

The Constitution

Summary

Article 1. This Constitution asserts the right of the people of Scotland to govern themselves as a constitutional democracy whereby members of Parliament remain at all times primarily accountable to the electorate and the terms of this Constitution; specifies the sovereignty of the people over the territories and natural resources of Scotland; details the qualifications for citizenship and residency visas; qualifications for voting in elections.

Article 2. The adoption of European standards of human rights into the constitution; prohibition of discrimination; the rights and obligations of citizenship; the right to life and dignity; the right to free quality healthcare at the point of need; the right to free education up to secondary level and beyond on the basis of qualification.

Article 3. Following Independence, a national referendum will decide the hereditary or elected status of the Head of State; the role and duties of the Head of State in the parliamentary and public life.

Article 4. The nature and organisation of the unicameral Parliament; the number of members and constituencies; the electoral system of proportional representation; the Council of Ministers and administration of government within the terms of the constitution; eligibility, training and qualifications, life experience and restrictions to be an MP, remuneration and expenses; the election and duties of the Presiding Officer, the appointment of bodies to manage the fabric and effective administration of Parliament.

Article 5. The law-making powers of Parliament, the procedures for scrutiny and enactment of legislation; commissions of enquiry powers to summon evidence; the conduct of Parliament and disciplinary powers.

Article 6. The procedures leading to the recall of an MP; the protocols for the initiation and management of Constitutional Referendums and for the initiation of a public petition to the government.

Article 7. The structure and composition of the Executive; restrictions on external or commercial interests; the transparency and registration of lobbyists; the creation of non-government organisations; requirement of a referendum for entering the major obligations, treaties or transfer of governmental powers granted under this Constitution.

Article 8. The focus and direction of economic policy under this Constitution; the introduction and management of the national currency in all its forms and free of debt is an exclusive monopoly guaranteed by the State; the scope and responsibilities of

the Central Bank of Scotland; the rules regarding National Debt and the regulation of banking and financial corporations. The powers of the State to impose and collect taxes equitably and within the framework of a responsible budget.

Article 9. The structure, powers and obligations of a fully independent Judiciary; the Courts.

Article 10. Amendments to the Constitution will require a two-thirds majority vote in parliament followed by a public referendum.

Article 11. The requirement for auditing Government departments and public bodies; open oversight of broadcasting, Freedom of Information and the provision of Ombudsman services.

Article 12. Two Tier Local Authority, Responsibilities, Elections and qualification of Regional and Burgh Councillors; Funding, Remuneration, Boundaries; Citizen referendums and Recall.

Article 13. Making provision for truly independent commissions and commissioners to investigate and rule on matters of public concern; the provision of a training course introducing new members and councillors to the skills and responsibilities of public office.

Article 14. Recognising the need for effective and considerate use of Natural Resources, Land Registration, Environment and Wildlife protection.

Article 15. Law Enforcement and Police, Prohibition of Death Penalty, National Security, Maritime Protection Agency, Conventional Armed Forces, Emergency Powers, participation in joint International humanitarian or military initiatives; Diplomatic and Consular Service: prohibition of nuclear, biological or chemical weapons.

Schedule 1: Oath of Office or Duty

The Model Constitution

Article 1: Supreme Authority, Sovereign Territories, Citizenship, Immigrants

1.1 We, the people of the free sovereign and inalienable nation of Scotland do hereby express and enact our collective will through this written Constitution.

1.2 This Constitution is the supreme and fundamental law of Scotland which holds that the founding principles of Scotland are based on Constitutional Democracy. The people are the supreme source of authority of the government which derives the right to govern from their consent.

1.3 This Constitution and its provisions will have binding force on all authorities and persons throughout Scotland. All Acts of Parliament, treaties, regulations and other laws, whether enacted past, present or future, to the extent that they are incompatible with this Constitution, will be void and without effect.

1.4 The territory of Scotland comprises all land and air space to the north of the land border, running as in place prior to 1999, between the Solway Firth and the then mouth of the River Tweed, and the surrounding seas and air space to a limit of 200 nautical miles or the relevant median lines with other states, including the line running due east from the mouth of the River Tweed, or to such limits as set by international law.

1.5 On and below all of the land, including all mineral and extraction right, all inland water bodies and territorial seas and the airspace of Scotland are an inseparable and indivisible whole, belonging to the people of Scotland collectively as a nation, as communities and as individuals.

1.6 Citizenship: All persons, including adopted children, who were UK citizens immediately prior to independence, and were born in Scotland, or were legally resident in Scotland at independence, will become citizens of Scotland.

1.7 All persons with a grandparent of Scots nationality have the right to be citizens of Scotland

1.8 Parliament will enact laws to regulate the acquisition of Scottish citizenship by adoption, marriage, descent, or naturalisation, and to specify the manner in which citizenship may be lost or renounced.

