integration with the EU) to the status quo as a member of the EU. These scenarios are: participating in the European Economic Area, securing some form of Free Trade Agreement with the EU or a World Trade

Organization (WTO) relationship. Their analysis concludes that the further removed Scotland is in future from EU membership, the more significant the negative impact would be to the Scottish economy. In short, membership of the EEA is not as economically beneficial as full EU membership, but is the least damaging of the three options by a significant margin.

The FAI modelling of the WTO scenario suggests that after 10 years:

Gross domestic product (*GDP*) is expected to be over 5% (£8bn in 2015-16 terms) lower than would otherwise be the case; real wages are expected to be 7% lower, equivalent to a reduction of around £2,000 per year; and the number of people employed in Scotland is 3% lower (around 80,000 jobs) This briefing brings together the latest research on the economic consequences of Brexit, endeavoring to assess the impact on six key sectors (referred to as “Growth Sectors”) of the Scottish economy. They are: Food & Drink (including agriculture & fisheries); Sustainable Tourism, Life Sciences Creative Industries (including digital); Energy (including renewables); And Financial & Business Services. (Prelec 8-44)

Scotland would lose its share of the rebate from the EU budget negotiated by the UK, However, unlike with the UK remaining inside the EU, it would not have to contribute to the UK’s rebate (since the UK would no longer be an EU member);also given the political debate in the EU on border controls, Scotland might not have to join the “Schengen” border free zone for the time being. But since Scotland would pursue a different migration policy for the rest of the UK, border controls would probably anyway be erected between Scotland and the rest of the UK.

Finally, given the recent and ongoing difficulties experienced in the Eurozone, Scotland might not have to join the euro immediately, though legally it would have to commit to future membership. Whether it would be able to use the pound sterling within the EU with

the rest of the UK outside is even more unlikely than with both UK successor states within the EU regional development, and education (Murkens, Jones and Keating 119).

Brexit has effects not only on the economic level. Yet the social basis element may change. Especially higher education and research. Some say universities would be “crippled” by cutting off EU funding and it would be a loss for Britain and a loss for Europe too. Employment legislation is indeed the area where most Brexit advocates consider the EU activity and interference excessive and burdensome. It is telling that some of the most vocal Brexit advocates are those who hold or held the labour and welfare related portfolios in the Conservative led governments of the recent year (Andor 7).

### **3.4. Brexit and Scottish Independence**

In addition to the political and economic impacts of Brexit on Scotland, yet the Scottish government claimed that Brexit can be play the role of hinder of the independence process. Or a factor which would give a push to the idea of independent Scotland, and eventually would speed the independence process.

#### **3.4.1. Brexit as a Hindrance for Scottish Independence**

During Brexit referendum campaign, David Cameron argued that a “Leave” vote would result in Scotland leaving the UK. Voting “Remain” was, he claimed, the “patriotic” thing to do. Following the referendum, in which England voted Leave but Scotland voted Remain by almost two to one, Nicola Sturgeon, who no doubt hoped that Cameron’s warning would prove prophetic, several times raised the possibility of a second independence referendum in reaction to Brexit, but has not, so far, committed herself to calling one.

However, Brexit can be used as a hindrance factor in the independence. Because of the national identity is a particularly tricky factor to take account of. It is not something about which people change their minds or hearts easily. This “emotional” element might partly explain why a YouGov poll taken in late July showed that when given the binary choice, 54

percent of people opted for Scotland being in a UK outside the Single Market (a “hard” Brexit) compared to 46 percent who favored an independent Scotland within the Single Market.

There is also the interesting question of the extent to which a “European” identity exists in Scotland. There are probably layered identities involved, with “Scottish”, “British” and “European” identities at play and there is no reason why an individual could not feel an affinity with, or alienation from, each in different degrees and contexts. The positions taken by people on these issues in 2014 are likely to be “sticky” and fundamental, and thus resistant to change. This picture becomes even more complex if we take on board the notion put forward by Linda Colley in her influential study of British identity that “Britishness” was historically founded on an Anglo-Scottish opposition to a hostile continent.

If this is true, then an intransigent or hostile EU may actually buttress “Britishness” in Scotland. In fact, the amount of Scottish people who feel British has actually increased since the 2014 vote, with the numbers of those describing themselves as “more British than Scottish” and “equally Scottish and British” have both risen. As historians Dan Snow and Tom Holland recently wrote: “When nationalists both north and south of the border claim that they embody the future, they ignore the proven capacity of the union to evolve” (McCafferty).

