

# First Legislative Programme of the Scottish Parliament

16 June 1999

*Donald Dewar was the First Minister in the Scottish Parliament reconvened after a 296-year adjournment in 1999. He died in October 2000 before the Land Reform (Scotland) Bill was passed (23<sup>rd</sup> January 2003). However, he played a pivotal role in helping prepare the political ground, setting the rural parameters for the legislation and ensuring that land reform was high on the agenda of the new Parliament. He launched the **Land Reform Bill** and the **Abolition of Feudal Tenure Bill** on their parliamentary journey with the following speech.*

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## **Legislative Programme - The Presiding Officer (Sir David Steel)**

The next item of business is a statement by the First Minister on the Executive's legislative proposals. The First Minister will take questions at the end of his statement for about 20 minutes, during which there should be no interventions. Following those questions, we will move on to a debate on the Executive's proposals. It might help the chamber if I say that those who wish to ask questions should press their buttons during the statement. Those who wish to speak in the debate should wait until the question period is over.

## **The First Minister (Donald Dewar)**

With your leave, Mr Presiding Officer, I would like to make a statement on the Executive's first legislative programme.

We have travelled a long road to get here. There have been significant milestones on the way from the constitutional convention to the reality of this, Scotland's Parliament. The driving force has been the Labour Government that was elected in 1997; a Government that put Scotland's Parliament at the forefront of its legislative programme and that kept faith with the people. Today, we reach another milestone. For the first time, a programme of legislation for Scotland will be laid before a democratically elected Parliament in Scotland.

We are a young Parliament. We have not yet taken up our formal powers. Much of our talk to date has been, of necessity, about how we work as a Parliament as much as about what we do as a Parliament. People ask when the Parliament will begin to make a difference. Today, we begin to answer that question.

In a minute, I shall say more about the bills that we shall introduce, but as a parliamentarian and as someone who serves in this Parliament, I want first to say something about our law-making powers.

Let us not underestimate the scope and range of powers available to this Parliament. There will be exceptional and limited circumstances in which it is sensible and proper that the Westminster Parliament legislates in devolved areas of responsibility, but that can happen only with the consent of this Parliament—consent specifically given after due process.

Day in, day out, it is here that the law of the land will be shaped and laid down. This Parliament is in charge of a wide sweep of domestic policy, which will touch on the lives of every man, woman and child in the land. This is fundamental, radical change. This is, in every sense, a Parliament.

With that power comes responsibilities. We shall pass laws, not because we are here and must look busy, and not because someone grabs a microphone, or a megaphone, and says that something—anything—must be done. We shall act for and in the name of the people of Scotland.

Already we can see one way in which the Parliament can make a difference. Under the old dispensation, we could reasonably expect to get one major piece of Scottish legislation through Westminster in a year, but today I will be giving the Parliament details of eight bills that will address matters of pressing importance to the people of Scotland in ways that meet their concerns and needs - Scottish solutions for Scottish problems.

I emphasise that that is just the start; much more will follow over the lifetime of the Parliament. We are here to keep promises; we will be watched closely and be judged on the way in which we go about our business. There will inevitably be vigorous debate—so there should be—but that debate should be of serious intent; it should be aimed at improving, not wrecking. Legislation must be necessary and well prepared. Our consideration must be thorough, open and accessible.

We need to understand what that means. A balance must be struck between the understandable call for quick results and the promise of genuine dialogue, proper scrutiny, and public and parliamentary involvement. That balance will be a matter of fine judgment. Members must

understand—and must relay that understanding to those who watch our business—that proper scrutiny takes time.

What is expected of us is sensible politics. We have, through the cross-party deliberations of the consultative steering group, created structures that will encourage consultation and necessary scrutiny, but the smartest systems will not make a cheap debate a rich debate—that is our challenge.

I want to say a word on partnership. When I accepted the Parliament's nomination as First Minister, I said that I would work with those who would work with me. The evidence of that is before the Parliament. We present this legislative programme as a partnership (*between the Labour Party and Liberal Democrat Party*) that is committed to stable and responsible government. In a democracy, parties can and should work together where circumstances demand. This partnership is built on common objectives.