1.9 Laws concerning the conditions under which dual citizenship with other states may be held and the acquisition or renunciation of citizenship must not unfairly discriminate in terms of sections 2.1 to 2.3.

1.10 Residency visas will be made available to immigrants in the interests of national requirements at the time as prescribed by law. Residency visa holders will be eligible, subject to Government consideration, for Scottish citizenship after five years of continuous residency within the country and such further requirements as to residence as may be prescribed by law.

1.11 All immigrants will be issued with an Entry Pass. The category of Entry Pass issued will vary according to status as prescribed by law.

1.12 Citizens, resident, and on the electoral register, are entitled to vote in all national elections and referendums upon reaching the Age of Legal Capacity, except

for persons under guardianship due to severe mental incapacity as defined by a specific medical or judicial certification.

Article 2: The Fundamental Rights, Liberties and Duties Of The People

2.1 The European Convention on Human Rights that entered into force on the 3rd September 1953 is adopted in full as part of the Fundamental Law of Scotland. The European Convention on Human Rights enables the principles of the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on the 10th December 1948.

2.2 All citizens are expected to uphold these rights. There will be no interference by a public authority with the exercise of these rights, except in the interests of national security or public safety, unless permitted in law.

2.3 The rights and freedoms set forth in this Constitution are enjoyed without discrimination on grounds of age, sex, race, colour, disability, impairment, language, culture, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

2.4 Freedom of expression through the media and electronic communication and public demonstrations is guaranteed, subject to the law.

2.5 The right to life is protected. The death penalty is prohibited. People have the right to be in control of their own lives and following Independence the will of the people on such issues as the ending of life will be decided by referendums.

2.6 All citizens have the right to liberty, other than by lawful arrest and detention.

2.7 All citizens have the right to freedom of religion or none, provided it is practised within Scots law.

2.8 All citizens have the right to freedom of expression, within the law.

2.9 All citizens have the right to freedom of information in relation to all public organisations and public bodies, as provided for under data protection legislation.

2.10 All citizens have the right to peaceful assembly. This right may be restricted in accordance with procedures determined by law for the purpose of national security, and the safety of individuals and property.

2.11 All citizens have the right to free, quality healthcare at the point of need, subject to available resources.

2.12 All citizens have the right to privacy with regard to electronic and written communication dealing with private and family life, other than is necessary and reasonable in a democratic society to prevent abuse of this right.

2.13 All citizens have the right to use reasonable force to defend self and family under threat of violence. Reasonable force defined as up to and inflicting bodily harm on the antagonist, short of death.

2.14 All citizens have the right to be secure against search, seizure or forced entry, other than in accordance with a warrant issued by a magistrate or sheriff on evidence or in accordance with police powers to respond to protect someone in immediate danger.

2.15 All citizens have the right to be free from, and protected from, torture or inhuman or degrading treatment or punishment. No person will be held in slavery and all forms of forced labour are prohibited, but work incidental to the serving of a sentence of imprisonment imposed by a court of law will not be taken to be forced labour within the meaning of this Article.

2.16 All citizens have the right to be treated with dignity, and to participate in society as full and equal members, and to have barriers to such participation removed.

2.17 All citizens have the right to enter and to remain in Scotland, and to leave the country unless subject to a court order.

2.18 All citizens have the right to an adequate and free basic education. The education provided will enable development of the individual's abilities and needs, and promote respect for democracy, the rule of law and human rights. The authorities of the state will ensure access to upper secondary education and equal opportunities for higher education for all citizens on the basis of qualifications.

2.19 All citizens are equal before the law and have the right to equal benefit of the law.

2.20 All children will be guaranteed by law the protection and the care that their well-being requires; the best interests of the child will always take precedence when decisions are made regarding a child's affairs.

2.21 Everyone arrested or detained has the right to be informed of the reasons, and to be informed of their right to retain and instruct counsel. They have the right to have the validity of their detention determined by *habeas corpus*, being a writ requiring persons to be brought into court for a judge to decide whether their detention is lawful or not.

2.22 Any person charged with an offence has the right to be informed of the particulars of the alleged offence, to be tried within a stated lapse of time and to be presumed innocent unless proven guilty.

2.23 Scots, English, Doric and Scots Gaelic are the languages of Scotland. Notwithstanding, all documentation of a legal nature, and concerning the actions or deeds of the Scottish Parliament and Justice System, will be recorded in the English language, which will have precedence over any other written translations.

2.24 Every person will have a pension adequate for their well-being and dignity.

2.25 All citizens and legal residents not in detention will be required to serve on juries, with reasons for exceptions to be set in law.

Article 3. The Head of State

3.1 The Head of State will, following selection by a referendum of the People of Scotland in terms of Article 6.4, be appointed by Parliament in accordance with the legislation governing selection, appointment and recall.