There are continued worries over the state of the Scottish economy. The United Kingdom guarantees equal social and economic rights to all its citizens, including access to fully funded healthcare, education, help when unemployed as well as rights to minimum protections at work including a UK-wide minimum wage. These rights are taken for granted but the UK is the only multinational state to achieve this feat, as neither the EU, USA nor any other arrangement of neighbouring countries comes close to providing the rights of citizenship the UK has created.

Also, North Sea oil is an important contributor to the Scottish economy (SNP claims that it is now a “bonus”, not a basis for the economy were recently challenged... by a senior member of the party). The simple reason for that is that Brexit hasn’t happened yet – once we leave the European Union the economy is expected to take a huge hit, in Scotland and in the UK. An already delicate constitutional situation could be doing without the hand grenade of independence raising even more uncertainty. Ruth Davidson described the “independence because of Brexit” option as the political equivalent of “amputating your foot because you’ve stubbed your toe.”

Brexit would stop the independence since it contributes to make the families and friend strangers and makes the union hard. Scottish and British are one nation and one people, however the independence may separate those families. It’s clear that Scotland is stronger within the UK, and faced with a choice between the UK and an uncertain attempt to join the EU alone, we should opt decisively in favour of our friends and main trading partners in the UK.

### **3.4.2. Brexit as a Factor for Scottish Independence**

The Brexit referendum was to expose multiple divisions within British society (Goodhart 2016). It put the Scottish Independence in another form and took it to another path. It helps the Pro-independence to reshape their arguments. First Brexit make the Scottish aware that they are not free to decide what is suitable for their nation. Since during the referendum Scotland highly voted for Remain, yet the results were pro-Leave. This experience made the Scottish aware that they are forced to live something they did not choose and not appropriate to their situation.

The Scotland economy is widely related to the EU, and it gave the chance for Scotland to develop its economy more than the UK. additionally, when Scotland became independent country, all the nation goods would be explored by its citizens not by the British. Since



Scotland has many natural advantages. The foundations of the Scottish economy are strong. It has abundant natural resources, a talented population with many world-class businesses and institutions, a proud history, progressive traditions, fine intellectual and artistic accomplishments, a strong identity and many friends across the world.

Also Scotland does not have full control of our economy or public finances. The Scottish Parliament is unable to determine the level and composition of taxation or the overall value of public spending. It is not possible to realize the financial benefits of successful economic policies –such as increased revenues or reduced welfare payments. Under current arrangements, these benefits are passed straight to the Westminster Government. For example, because Scotland has proportionately more social housing, spending on housing benefit is lower, but the benefit of this goes to the Westminster Government not the Scottish Government. Finally, without independence, Scotland is also exposed to the approach that successive Westminster governments have taken to managing the public finances.

### **3.5. The Future of Scotland**

The Scottish future is still browning and not clear. Because even though the Scottish refuse to leave the EU and the single market, the Scottish from the ancient time practically since the union of crowns 1707, are related to the UK in many different parts of life: political, social, economic and historical. The Scottish people are considering themselves as British and Scottish in the same time, so withdrawing the UK means the withdraw with their own identity. However, economically speaking the Scottish are convinced that the EU is very important to the Scottish existence and development. As a result the Scottish future is in the hand of the Scottish people to choose their identity history and culture or to decide to choose the economic benefits for their country.

## **Conclusion**

This chapter gave a clear vision about the Brexit, definition; history and the events which led to the appearance of this idea. In addition, it explains the effects of Brexit on the United Kingdom on the different levels. Also the current chapter explained the impact of Brexit on Scotland as a part of the UK taking into consideration the costs of Brexit on the Scottish society, politics and government. Focusing on the opinion and of the Scottish towards against Brexit while the UK movement decided to leave the EU. And the decision of the Scottish government to hold a second independence referendum.

Finally, this chapter discussed Brexit as a factor which would help Scotland to be an independent country, and the possibility to be a part of the EU in one hand. In the other hand it gave the other arguments about Brexit as a hindrance of the Scottish independence, explaining the Scottish arguments which would make the Scottish choose the UK rather than the UE.

