

While submissions are welcome on any matter that falls within the Commission's remit, we would particularly welcome your comments on the following:

1. In general, how successful have the new structures created by devolution been – born in terms of delivering effective government in devolved areas, and in providing effective parliamentary scrutiny and oversight?
2. Can you give examples of where devolution has produced results that better serve the people of Scotland than would have been likely or possible under pre-devolution arrangements?
3. Are there any particular features of the 1998 Act that you think should be changed or reconsidered, on the basis of experience since 1999? [See Note A below.]
4. Do you believe the people of Scotland would be better served if any matters currently reserved to Westminster were now devolved to the Scottish Parliament? [See Note B below.]
5. Do you believe the people of Scotland would be better served if any matters currently devolved to the Scottish Parliament were now reserved to Westminster?
6. Irrespective of which particular matters are reserved and which others are therefore devolved, do you support the reserved/devolved distinction as the best way to define the respective responsibilities of the UK Parliament and the Scottish Parliament? Would there be merit in an intermediate category, involving some form of shared or concurrent competence, with suitable checks and balances to avoid conflict?
7. Do you support the current financial arrangements for devolution, where the Scottish Parliament receives a block grant (based on the Barnett formula) to spend on devolved services as it chooses, but (apart from the power to vary the basic rate of income tax by up to 3p in the pound, and devolved control over local taxation) has no responsibility for raising revenue from Scottish taxpayers to pay for those devolved services?
8. Do you believe that the Scottish Parliament should be responsible for raising a greater proportion of its income by having increased taxation powers? If so, which taxes should be devolved (e.g. VAT, Income Tax, Corporation Tax, Excise Duties etc) and should there be corresponding changes to the existing funding arrangements from the UK Government?
9. How effective do you believe inter-governmental relations have been since 1998, including in the context of the respective roles of UK and Scottish Ministers in their dealings with the European Union?

Note: In answering Questions 3 and 4 above, you may wish to be aware in particular of the topics in the following lists, which have been compiled from the suggestions made by individuals and organisations who responded to the Chairman's letter of 22 May. The Commission itself has not yet taken a view on any or all of the items in these lists but includes them to acknowledge the suggestions made. But views are also welcome on any other matters which are currently reserved by Schedule 5 to the 1998 Act.

A: General aspects of the Scotland Act 1998:

- the number of MSPs and the "additional member" electoral system
- the unicameral nature of the Parliament (the lack of a second chamber)
- the scope of the existing tax-varying power (which allows the Parliament to vary the basic rate of income tax in Scotland by up to 3p in the pound)
- the role of the Law Officers (the Lord Advocate, Solicitor General for Scotland, Advocate General for Scotland)
- the limitations on the ability of the Scottish Ministers to raise revenue by borrowing
- the mechanisms for dealing with "devolution issues".

B: Matters which are currently reserved (references to the relevant entries in Schedule 5 to the 1998 Act are indicated in brackets):

- the constitution – in the context of clarifying the ability of the Parliament to hold a referendum on independence (Part I, para 1)
- the registration and funding of political parties (Part I, para 6)
- foreign affairs – including international development assistance (Part I, para 7)
- the civil service in Scotland (Part I, para 8)
- defence (Part I, para 9)
- taxation (Part II, Section A1)
- misuse of drugs (Part II, Section B1)
- data protection (Part II, Section B2)
- elections to the Scottish Parliament, and the franchise at local government elections, including voting age (Part II, section B3)
- firearms (Part II, section B4)
- immigration and nationality (in the context of attracting skilled labour to Scotland) and asylum (Part II, section B6)
- scientific procedures on live animals (Part II, section B7)
- betting, gaming and lotteries – including the National Lottery (Part II, section B9)
- competition (Part II, section C3)
- regulation of sea fishing (Part II, section C6)
- consumer protection ((Part II, section C7)
- telecommunications (Part II, section C10)
- the Post Office (Part II, section C11)
- Research Councils and funding of scientific research (Part II, section C12)
- Energy (Part II, Head D), including oil and gas (D2)
- Transport (Part II, Head E)
- the marine environment and marine transport (partly covered by Part II, Section E3)
- Social Security (Part II, Head F) including housing benefit, council tax benefit and pensions (F1) and child support (F2)
- regulation of the professions (Part II, section G), including the health professions (G2)
- employment and industrial relations (Part II, section H1)
- health and safety (Part II, section H2)
- abortion, xenotransplantation and embryology (Part II, sections J1 - J3)
- broadcasting (Part II, section K1)
- equal opportunities (Part II, section L2)
- control of weapons of mass destruction (Part II, section L3)
- time zones and summer time (Part II, section L5).