3.2 The Head of State will be remunerated as determined by law. The Head of State accounts will be open to scrutiny by Parliament and reviewed as per law.

3.3 The Head of State will be deemed to be a servant of the State and will therefore be considered to be impartial to all matters politic.

3.4 The Head of State will possess only such powers as are expressly vested in him or her by this Constitution and will exercise those powers with the advice and consent of the responsible constitutional authorities.

3.5 The Head of State will dissolve Parliament on the instruction of the Presiding Officer in accordance with the provisions of Sections 4.12, 4.13 and 4.14 of Article 4.

3.6 The Head of State will confirm assent to legislation, in accordance with the provisions of Section 5.8 of Article 5.

3.7 The Head of State will award civic honours in recognition of public services, as proposed by an Independent Commission in accordance with the law.

3.8 The Head of State will accredit and receive ambassadors, and perform other associated duties, as directed by the Scottish Government.

3.9 During the absence of the Head of State from Scotland, or inability to perform his or her duties, the constitutional powers and functions of the Head of State stated in Section (3) of this article may be delegated to a designated Commissioner. The Executive will appoint the Commissioner, on the nomination of the Parliamentary Bureau. No serving Member of Parliament, or Minister, may serve as the Commissioner.

Article 4: The Parliamentary System, Selection, Voting.

4.1 Subject to the rights of the People, the supreme legislative power is entrusted to a unicameral Parliament.

4.2 Parliament consists of one hundred and eighty-eight Members of Parliament, elected from sixty Mainland constituencies and four Island constituencies – namely

the Outer Hebrides (Na h-Eileanan Siar), the Inner Hebrides, the Orkney Isles and the Shetland Isles.

4.3 There will be an executive Council of Ministers, comprising Cabinet Secretaries, Ministers and Law Officers, hereafter termed the Scottish Government (ref. section 7.5).

4.4 Parliament will sit for a statutory period of five years and will be supported by a Civil Service.

4.5 Representatives to the Scottish Parliament are elected through free elections and secret ballot and the seats are distributed on the principle of proportional representation in accordance with the law.

4.6 Each Mainland constituency is represented by three Members of Parliament and each of the four Island constituencies is represented by two Members of Parliament.

4.7 Parliamentary Constituency boundaries are determined by law, on the recommendation of the Boundary Commission, having due regard for population, geographical area, regional, cultural and historical ties, economic expediency and the requirements of regional planning.

4.8 The general elections take place during the first week in May with the rules for campaign expenditure for parliamentary candidates being set by law.

4.9 All Scottish citizens will be automatically entered onto the electoral register on attaining the Age of Legal Capacity and will retain registration for life. All registered Scottish citizens are entitled to vote in the Parliamentary elections and National referendums.

4.10 All persons, with a minimum of five years' work experience out with the political field and eligible to vote in elections for the Scottish Parliament, are eligible to stand for election to Parliament. No person who holds executive, administrative, military, diplomatic or judicial public office (other than Ministerial office) may be elected to Parliament unless they resign from the incompatible office. All candidates for election will be selected at constituency level.

4.11 Vacancies in Parliament arising from the death, resignation or removal of a member will be filled within three months. Unless a general election is due in that time, vacancies will be filled through a by- election.

4.12 Parliament will elect from amongst its members a Presiding Officer and Deputy Presiding Officers to convene its sessions and enforce its rules of procedure. These Officers will be drawn from separate political groups. These officers are elected as the first item of business after each general election, by a secret ballot and by a simple majority vote. The Presiding Officer and the Deputy Presiding Officers when in the chair must perform their duties in a strictly non-partisan manner.

4.13 Parliament will continue in office for a fixed statutory term of five years; and the Head of State, acting on the instruction of the Presiding Officer, will dissolve each

Parliament on the fifth anniversary of the preceding dissolution, and issue writs for a general election to be held within the next thirty days.

4.14 If Parliament has failed to appoint a new First Minister within the period of thirty days as specified in Section 7.3 of Article 7, then the Presiding Officer, after consulting the various parliamentary groups, will dissolve Parliament. Writs will thereupon be issued for a new general election to be held within the next thirty days.

4.15 If Parliament, by a two-thirds majority vote of its members, passes a resolution calling for its own dissolution, in order to resolve an impasse or to seek a fresh mandate from the people, the Presiding Officer will dissolve parliament. Writs will therefore be issued for a general election to be held within a thirty day period.

4.16 Parliament will have the power, in time of war or national public emergency, to extend its term of office for a period not exceeding twelve months, by means of a resolution passed by a two-thirds majority of its members.

4.17 Parliament will determine its own sessions and adjournments providing that it assembles within seven days after each general election, and it must assemble each year for the regular sessions as provided by law. The Presiding Officer will summon extraordinary sessions, whenever she/he deems it necessary, or if required by the Scottish Government, or by one-third of the members of Parliament.