### **General Conclusion**

Due to the many financial difficulties Scotland faced, and which were basically caused by the failure of the Darien Scheme, it found itself obliged to join the Great Britain to form the United Kingdom. The Ratification of the Union Treat was unanimous, yet the Act of Union caused many political, economic and social changes in UK as whole and Scotland precisely. The Scottish people were not satisfied with the changes brought about by the union. And their dissatisfaction came crystal clear, so they started demanding and calling out for devolution.

The first attempt was on 1979, yet at that time the Scottish people were not convinced that they would be about the establish their own government. On 1997 there was a Second Devolution Referendum, the voters were asked if there should be a Scottish parliament. The result of this referendum explained that the Scots become more aware about their desire to gain the home control and to establish their own parliament. Since the majority voted for “Yes”.

As a result of the 1997 Devolution Referendum the 1998 act was passed. The Act of Scotland 1998 set the platform for the establishment of the Scottish parliament since it transferred more power from the UK parliament to the Scottish parliament. In addition to regulate the relationship with the UK parliament. It focused on the impact of the Scotland Act 1998 in helping the Scottish government to find the path to the referendum. Starting by explaining the impacts of the elections on the changes of the Scottish parliament and government.

The struggle for independence was mainly led by the Scottish National Party which had a major role in increasing the Scottish sense of identity especially with its major achievements in the Scottish political scene; with the changes in the second Referendum and the main role that it played after the 1997 election and the 2011 general elections. The party

was able to form a majority government, and then stated asking for a referendum on independence, on September 2014.

Moreover, the legislative framework of the referendum starting with the Consultation Paper: The white paper “Choosing Scotland’s Future”, “Your Scotland, Your Referendum”, the Edinburgh Agreement and Scottish Independence Referendum (Franchise) Act 2013, was a source of legislating and regulating of the Scottish Independence Referendum. This later has impact on the results of the referendum.

The general statistics with the description of the campaigning of the referendum, mainly “Better Together” campaign and the “Yes” campaign with the explored the arguments of each campaign with the emphasizing on the reasons which led the Scots to choose to vote NO rather than voting YES. However, this result does not mean that the issue of Scottish Independence has gone for a generation

The emergence of the Brexit as a new concept in the UK changed many facts on the whole nation and in the world. Yet After the analysis of Brexit reasons and history. Brexit has many impacts on the UK in general and on Scotland as a part of the UK. This later has an effect on the Scottish society, politics and government. And eventually Brexit become a major motive on the Scottish independence.

During the British referendum of June 2016 the results of this referendum display that the United Kingdom voted for leaving the European Union, while Scotland government and people believed that their future is better with the EU. Further the Scotland Government threatened that if the United Kingdom would withdraw the EU, the discussion about the second Scottish referendum would start again.

Yet Brexit can play the role of a factor or a hinder of the Scottish independence. As a factor which would help Scotland to be an independent country. Since Scotland argued that the Brexit will cost it many problems in the different level of the country. Specially the

economic and political level, because the Scottish economy would be harshly effected with the UK withdrawal from the EU. Also it may cause the possibility of Scotland to be a part of the EU, because according to the Scotland government the Scottish economy and the situation would be better if Scotland enjoined the EU.

In the other hand, Brexit may be a hinder of the Scottish independence, since the Scottish entrance of the EU is not granted and it is very expensive. Also if Scotland withdraw with the UK means it will withdraw with its history and identity which is something not easy. The Scottish and the British people are mixed living in harmony as one people of one country, to change the situation and make them separate is not an easy task to do. Yet the question to be raised now is what will be the impact of Scottish independence on both Scotland and the United Kingdom.

All in all, the Scottish people will make the decision of whether and when they want independence and the method they will follow in order to achieve their dream. Or the Scottish people will decide to stay with the United Kingdom and work side to side to overcome the Brexit outcomes.

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## Appendices

### Appendix I: The Articles of Union

That the Two Kingdoms of England and Scotland shall upon the First day of May which shall be in the year One thousand seven hundred and seven, and for ever after, be united into one Kingdom by the name of Great Britain; and that the Ensigns Armorial of the said United Kingdom be such as Her Majesty shall appoint, and the Crosses of St. George and St. Andrew be conjoined in such manner as Her Majesty shall think fit, and used in all Flags, Banners, Standards and Ensigns, both at Sea and Land.