The eight bills that I will set out today are the first return on that partnership. Let the test of what we do be the end product. We are working together to deliver a programme of government that will deliver for the people of Scotland; it is on that programme that we should be judged.

Our aim is social justice in a prosperous Scotland — a Scotland that is a vigorous and thriving part of the global economy and in which all have the opportunity to fulfil their potential.

We must celebrate our unique cultural and natural heritage. We must tackle the problems of transport and the environment. We must build strong and stable communities in a Scotland where every family can raise children in safety and decency, where affordable housing is within the reach of all, where communities are not overshadowed by the fear of crime and where communities, rural and urban, are valued. We must build an enterprise economy, making the best use of our talents and encouraging creativity and innovation. We must build a healthy nation, making our health service among the best in Europe. Above all, at the edge of the 21st century, we must build a world-class education system, unlocking opportunities for all our children. By any standards, ours is a formidable agenda.

As a Parliament, we cannot accept a Scotland where 4,000 children leave school each year without formal qualifications, where heart disease and cancer have given us a mortality rate among the worst in Europe, where one third of Scottish households have below half the average UK income and where one quarter of our housing stock suffers from dampness or condensation. We can use the powers of government — the spending decisions, the policy initiatives and the power to connect, persuade, cajole, encourage, preach and lead — to change that. We can, and we shall.

We shall work with the people as well as for them. We shall work with local government, other public agencies, the private and voluntary sectors and the communities of Scotland. We shall do so with new energy and new commitment. We want to make this Parliament what it can be — the democratic crucible in which we can test our ideas, seek new inspiration and stand to account on our record. Where necessary, we will invite the Parliament to use its law-making powers to change Scotland for the better.

I now come to our first legislative programme. The Victorian chancellor, George Goschen, was a touch dim but he was the author of the Goschen formula—father of Barnett, as some members will know. When he first entered Parliament, he wrote to the then Prime Minister, Lord

Palmerston, requesting details of the Government's legislative programme for the coming session. The great man replied:

"There is nothing to be done."

We are not in that position. There is much to be done. We have identified eight areas in which legislation is required to ensure that we have the right, Scottish solutions to the challenges that we face.

## **Land Reform Bill**

For years, indeed for generations, land reform has been an issue of fundamental concern in our rural communities and far beyond. It is an issue that has languished for want of the political will required to achieve change.

There has been wide-ranging enthusiasm for the proposals developed by the land reform policy group. The measures that are proposed pose no threat to good landowners, but they will make for a better balance between the private and public interest. They are a central element of our partnership's commitment to enhance rural life. We will therefore introduce a bill for land reform.

Our legislation will give new hope to, and create new opportunities for, those who have lived and laboured on the land for generations. Communities will have the right to buy, as and when the land comes on to the market. We will also legislate to create a right of responsible access to the land for recreation and for the passage of rambles, climbers and those who simply pass through. Who could imagine such a land reform bill passing unscathed through the massed ranks of the House of Lords? This is a Scottish solution to a distinct Scottish problem and is now the responsibility of this Parliament.

## **Abolition of Feudal Tenure Bill**

We will introduce a bill to abolish the feudal system of land tenure. The arcane rights of feudal superiors will be abolished; feudal superiors will no longer be able arbitrarily to enforce conditions on property and land use in which they have no defensible interest. Appropriate steps will be taken to ensure the survival of conditions that are necessary to maintain common facilities and to protect the amenity of property. The legislation will put a final stop to the abuses of the feudal system. It is a Scottish solution for a distinct Scottish need and is now the responsibility of this Parliament.

We will introduce a bill to allow the creation of national parks in Scotland. Scotland's natural heritage is unique. We need to manage that natural heritage in a sustainable way, protecting it while recognising the rights of those who live and work in the countryside. National parks should be part of that policy. This will be enabling legislation. We intend that the first national park should be based on Loch Lomond and the Trossachs. Again, this is a Scottish solution to a distinct Scottish need and is now the responsibility of this Parliament.