4.18 The Presiding Officer shall convene a Parliamentary Bureau consisting of Members of Parliament representing a cross-section of members. The Parliamentary Bureau will prepare Parliament's agenda and order of business. The Bureau will propose the rules of procedure.

4.19 There will be a Parliamentary Corporate Body, consisting of Members of Parliament elected by proportional representation at the initial session of each Parliament. The Corporate Body will manage Parliament's staff, buildings, facilities, security and budget.

4.20 All Members of Parliament will be allowed Freedom of speech and debate in Parliament, subject only to Parliament's own rules of procedure (Standing Orders).

4.21 All Members of Parliament will be allowed freedom to vote free from intimidation from others. It is the responsibility of the Elected Members to ensure that the majority view of their constituents is prioritised over all other personal or political party considerations.

4.22 All Members of Parliament (MPs) will be remunerated with a salary, and permitted allowances, to attract responsible candidates of the highest integrity, loyalty and work ethic. Within their first session of appointment, all MPs will be required to undertake training in accordance with section 13.3. While in office, MPs are not permitted to undertake any other employment, whether paid or unpaid except where required for the maintenance of professional qualifications.

Article 5: The Law-Making Procedure, Transparency.

5.1 Parliament is the sole authority empowered to enact legislation on behalf of the people. All such legislation will include a review date.

5.2 Subject also to any detailed provisions prescribed by Parliament's own rules of procedure, Parliament will enact laws as prescribed in sections 5.3 to 5.8.

5.3 Legislative bills may be proposed by the Scottish Government, by any individual Member of Parliament, or by means of a public petition signed by at least five per cent of the Nation's registered voters; provided, that bills relating to matters of public revenues and finance, may only be proposed by the responsible Minister.

5.4 The submitted legislative bills will be subjected to deliberation and process by an appropriate cross-party parliamentary committee before they are debated in Parliament. An assessment of the impact of legislation will accompany legislative bills.

5.5 A submitted bill will be debated in Parliament, and if approved by a majority of those voting, it will be presented to the appropriate committee of Parliament. The committee will conduct hearings, to which representations may be made by or on behalf of all persons or groups interested in the subject matter of the bill. The committee will have the right to subpoena persons, who will be required to provide evidence, under oath.

5.6 The appropriate committee will report on a proposed bill to Parliament, and will recommend such amendments, as they deem necessary or expedient. The committee will ensure the bill is fit for purpose and the financial costs of implementation are fully evaluated. Parliament will vote on the amended bill.

5.7 Parliament will vote upon the proposed bill in the form agreed following assessment by the appropriate committee. The bill will be deemed to have passed if approved by a simple majority of Members of Parliament.

5.8 The Head of State, on the instruction of the Presiding Officer, will sign and thus enact as law, all bills passed by Parliament.

5.9 The Act of Parliament for the levying of public revenues and the fiscal budget will remain in force for a period of five years from the date on which the Act came into force.

5.10 Parliament will appoint committees to inspect and oversee the Government and to scrutinise specific legislation. They will consist of at least seven members, chosen by parliamentary vote, by proportional representation of political groups.

5.11 Parliamentary Committees, Parliamentary Commissions and Boards of Enquiry will have right of access to official documents, files and other evidence. They will

have the power to summon and subpoena witnesses, including Ministers and other officials, to provide evidence given under oath.

5.12 Members of Parliament holding a ministerial office will, by virtue of that office, be disqualified from membership of all select committees and from Parliament's Corporate Body. They may serve on Parliamentary Commissions and Boards of Enquiry only where there is no conflict of interest.

5.13 The proceedings of Parliament, its committees and commissions, will be open to the public and media, except in matters of national security, where the Presiding Officer may, upon appropriate advice, determine that it is advisable to carry out the debate in camera.

5.14 The non-government aligned Members of Parliament may elect a member who will be designated by the Presiding Officer as the Leader of the Opposition.

5.15 Members of Parliament will swear an oath of allegiance to serve and promote the wellbeing of the people of Scotland, to uphold the laws and Constitution of Scotland and to act on behalf of the people of the constituency represented.

5.16 Parliament will have the authority to initiate a vote of no confidence in an individual Minister, the Scottish Government as a whole, or an individual Member of Parliament. The Parliamentary Bureau will have the authority to discipline the offender/s.

Article 6. Recall An MP, Initiate A Public Petition.

6.1 The electorate are empowered to raise a Petition to Recall a Member of Parliament, hereafter referred to as an MP.

6.2 Stage one of the Petition to Recall an MP will be initiated when one per cent of the registered electorate of the constituency, consider that a constituency MP has failed to perform his or her duties on grounds of negligence, corruption, criminal conviction, dishonesty, or other gross misconduct or, in the view of the constituents has simply ceased to represent their interests.