II. That the Succession to the Monarchy of the United Kingdom of Great Britain, and of the Dominions thereunto belonging, after Her most Sacred Majesty, and in default of Issue of her Majesty, be, remain, and continue to the most excellent Princess Sophia, Electoress and Duchess Dowager of Hanover, and the Heirs of her Body being Protestants, upon whom the Crown of England is settled by an Act of Parliament made in England in the Twelfth year of the Reign of his late Majesty King William the Third, entitled, An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject: And that all Papists, and persons marrying Papists, shall be excluded from, and for ever incapable to inherit, possess, or enjoy the Imperial Crown of Great Britain, and the Dominions thereunto belonging, or any part thereof.

III. That the United Kingdom of Great Britain be represented by One and the same Parliament, to be entiled, the Parliament of Great Britain.

IV. That all the Subjects of the United Kingdom of Great Britain shall, from and after the Union, have full Freedom and Intercourse of Trade and Navigation to and from any Port or Place within the said United Kingdom, and the Dominions and Plantations thereunto belonging; and that there be a communication of all other Rights, Privileges, and Advantages, which do or may belong to the Subjects of either Kingdom; except where it is otherwise expressly agreed in these Articles.

V. That all ships or vessels belonging to Her Majesty's Subjects of Scotland, at the time of ratifying the Treaty of Union of the two Kingdoms in the Parliament of Scotland, though foreign built, be deemed, and pass as ships of the build of Great Britain.

VI. That all parts of the United Kingdom for ever from and after the Union shall have the same allowances, encouragements and drawbacks, and be under the same prohibitions, restrictions and regulations of trade, and liable to the same customs and duties on import and export . . . ; and that from and after the Union no Scots cattle carried into England shall be liable to any other duties . . . than these duties to which the cattle of England are or shall be liable.

VII. That all parts of the United Kingdom be for ever from and after the Union liable to the same excises upon all exciseable liquors.

VIII. . . . Scotland shall for the space of seven years from the said Union be exempted from paying in Scotland for salt made there the duties or excise now payable for salt made in England.

IX. That whenever the sum of [£1,997,763, 8s. 4 1/2d.] shall be enacted . . . to be raised in that part of the United Kingdom now called England, on land and other things usually charged in Acts of Parliament there for granting an aid to the Crown by a land tax, that part of the United Kingdom now called Scotland shall be charged by the same Act with a further sum of [ £48,000 ] free of all charges, as the quota of Scotland to such tax, and so proportionally.

X-XIII. [Scotland exempted from existing English duties on stamped paper, vellum and parchment, windows and lights, coal, culm and cinders, and malt

XIV. . . . That any malt to be made and consumed in that part of the United Kingdom now called Scotland shall not be charged with any imposition upon malt during this present war.

XV. [Whereas Scotland will become liable to customs and excise duties which will be applicable to the payment of England's existing National Debt, and whereas the yield of these duties will increase and a portion of the increase will be applied to the same end, Scotland is to receive as an "Equivalent": (1) a lump sum of £398,085, 10s. and (2) the increase in Scotland's customs and excise revenue for the first seven years after the Union, and thereafter such part of the increase as would be required for the debt. This "Equivalent" is to be devoted to (a) recompensing those who lost through the standardising of the coinage, (b) payment of the capital (with interest) advanced for the Company of Scotland (which is to be dissolved), (c) the payment of the public debts of the Scottish Crown, and (d) payment of £2000 yearly for seven years to encourage the wool manufacture and thereafter to promote fisheries and other "manufactures and improvements".

XVI. That from and after the Union, the Coin shall be of the same standard and value throughout the United Kingdom, as now in England, and a Mint shall be continued in Scotland, under the same Rules as the Mint in England, and the present Officers of the Mint continued, subject to such Regulations and Alterations as Her Majesty, Her Heirs or Successors, or the Parliament of Great Britain shall think fit.

XVII. That from and after the Union, the same Weights and Measures shall be used throughout the United Kingdom, as are established in England.

XVIII. That the Laws concerning Regulation of Trade, Customs, and such Excises to which Scotland is, by virtue of this Treaty, to be liable, be the same in Scotland from and after the Union as in England; and that all other Laws in use within the Kingdom of Scotland, do after the Union, and notwithstanding thereof, remain in the same force as before, (except such as are contrary to, or inconsistent with this Treaty) but alterable by the Parliament of Great Britain: with this difference betwixt the Laws concerning Public Right, Policy and Civil Government, and those which concern Private Right, that the Laws which concern Public



Right, Policy, and Civil Government, may be made the same throughout the whole United Kingdom; But that no alteration be made in Laws which concern private Right, except for evident utility of the Subjects within Scotland.

