



Political developments in Scotland to May 2011

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This Standard Note details developments during the final months of the third Scottish Parliament, in advance of the elections on May 5 2011. For details of the election results, see [Library Research Paper RP 11/41](#). This note has been updated with immediate post-election developments.

For previous developments in Scottish politics, see [Library Standard Note SN/PC/5868](#)

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1 The election result and immediate aftermath

1.1 Results

Party	Constituency ballot				
	Candidates	Votes	% of total	Seats won	Change
Conservative	73	276,652	13.9%	3	-1
Labour	73	629,436	31.7%	15	-22
Liberal Democrat	72	157,694	7.9%	2	-9
Scottish National Party	73	902,915	45.4%	53	+32
Others	30	21,534	1.1%	0	0
Total	321	1,988,231	100.0%	73	

Party	Regional ballot				
	Candidates	Votes	% of total	Seats won	Change
Conservative	58	245,967	12.4%	12	-1
Labour	56	523,559	26.3%	22	+13
Liberal Democrat	56	103,472	5.2%	3	-2
Scottish National Party	79	876,421	44.0%	16	-10
Green	45	86,939	4.4%	2	0
Others	349	154,572	7.8%	1	0
Total	643	1,990,930	100.0%	56	

Party	Total				
	Candidates	Votes	% of total	Seats won	Change
Conservative	131	522,619	13.1%	15	-2
Labour	129	1,152,995	29.0%	37	-9
Liberal Democrat	128	261,166	6.6%	5	-11
Scottish National Party	152	1,779,336	44.7%	69	+22
Green	45	86,939	2.2%	2	0
Others	379	176,106	4.4%	1	0
Total	964	3,979,161	100.0%	129	

1.2 Analysis

The Scottish National Party won a majority of seats with 69 of 129, up 22 from their total in 2007. This is the first time any party has won a majority in the Scottish Parliament. The SNP won 53 of the 73 constituency seats, making inroads into the 'traditional heartlands' of the Labour Party in the West of Scotland. 29 of their members are elected for the first time.

The Labour Party finished with nine fewer seats than in 2007. A number of Labour front-bench figures were defeated by SNP challengers, and (partly as a result) a number of members were elected from the regional lists.¹ In consequence, the Labour Party now has a number of new MSPs, with 15 of their contingent of 37 being elected for the first time. The party leader, Iain Gray, just held on to his constituency seat of East Lothian, with the SNP coming within 151 votes of his total.

The Liberal Democrats won 5 MSPs, down from 16 in 2007. They won only two constituencies, in Orkney and Shetland, and gained three seats on regional lists (North-East

¹ Only some 13 of Labour's constituency candidates also held places on their regional lists. This contrasts with the other three major parties, who placed almost all of their constituency candidates on regional lists as well. This meant that candidates such as David McLetchie (Conservative), who lost the Edinburgh Pentlands constituency to the SNP, retained his place in Holyrood by means of the Lothian regional list.

Scotland, South of Scotland, and Mid-Scotland and Fife). Their vote share also fell dramatically, with 45 of their constituency candidates losing their deposits.

The Conservatives won 15 MSPs, down from 17. They were unable to win the target seats of Eastwood and Dumfriesshire, and lost Edinburgh Pentlands to the SNP, but they gained regional list seats in place of those disappointments.

The Green Party retained its two seats, on the regional lists in Lothians and Glasgow: in the former, Alison Johnstone replaced Robin Harper, who stood down. Margo MacDonald also retained her seat on the Lothians list. No other small party candidates were elected, including former MP George Galloway, who was top of a joint list called '[Coalition Against Cuts](#)' (with the support of Scottish Solidarity, Respect, and other organisations).²

1.3 The government

The SNP appointed ten 'cabinet secretaries' instead of six, together with a number of junior ministers. The teams were finalised on 20 May.³