6.3 Stage two of the Petition to Recall an MP procedure requires to be signed by ten per cent or more of the registered electorate of the constituency within a time period of eight weeks. The Electoral Commission will regulate the Recall Petition process.

6.4 A petition signed by four per cent or more registered voters within six months, calling for a popular vote on an issue of concern, will be referred to Parliament. A Public Petitions Committee will decide on petitions submitted by individuals, community groups and organisations. If the issue or concern cannot be resolved by Parliament then it will be put to a referendum to be held within twelve months and in accordance with Article 13.4.

Article 7: The Government, Citizens Assembly, Long-Term Planning

7.1 The Executive power will be invested in the Scottish Government, which will consist of a Cabinet, comprising a First Minister, a Deputy First Minister and Cabinet Secretaries. The Cabinet will be supported by such Ministers as may be required to conduct the government of the state. The Scottish Government will collectively be responsible to Parliament.

7.2 The First Minister will be elected by Parliament from its Members, by open ballot and a simple majority vote.

7.3 The First Minister will be elected and appointed within thirty days after each General Election, and within thirty days after the death, resignation, or removal, of the former First Minister. If a First Minister has not been elected during this time, Parliament may be dissolved in accordance with the provisions of Article 4 Section 14.

7.4 The incumbent First Minister and Cabinet will continue in office in a caretaker capacity following a General Election until a successor is appointed. Following the death, resignation or removal of a First Minister, and until the appointment of a successor, the Scottish Government will act in a caretaker capacity.

7.5 Cabinet Secretaries and Law Officers will be appointed by the First Minister. All other Ministers will be nominated by Members of Parliament and voted in by a simple majority vote of Parliament.

7.6 The Scottish Government, subject to the Constitution and the law, will determine all matters of foreign and domestic policy. It will direct the administration, conduct foreign relations and manage monetary and fiscal policies. It may prepare draft legislation, and other business, to lay before Parliament. A majority of Cabinet Secretaries must be present at the meetings when such decisions are made.

7.7 The administrative officials, subordinate to the Scottish Government, will be recognised as a permanent, professional and non-partisan Civil Service, and will be regulated by the Public Service Commission.

7.8 Authority over the Armed Forces, subject to the Constitution and law, is vested in the Scottish Government. The prior consent of a two-thirds majority of Parliament is required before a declaration of war may be made, or extra-territorial deployment of troops undertaken. If Scotland is under actual, or imminent, enemy attack, the Scottish Government will undertake all necessary defensive action.

7.9 Treaties delegating sovereignty powers (legislative, administrative, judicial, military, fiscal or territorial) to a confederation, union, alliance or international body will take effect only if ratified by a majority of Members of Parliament followed by a public referendum achieving a majority vote. All such international commitments

must comply with this Constitution and be revocable at any time in accordance with a majority vote in both parliament and a referendum.

7.10 The Cabinet will appoint an executive quorum to provide an informed response to any significant or emergency situation when Parliament is not in session.

7.11 Non-government organisations will operate under the direct authority of the office of the responsible Cabinet Secretary.

7.12 The Scottish Government may engage expert advisors from out with Parliament and also appoint Parliamentary Commissions and Boards of Enquiry which may include expert advisors in order to investigate and report on particular decisions or aspects of policy, legislation, or administration. Their composition, duration and terms of reference will be specified by a parliamentary resolution having particular regard to the principles in Article 7.14 and the exclusion of any person having potentially conflicting interests.

7.13 All Cabinet members are required to provide Parliament with a yearly report outlining an account of matters falling under their authority.

7.14 On appointment to a cabinet or a ministerial post, any existing commercial obligations or contract of service must be declared and settled or unconditionally terminated. All shares or investments in commercial organisations owned by the appointee must be declared and will be held in escrow for the duration of the appointment, and for a further period of six months after leaving office.

7.15 A Lobbying Commission will secure transparency between elected representatives & public servants and all privately owned commercial, financial and advisory bodies. Entities conducting business in Scotland which enjoy rights, freedoms and protections under this Constitution are equally bound to observe their financial and moral obligations whether specified or implied. Parliament shall be alert to these principles when drafting the legislation requiring formal registration of all such special interest groups.

7.16 There will be a Consultative Citizens Assembly to advise and assist Parliament and the Scottish Cabinet on matters of legislation and policy or matters of contentious concern under terms prescribed in law. The Consultative People's Assembly will consist of members appointed in the manner prescribed by law to represent society on a vocational and functional basis.

7.17 The Scottish government will commission twenty-five and fifty-year national infrastructure master plans covering every aspect of national development. These plans will be updated every ten years. The master plans will also incorporate all relevant issues currently included in local authority area and local development five and ten-year plans.

Article 8: Public Finances - Domestic Currency, Central Bank, Funding

8.1 The focus for the Government will be to achieve an economic environment to deliver and sustain a sound economy. The development of the nation's wellbeing and happiness will be given preference over solely boosting General Domestic Product (GDP).