XIX. That the Court of Session, or College of Justice, do after the Union, and notwithstanding thereof, remain in all time coming within Scotland, as it is now constituted by the Laws of that Kingdom, and with the same Authority and Privileges as before the Union, subject nevertheless to such Regulations for the better Administration of Justice as shall be made by the Parliament of Great Britain. . . . And that the Court of Justiciary do also after the Union, and notwithstanding thereof, remain in all time coming within Scotland, as it is now constituted by the Laws of that Kingdom, and with the same Authority and Privileges as before the Union, subject nevertheless to such Regulations as shall be made by the Parliament of Great Britain, and without prejudice of other Rights of Justiciary. And that all Admiralty Jurisdictions be under the Lord High Admiral or Commissioners for the Admiralty of Great Britain for the time being; and that the Court of Admiralty now established in Scotland be continued, and all Reviews, Reductions, or Suspensions of the Sentences in maritime Cases competent to the Jurisdiction of that Court remain in the same manner after the Union as now in Scotland, until the Parliament of Great Britain shall make such Regulations and Alterations as shall be judged expedient for the whole United Kingdom, so as there be always continued in Scotland a Court of Admiralty, . . . subject nevertheless to such Regulations and Alterations as shall be thought proper to be made by the Parliament of Great Britain; And that the Heritable Rights of Admiralty and Vice-Admiralties in Scotland be reserved to the respective Proprietors as Rights of Property, subject nevertheless, as to the manner of exercising such Heritable Rights, to such Regulations and Alterations as shall be thought proper to be made by the Parliament of Great Britain. And that all other Courts now in being within the Kingdom of Scotland do remain, but subject to alterations by the

Parliament of Great Britain; And that all Inferior Courts within the said limits do remain subordinate, as they now are, to the Supreme Courts of Justice within the same in all time coming; And that no Causes in Scotland be Cognisable by the Courts of Chancery, Queen's Bench, Common Pleas, or any other Court in Westminster Hall; and that the said Courts, or any other of the like nature, after the Union, shall have no power to cognosce, review, or alter the Acts or Sentences of the Judicatures within Scotland or to stop the execution of the same; And that there be a Court of Exchequer in Scotland after the Union, for deciding questions concerning the Revenues of Customs and Excises there, having the same power and authority in such cases, as the Court of Exchequer has in England; and that the said Court of Exchequer in Scotland have power of passing Signatures, Gifts, Tutories, and in other things as the Court of Exchequer at present in Scotland hath; and that the Court of Exchequer that now is in Scotland do remain, until a new Court of Exchequer be settled by the Parliament of Great Britain in Scotland after the Union; and that after the Union, the Queen's Majesty, and her Royal Successors, may continue a Privy Council in Scotland, for preserving of public Peace and Order, until the Parliament of Great Britain shall think fit to alter it, or establish any other effectual method for that end.

XX. That all Heritable Offices, Superiorities, Heritable Jurisdictions, Offices for Life, and Jurisdictions for Life, be reserved to the Owners thereof, as Rights of Property in the same manner as they are now enjoyed by the Laws of Scotland, notwithstanding of this Treaty.

XXI. That the Rights and Privileges of the Royal Burghs in Scotland, as they now are, do remain entire after the Union, and notwithstanding thereof.

XXII. That by virtue of this Treaty, of the Peers of Scotland at the time of the Union, Sixteen shall be the number to sit and vote in the House of Lords, and Forty-five the Number of the Representatives of Scotland in the House of Commons of the Parliament of Great

Britain; . . . And that if her Majesty, on or before the First day of May next, on which day the Union is to take place, shall declare under the Great Seal of England, that it is expedient that the Lords of Parliament of England, and Commons of the present Parliament of England, should be the Members of the respective Houses of the First Parliament of Great Britain, for and on the part of England, then the said Lords of Parliament of England, and Commons of the present Parliament of England shall be the Members of the respective Houses of the First Parliament of Great Britain for and on the part of England; . . . and the Lords of Parliament of England and the Sixteen Peers of Scotland . . . and the Members of the House of Commons of the said Parliament of England and the Forty-five Members for Scotland . . . shall be the two Houses of the First Parliament of Great Britain; and that Parliament may continue for such time only, as the present Parliament of England might have continued if the Union of the Two Kingdoms had not been made, unless sooner dissolved by Her Majesty.