Member	Portfolio
Alex Salmond	First Minister
Nicola Sturgeon	Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy
Shona Robison	Minister for Commonwealth Games and Sport
Michael Matheson	Minister for Public Health
Michael Russell	Cabinet Secretary for Education and Lifelong Learning
Angela Constance	Minister for Children and Young People
Alasdair Allan	Minister for Learning and Skills (with responsibility for Gaelic & Scots)
Kenny MacAskill	Cabinet Secretary for Justice
Roseanna Cunningham	Minister for Community Safety and Legal Affairs (with responsibility for tackling sectarianism)
Fiona Hyslop	Cabinet Secretary for Culture and External Affairs
John Swinney	Cabinet Secretary for Finance, Employment and Sustainable Growth
Fergus Ewing	Minister for Energy, Enterprise and Tourism
Aileen Campbell	Minister for Local Government and Planning
Richard Lochhead	Cabinet Secretary for Rural Affairs and the Environment
Stewart Stevenson	Minister for Environment and Climate Change
Alex Neil	Cabinet Secretary for Infrastructure and Capital Investment
Keith Brown	Minister for Housing and Transport
Bruce Crawford	Cabinet Secretary for Parliamentary Business and Government Strategy
Brian Adam	Minister for Parliamentary Business and Chief Whip
Frank Mulholland	Lord Advocate [law officer]

² Scottish Solidarity was the breakaway party formed by Tommy Sheridan, after he left the Scottish Socialist Party (SSP) following allegations of visiting sex clubs. Respect is a left-wing UK political party: George Galloway was a Respect MP in the 2005-10 Westminster parliament. Respect has never run candidates in Scotland, in deference to the SSP and Solidarity. Galloway said that he would back Labour if elected: "I'll back Labour if I win Scottish parliament seat, says George Galloway", [Guardian](#) [online], 24 March 2011, accessed 15 April 2011.

³ Scottish Government news release, [Full Ministerial team](#), 20 May 2011

SNP backbencher Tricia Marwick was elected as Presiding Officer on 11 May, with Elaine Smith (Labour) and John Scott (Conservative) as Deputies.

1.4 Political reaction

The SNP, and Alex Salmond, reacted to their win by stating that a referendum on independence would ‘certainly’ take place during their five-year term in office. It is likely to take place ‘well into’ the second half of the term of office.⁴ However, there were also early reports that Mr Salmond would consider a multi-option referendum, with a third option of ‘fiscal autonomy within the UK’.⁵ Mr Salmond appointed Angus Robertson, the leader of the SNP group at Westminster, to head the independence campaign.⁶

Both the Prime Minister and the Secretary of State for Scotland, Michael Moore, stated that they would not attempt to prevent a referendum from taking place,⁷ but it is not yet clear what level of involvement, if any, the UK government would seek in the referendum. Michael Moore announced on 6 June that he believed that two referendums would be necessary to enable Scottish independence: the second would be legislated for by the UK government, and would be a vote on the terms of independence negotiated between the UK and Scottish governments.⁸ Separately, there has been speculation Lord Forsyth of Drumlean will attempt to amend the Scotland Bill in the Lords to provide for a UK referendum: the aim being to reclaim control of the date of the referendum.⁹

Meanwhile, Mr Salmond has indicated that he will press for additional powers in the Scotland Bill, in particular some kind of power over corporation tax, the raising of the borrowing cap in the Bill (currently £2bn), and devolution of the Crown Estate in Scotland (see [SN/BT/5984](#) for more on devolution of taxation powers to the Scottish Parliament). Michael Moore immediately ruled out any move on corporation tax, or on raising the borrowing cap in the Bill;¹⁰ and he has been reported since then as ruling out any substantive change to the Bill at all.¹¹

All three of the main opposition party leaders resigned their positions in the aftermath of the election. Annabel Goldie of the Conservatives, and Iain Gray of Labour, will stay in post until a successor is elected in September. The (UK) Labour party announced a “root-and-branch review” of the Scottish Labour Party in the wake of the result.¹² Tavish Scott of the Liberal

⁴ Simon Johnson, “David Cameron and Alex Salmond at loggerheads over Scottish independence vote”, *Daily Telegraph* [online], 9 May 2011, retrieved 9 May 2011

⁵ Severin Carroll, “Scotland independence vote could contain ‘financial autonomy’ option”, *Guardian* [online], 8 May 2011, retrieved 9 May 2011

⁶ Simon Johnson, “Alex Salmond appoints Angus Robertson to lead Scottish independence referendum campaign”, *Daily Telegraph* [online], 4 June 2011, accessed 9 June 2011.