8.2 The National Currency of Scotland is the Scots Pound, being Constitutional Money guaranteed by the State in accordance with the Constitution.

8.3 There shall be a Constitutional Monetary Authority (CMA) holding ultimate responsibility for the administration of the National Currency. It will be independent of the legislative and executive branches of the Government. Its members will be nominated by a Public Appointments Commission and appointed by Parliament by a simple majority vote in a secret ballot. The CMA shall be funded by making its own requisition upon the normal revenues of the State.

8.4 The Central Bank of Scotland is the executive arm of the Constitutional Monetary Authority and will originate the currency and regulate its distribution through the Full Reserve banking system.

8.5 The Scots Pound is issued free of debt by the Central Bank of Scotland and in Scotland is the sole legal tender and circulating medium of exchange comprising cash or credit instruments. The origination or placing into circulation of any other money or money substitute shall be an act of counterfeit.

Government Finances & Taxation

8.6 The Government is required to raise a significant proportion of its public revenues, in the form of ground rent or an equivalent form of land taxation, from Scotland's greatest natural resources, namely its land, its air space and the seas under Scottish jurisdiction.

8.7 The Government may not issue any other bonds or debt instruments other than as required by the Central Bank in settlement of foreign balance of trade deficit and as limited within its regulation by the Constitutional Monetary Authority.

8.8 The Government will obtain the capital investment funding required to finance the material and labour costs for new major national assets, directly from the Central Bank of Scotland.

8.9 The Government will adopt a budget, limited to a maximum deficit of three per cent of the gross domestic product, for the full term of its administration.

8.10 Regional Councils will adopt annual budgets limited to a three per cent deficit, during their term of administration.

8.12 Regional Councils will agree budgets adequate for the proper functioning of each of the Burgh Councils within their area of responsibility.

Article 9: Judiciary, Prosecution and Rehabilitation Service

9.1 In the exercise and function of its jurisdiction, the Judiciary is independent of the legislative and executive branches of Government.

9.2 The judicial powers of Scotland are invested in the Court of Session and the High Court of Judiciary and in such subordinate courts as provided in law.

9.3 The Lord President of the Court of Session, judges, sheriffs and justices of the peace are appointed in accordance with the law.

9.4 The Judiciary will operate in accordance with the Statement of Principles of Judicial Ethics for the Scottish Judiciary.

9.5 The organisation, powers, structure, jurisdiction, privileges and procedures of the various Courts are governed by law.

9.6 The organisation and procedures of the Law Commission are governed by law.

9.7 The Crown Office and Procurator Service is the independent prosecution service of Scotland and a Ministerial Department of the Scottish Government.

9.8 The Lord Advocate is responsible for the Crown Office and the Solicitor General is responsible for the Procurator Service. Both appointments are made on the recommendation of the First Minister.

9.9 The Cabinet Secretary for Justice will exercise the right of pardon, and of remitting punishments, following due consideration by an independent Pardons board.

9.10 The rehabilitation of prisoners will be the key feature of the Scottish criminal justice system, normalising the prison environment, working to limit prison stay, reinstatement with mentoring and through reintegration of prisoners into society and making restitution. The main focus to be on preventing reoffending by understanding and removing the causes for criminal behaviour in the first place.

Article 10: Constitutional Amendments

10.1 Amendments to the Constitution will require a two-thirds majority vote in parliament followed by a public referendum.

Article 11: Government Audit And Complaint Services

11.1 The Auditor-General service is responsible for auditing central government departments, government agencies, non-departmental and local government bodies and has competence to investigate any irregularities alleged to have been committed by any of these bodies.

11.2 The Public Services Ombudsman has the duty to investigate complaints of maladministration, injustice, neglect of duty, incompetence, delay, or mistake, alleged to have been committed by, or to have been caused by Ministers, civil servants, local government bodies, public utilities, or other public authorities.

11.3 The Auditor-General and the Ombudsman have full powers of investigation, including access to all records and correspondence, and the right to summon and subpoena witnesses, and hear evidence on oath. They submit annual reports of their activities to Parliament and Regional Councils but are independent of the Government in the exercise of their functions, with a duty to act impartially.

11.4 There will be an impartial Broadcasting and Media Audit Board with the authority and competence to ensure the accuracy, truthfulness, and good, non-deceptive practice for all media outlets seeking accreditation in Scotland.

Article 12: Two Tier Local Authorities, Responsibilities, Elections, Funding, Remuneration, Boundaries, Recall.

12.1 In accordance with the principles of subsidiarity and to empower decision-making at the appropriate local level, a two-tier system of local authorities will share autonomous official responsibility for delegated public services and facilities in a particular area. The two tiers will be termed Regional Councils and Burgh Councils.