XXIII. That the aforesaid Sixteen Peers mentioned in the last preceding Article, to sit in the House of Lords of the Parliament of Great Britain, shall have all Privileges of Parliament which the Peers of England now have, and which they or any Peers of Great Britain shall have after the Union, and particularly the Right of Sitting upon the Trials of Peers: . . . and that all Peers of Scotland, and their Successors in their Honours and Dignities, shall from and after the Union be Peers of Great Britain, and have Rank and Precedence next and immediately after the Peers of the like Orders and Degrees in England at the time of the Union, and before all Peers of Great Britain of the like Orders and Degrees who may be created after the Union, and shall be tried as Peers of Great Britain, and shall enjoy all privileges of Peers as fully as the Peers of England do now, or as they, or any other Peers of Great Britain may hereafter enjoy the same, except the Right and Privilege of sitting in the House of Lords, and the Privileges depending thereon, and particularly the right of sitting upon the Trials of Peers.

XXIV. That from and after the Union there be one Great Seal for the United Kingdom of Great Britain, which shall be different from the Great Seal now used in either Kingdom; And that the Quartering the Arms, and the Rank and Precedence of the Lyon King of Arms of the Kingdom of Scotland, as may best suit the Union, be left to Her Majesty; and that in the meantime the Great Seal of England be used as the Great Seal of the United Kingdom, and that the Great Seal of the United Kingdom be used for sealing Writs to elect and summon the Parliament of Great Britain, and for sealing all Treaties with Foreign Princes and States, and all public Acts, Instruments, and Orders of State which concern the whole United Kingdom, and in all other matters relating to England as the Great Seal of England is now used. And that a Seal in Scotland after the Union be always kept and made use of in all things relating to private Rights or Grants, which have usually passed the Great Seal of Scotland, and which only concern Offices, Grants, Commissions and private Rights within that Kingdom; and that until such Seal shall be appointed by her Majesty, the present Great Seal of Scotland shall be used for such purposes: And that the privy Seal, Signet, Casset, Signet of the Justiciary Court, Quarter Seal, and Seals of Court now used in Scotland be continued; but that the said Seals be altered and adapted to the State of the Union, as her Majesty shall think fit; and the said Seals, and all of them, and the Keepers of them, shall be subject to such Regulations as the Parliament of Great Britain shall hereafter make. And that the Crown, Sceptre, and Sword of State, the Records of Parliament, and all other Records, Rolls, and Registers whatsoever, both Public and Private, General and Particular, and Warrants thereof, continue to be kept as they are within that part of the United Kingdom now called Scotland; and that they shall so remain in all time coming notwithstanding the Union.

XXV. That all Laws and Statutes in either Kingdom, so far as they are contrary to, or inconsistent with, the Terms of these Articles, or any of them, shall from and after the Union,

cease and become void, and shall be so declared to be, by the respective Parliaments of the said Kingdoms.

**Appendix II: The list of reserved subjects in The Act of Scotland 1998**

- The Constitution, Defence and National Security
- Fiscal, Economic and Monetary System

Trade and Industry, Including Competition And Customer Protection

- Transport (Not Particular to Scotland) Including Railways, Transport Safety And Regulation
- Social Security
- Medical Ethics: Abortion; Human Fertilisation and Embryology; Genetics;

Xenotransplantation and Vivisection.

- Broadcasting
- Foreign Affairs
- The Civil Service
- Immigration And Nationality
- Energy: Electricity, Coal, Oil, Gas, Nuclear Energy
- Employment
- Equal Opportunities

While the devolved subjects are those which do not fall under the reserved categories, or are otherwise outside the legislative competence of the scottish Parliament. They Include:

- Health
- Education And Training
- Local Government
- Social Work
- Housing
- Planning
- Tourism, Economic Development And Financial Assistance To Industry

- Some Aspects Of Transport, Including The Scottish Road Network, Bus Policy And Ports  
And Harbors
- Law And Home Affairs, Including Most Aspects Of Criminal And Civil Law, The  
Prosecution System And The Courts
- The Police And Fire Services
- The Environment
- Natural And Built Heritage
- Agriculture, Forestry And Fishing
- Sport and The Arts
- Statistics, Public Registers And Records