⁷ Severin Carroll, Toby Helm and Daniel Boffey, “I won’t block independence referendum, says Cameron”, *Guardian* [online], 8 May 2011, retrieved 9 May 2011

⁸ “Michael Moore: independence needs two referendums”, *BBC* [online], 6 June 2011, accessed 9 June 2011. The two-referendum thesis has its origins in Jo-Eric Murkens and Michael Keating, *Scottish independence: a practical guide*, Edinburgh University Press, 2002.

⁹ David Maddox, “Independence now inevitable – Alex Salmond”, *The Scotsman* [online], 9 May 2011, retrieved 9 May 2011

¹⁰ *Ibid.*

¹¹ “Michael Moore: independence needs two referendums”, *BBC* [online], 6 June 2011, accessed 9 June 2011

¹² Patrick Wintour, “Ed Miliband orders review of the Scottish Labour Party”, *Guardian* [online], 11 May 2011, accessed 9 June 2011

Democrats resigned with immediate effect, with Jo Swinson (MP for East Dunbartonshire) becoming acting leader until the election of Willie Rennie on 17 May.¹³

A few questions have been asked at Westminster around the possibility of the Scottish Grand Committee meeting for the first time since 2003,¹⁴ but no decision has been made at the time of writing.

2 Scottish electoral matters

2.1 Electoral administration

The 2007 Scottish parliamentary and local government elections were marked by very high rates of rejected ballot papers (see [Library Standard Note SN/PC/3918](#) for background). The number of rejected ballots exceeded candidates' majorities in 13 parliamentary constituencies.

The Electoral Commission appointed Ron Gould, a Canadian electoral expert, to review the elections: [his report](#) can be found on the Electoral Commission's website. Several of the recommendations made by the Gould report have been put into place by the [Scottish Parliament \(Elections etc.\) Order 2010](#) (SI 2010/2999). There were two ballot papers for the Parliamentary election: one for the constituency vote, and one for the regional vote. Electronic counting machines were not used for the Parliamentary election, following technical problems and criticisms in 2007.

The rejected ballot paper rate in 2011 was 0.42% for the constituency vote, and 0.34% for the regional vote. This compares with over 4% nationally at the 2007 election. Due to the changes in constituency boundaries described below, direct comparison between 2007 and 2011 at the constituency level is not possible.

2.2 Scottish Parliament elections and the Fixed-Term Parliaments Bill

The Scottish Parliament passed a motion to delay the election timetabled for May 2015 to May 2016. This follows the introduction of the [Fixed-Term Parliaments Bill](#) at Westminster, fixing five-year terms for the UK Parliament (see [Library Standard Note SN/PC/5932](#)). Under that Bill, 2015 would have seen elections to Westminster and the devolved institutions on the same day. The Government wrote to the devolved institutions in Scotland and Wales, inviting them to pass a motion calling for their own election date to be moved, up to one year forward or backward. The Government promised to introduce amendments to the Fixed-Term Parliaments Bill to give effect to their wishes.¹⁵ [This amendment was moved](#) by Lord (Jim) Wallace on 29 March, and it was agreed without debate.

All five parties in the Scottish Parliament supported the proposal. Jim Mather, for the SNP, went further by saying:

we need a fix that, barring unforeseen circumstances, will ensure a permanent separation of election dates. We have sought the UK Government's agreement that it will consult on moving Scottish Parliament elections to a five-year cycle. The motion looks forward to our taking part in a full consultation about the future electoral cycle. If the motion is agreed to, it will provide a strong indication to the electorate about when it

¹³ "Willie Rennie named new Scottish Lib Dem leader", [BBC](#) [online], 17 May 2011, accessed 9 June 2011

¹⁴ See, for instance, [HC Deb 23 May 2011](#), col 379W

¹⁵ See the speech from Lord (Jim) Wallace of Tankerness, [HL Deb 15 Mar 2011](#) col 202. As elections are a reserved matter in all three devolved territories, the change must be made via primary legislation at Westminster.

can expect the next Scottish Parliament elections to take place. We expect the UK Government to table amendments to the Fixed-term Parliaments Bill before the dissolution of this Parliament.¹⁶

The Scottish local elections, due to take place in 2011, were moved to 2012 by the [Scottish Local Government \(Elections\) Act 2009](#). They will then take place on a five-yearly basis, hence the next elections will be in 2017 (once again avoiding the Scottish Parliamentary elections).