12.2 All Regional and Burgh areas of jurisdictions and boundaries are set by law on the recommendations of an Independent Boundary Commission, having due regard for population, geographical area, cultural, local associations and established local communities. Each conurbation designated as a city would qualify as a region and other mainland regions would not exceed seven per cent of the nation's population. Each Mainland Region will be comprised of three Parliamentary Constituencies.

12.3. The apportioning of administrative authority and allocation of funding levels between the National Government, Regional and Burgh Councils will be determined by a National Commission and is determined with consideration for the number of inhabitants and the geographical area of each individual constituency.

12.4. The principal source of revenue funding for public services provided by Regional and Burgh Councils to be ground rent or an equivalent form of land taxation, levied by Regional Councils but collected by the National Revenue Service

on their behalf, together with minor revenues arising from fees, fines, user charges etc.

12.5 The capital investment funding for new National and Local Government infrastructure projects and fixed capital investment to be obtained directly by application to the Central Bank.

12.6 The public services provided, including the provisions for connectivity, will meet national standards of quality and performance and will be audited annually.

12.7 Candidates for Regional and Burgh Councils are elected by secret ballot using the single transferable vote system of proportional representation, for a five-year term of office and will when elected be resident in the Region or Burgh area represented throughout their term of office.

12.8 The numbers of representatives for Regional and Burgh Councils will be based on a system of proportionality of the electorate as set by law.

12.9 Elections will take place during the first week in May and all of the registered electorate resident within the region are eligible to vote in the regional elections. Only those residents in their designated Burghs are eligible to vote in Burgh elections.

12.10 All Scottish citizens on the electoral register are entitled to vote in Regional and Burgh elections. Foreign nationals who have been registered on the electoral register for a continuous period of three years immediately prior to the election date are entitled to vote.

12.11 The electoral campaign funding limit for each prospective candidate will be set by law and regulated by the Electoral Commission.

12.12 Members of Regional and Burgh Councils are remunerated as determined by law, which details will be available in the public domain.

12.13 Members of Regional and Burgh Councils are required to abide by a Code of Conduct and operate in accordance with remits which set out their powers, duties and responsibilities. Within their first session of appointment, all Members are required to undertake training as per section 13.3.

12.14 Each Regional and Burgh Council elects from amongst its numbers Officers to preside over meetings, record decisions and minutes and to represent it in its external affairs.

12.15 The employees of Regional and Burgh Councils will be organised as a professional and non-partisan service, accountable to the relevant Council and regulated by the Public Service Commission.

12.16 Regional and Burgh Councils will have independent budgets, for which the law will determine the principles of formation and procedures. The Regional and Burgh Councils are required to maintain balanced budgets within specified limits.

12.17 Regional and Burgh Councils shall be non-partisan in politics and secular.

12.18 The electorate is empowered to raise a Petition to Recall an Elected Member of a Regional or Burgh Council. The procedures are as provided for the recall of a Member of Parliament as outlined in Sections 6.1 and 6.2

12.19 There will be provision for Regional citizen referendums, whereby a petition signed by one fifth or more registered voters calling for a popular vote on an issue of concern to the people within the Region is first referred to the Regional Council and then put to a popular vote if the issue of concern has not been responded to by the Regional Council.

12.20 Regional Councils are statutory consultees in the preparation of parliamentary legislation. Burgh Councils have statutory rights of appeal if affected by arbitrary decisions of Regional Councils.

Article 13: Independent Commissions

13.1 There will be non-partisan, task specific, Independent Commissions, free from outside or political control, which work towards a specific goal for the State. Their major responsibilities are to protect the sovereignty of the people to ensure that all State bodies observe democratic values and principles and to promote constitutional values and principles. Commissions are supported by staff appointed by and accountable to them.

13.2 Independent Commissions will consist of representatives appointed by both Parliament and Regional Councils. Commissioners may not simultaneously hold any other public office and their terms of employment, salaries and allowances will be fixed by law, and in parity to those of Members of Parliament.

13.3 Included within the range of Independent Commissions will be a Training Standards Commission that will determine and set the standards of mandatory management training for those elected to for Parliament, Regional and Burgh Councils, to provide them with the necessary skills and knowledge to carry out their duties effectively.

13.4 There will be an Electoral Commission to be responsible for the fair, transparent and independent conduct of elections and referendums.

Article 14: Natural Resources, Land Registration, Environment and Wildlife Protection.

14.1 Scotland's natural resources will be held and managed by the nation in trust for future generations, developed and preserved in the national interest and set out within the national twenty-five- and fifty-year master plans which are reviewable

every five years. These resources and any titles thereto belong to the citizens of Scotland. Non-citizens and corporations, both public and private, are confined to a time-limited Right to Use title under Land Rights legislation.