We will introduce a bill to maintain high standards in local government. I emphasise that local government is the foundation of our democracy and that its role is central to the good government of Scotland. We made it clear in the partnership document that we were committed to modernising government at all levels. As a first step, we will, as promised, introduce a bill on ethical standards in local government to establish a Scottish standards commission and a code of

conduct for local government. The aim is to enhance the reputation of local government and to ensure a commitment to the highest standards. It is a Scottish solution to a distinct Scottish need and is now the responsibility of this Parliament.

We will introduce an incapable adults bill. Our aim is to protect the rights and interests of those people who, for whatever reason, are incapable of managing their own affairs. Up to 100,000 people at any one time in Scotland will benefit from this legislation. There is strong support for the modernisation of the law in this area.

We recognise that issues of real importance and great sensitivity are involved. There will be particular concerns and a need for detailed discussion on the medical aspects of the consultation document. We do not plan to legislate on advance directives—sometimes known as living wills—on withholding and withdrawing treatment from incapable patients or on non-therapeutic research. We will hold further consultations and, in finalising the draft bill, we will also listen with care to the views of the scrutiny committee and give weight to the outcome of its soundings of Scottish opinion. That is a Scottish solution to a distinct Scottish need and is now the responsibility of this Parliament.

We will introduce a bill to address Scotland's many and diverse transport challenges. We need to tackle the environmental problems and unreliable journey times that are caused by congestion. We need to generate the resources required to deliver a transport system that will be fit for the 21st century. We need local solutions to local problems, within a coherent strategic framework.

Our bill will establish a framework to enable, where sensible, road-user charging and to allow local authorities, where appropriate, to introduce a levy on workplace parking. Our bill will modernise the regulatory framework for buses, giving local authorities the ability to work for improvement through quality partnerships. It is a Scottish solution to a distinct Scottish need and is now the responsibility of this Parliament.

We will introduce a bill on financial procedures and auditing. I make it clear that the bill will not authorise expenditure; separate legislation will do that. The bill will essentially be a technical measure about the machinery of this Parliament, but it will be important. It will go to the heart of the relationship between the Parliament and the Executive, putting in place the framework for the Parliament's scrutiny of the Executive's proposals, particularly on the allocation of public expenditure. This Parliament will not be one where decisions of immense financial significance pass unnoticed and unchallenged.

The bill will set out the rules under which expenditure may be undertaken and the rules for dealing with the income that is received by the Executive. It will also put in place systems of audit and accountability, which will be designed to ensure that the Parliament can confirm that its financial resources have been spent in the way that was intended and to the best possible effect. It is a Scottish solution to a distinct Scottish need and is now the responsibility of this Parliament.

We will introduce an education bill. Education, as I have said, is our number one priority; it will be the priority in our legislative programme. Our bill will lay a duty on local authorities to raise standards and to tackle the problems of under performing schools. It will confirm local control of education within a national framework. It will include provisions to meet our promises on self-governing schools and pre-school education. This bill — one of the first of the new Parliament — will underwrite our commitment to raising educational standards in Scotland. It will be a Scottish solution to a distinct Scottish need and is now the responsibility of this Parliament.

## **Summing-up**

This legislative programme responds to the needs of the people of Scotland. It speaks for people in rural communities who have long been held back by an inequitable system of land ownership; for people in rural and urban communities who have been put upon by the antiquated burdens of feudalism; for people who live in, and those who enjoy, our areas of outstanding natural heritage; for carers who look after those people who can no longer look after themselves; for everyone who wants local government to operate to the highest standards; for everyone in our cities who is frustrated by traffic jams and everyone in rural areas who is frustrated by the lack of public transport; for everyone who wants this Parliament to manage our financial resources rigorously and efficiently; for everyone who has an interest in the education of our children; and for everyone who wants those children to leave school able and ready to make a full contribution to our society. I commend our legislative programme to this Parliament. [*Applause.*]

**Source:** Scottish Parliament, *Official Report*, Vol 1, No 9, 16 June 1999 (Col 403, 9.35am)

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