14.2 Resources under national ownership include the seas and seabed within Scottish jurisdiction, wave, tidal and wind energy, the harvestable fauna and flora of the seas including mineral rights both proven and unproven, all land development rights including sources of fresh water, geothermal energy and minerals.

14.3 The Scottish Government will secure the completion of the Land Register within two years of a vote in favour of independence and complete the process of appeal within two years thereafter. Following completion of the Land Register, any unregistered land will revert to public ownership. The Scottish Government will enact Land Rights Legislation, reviewable every ten years.

14.4 The Scottish Government will enact an Environmental Protection Law that will outline the measures to be taken to improve living conditions for people and the biome for all living creatures in Scotland. Scotland has a duty to work with other nations to ensure the long-term protection of the global environment.

14.5 On the basis that this planet is not exclusively for the use of *homo sapiens* alone, our biome will be recognised as an indivisible and a living whole. The protection of our mountains, peat bogs, rivers and lochs, our seas, all domesticated animals and wildlife against abuse will be prescribed by law.

14.6 Government authorities, together with those who utilise Scotland's natural resources, are responsible for the protection of the natural resources. The law permits government authorities to grant permits for the utilisation of natural resources against full consideration and for a reasonable period of time. Such permits will be granted on a non-discriminatory basis and will never entail ownership or irrevocable control of the resources but will always incur a bonded obligation of reinstatement.

Article 15: General Statutes – Law Enforcement and Police, Prohibition of Death Penalty, National Security, Maritime Protection Agency, Conventional Armed Forces, Emergency Powers, International Treaties, Diplomatic Service, NBC Ban.

15.1 Law enforcement is the responsibility of Police Scotland and the Scottish Police Services Authority. Transport Police and the Civil Nuclear Constabulary perform duties within their respective jurisdictions. All police powers, responsibilities and duties are as prescribed by law.

15.2 The law provides for participation with international law enforcement agencies.

15.3 The law will ensure appropriate penalties to be placed on those who commit crimes such as premeditated murder, serial killings and treason and on those who attack public service workers such as police, rescue workers, medical staff, prison officers and others serving the public.

15.4 Prohibition of Death Penalty. The Constitution prohibits Parliament from enacting any law allowing for the imposition of the death penalty even during a time of war or armed rebellion.

15.5 Security Agencies: Agencies will provide effective control of all borders; issue passports and visas; control customs and excise; ensure compliance with international standards of safety and human rights in the airspace over Scottish territories; and safeguard national cyberspace.

15.6 National Security. Under the oversight of the Scottish Government a National Security Agency will coordinate interactive strategy among the departments of the police, intelligence services, the armed forces, maritime protection agency, customs service and government agencies effecting national security.

15.7 A Maritime Protection Agency in co-operation with Police Scotland is tasked with: protection and policing of the natural and economic assets within Scottish Territorial Seas out to twelve nautical miles, a contiguous zone out to twenty-four nautical miles and of the Exclusive Economic Zone, as set out under the United Nations Convention on the Law of the Sea; effecting compliance with Maritime Law and coordination of search and rescue of at-sea operations.

15.8 To provide territorial defence and support in civil emergencies there is a conventionally armed Scottish Defence Force. The law provides for participation in humanitarian aid activities and in selected United Nations mandated peacekeeping operations.

15.9 During a national emergency the Executive can declare a State of Emergency that allows the Executive to immediately enact regulations to secure public order, safety and health. The declaration will expire after thirty days or the legislature can revoke it earlier. The actions of the executive cannot be found to be unconstitutional provided they are pursuing the humane conclusion of the emergency. These emergency powers will be restricted to the duration of the emergency and the immediate recovery period

15.10 As codified in the Vienna Conventions on Diplomatic and Consular Relations, Scotland will comply with the rights, duties and obligations for the sending and receiving of diplomatic and consular services and the law regarding diplomatic and consular staff.

15.11 Prohibition on nuclear, biological or chemical weapons. The Scottish State prohibits the presence, transportation or development of nuclear, biological or chemical weapons, parts or components thereof, throughout its land, territorial waters or airspace, such actions being deemed a criminal offence. Any such material

currently existing within Scotland must be removed within three years of the date of ratification of this Constitution.

15.12 War material, banned by the Geneva Convention, may not be used, stockpiled, manufactured in or transferred from Scotland. The export of any other such products may not be exported to regimes for use against their own or other people, the destruction of property or the environment.

Schedule 1: Oath of Office or Duty

All persons require to undertake an oath or affirmation before undertaking the duties of an office, such as a position in government and other public organisations, to act impartially, or to affirm loyalty.

The wording of the oath or affirmation may vary dependent upon the duties to be carried out. The wording will however commit the individual to serve and abide by the Constitution and laws of Scotland.

An oath of office or duty is required by:

The Head of State, Cabinet Ministers, Members of Parliament, Judges, New Citizens and all other persons holding public office under this Constitution.