2.3 Boundary reviews

Since royal assent for the Parliamentary Voting System and Constituencies Bill the Boundary Commission for Scotland has launched its [review of the UK parliamentary constituencies in Scotland](#). Following the calculations in the Act, there will be 52 Westminster Parliamentary constituencies in Scotland. The Orkney & Shetland and Western Isles constituencies will be preserved, and no constituency will be larger than 13,000 km² (slightly larger than the current Ross, Skye and Lochaber constituency, at 12,714 km²). For further information, see [Library standard note SN/PC/5929](#).

A Library Research Paper on the Commons stages of the Scotland Bill is forthcoming. The Bill as initially introduced into Parliament is discussed in [Library Research Paper 11/06](#), and the Committee stages are covered in [Library Research Paper 11/49](#).

2.4 By-election

David Cairns, MP for Inverclyde, died of acute pancreatitis on 9 May 2011. The by-election was held on 30 June 2011. Labour held the seat with a slightly reduced vote-share (53.6% compared to 56.0% in the General Election). The SNP gained 15.5 percentage points compared with the General Election, mostly at the expense of the Liberal Democrats, who lost their deposit.

3 Parliamentary activity

3.1 Scottish Affairs Committee report

The Scottish Affairs Committee conducted an [inquiry into the Scotland Bill](#), which reported in March. The inquiry concluded that there was an urgent need for transparency in all the calculations surrounding the tax provisions in the Bill. Under the bill, the block grant to the Parliament would be reduced by a sum commensurate with the amount that would be raised if income tax rates remained the same. The Committee was critical of the Treasury's failure, so far, to publish an indication of how this calculation would take place. It recommended that an enabling power be introduced into the Bill; it praised the provision for new taxes to be levied by the Scottish Parliament following agreement with Westminster.

The Scottish Government has called for power to vary the rate of corporation tax in Scotland. The Treasury recently published a consultation on devolving to Northern Ireland the power to vary, or lower, corporation tax there in order to boost the economy. Media reports suggested that the Treasury would not agree to this being extended to Scotland, and opinion in Scottish business appears to be divided.¹⁷ The Scottish Affairs Committee's report said:

We agree with many of our witnesses, as well as the Government, that there are risks in devolving Corporation Tax, not least in that this could lead to competition which

¹⁶ [Official Report of the Scottish Parliament](#), 3 March 2011, motion S3M-8058

¹⁷ "Fears Ireland tax move will hurt Scotland", [The Herald](#) [online], 24 March 2011, accessed 15 April 2011

could result in the “cannibalisation” of the UK’s tax base. We recognise that this is not necessarily a concern for those who wish to consider the financial position of Scotland in isolation. However, we are interested in the economic welfare of the UK as a whole, and are not persuaded that the benefits of devolving Corporation Tax outweigh the risks.¹⁸

The Treasury has commented:

The Calman Commission’s report to the UK Government considered devolution of corporation tax but recommended against a separate rate of corporation tax for Scotland, on the grounds that a separate rate could distort competition within the UK, and that the required legislation would be likely to create significant administrative burdens. The Holtham Commission’s report to the Welsh Assembly also considered devolution of corporation tax and recommended that the Welsh Assembly Government should seek discussion with the UK Government and other devolved governments on the feasibility of a separate rate. The report noted a number of legal and implementation issues and the possibility that the fiscal consequences of a separate rate could introduce volatility into the Welsh Assembly budget.¹⁹

The Committee also believed that the Bill should be a starting point for a wider process of decentralisation, noting that “Progress should not be measured solely by the extent by which powers are sucked into Edinburgh”.²⁰

In addition to its work on the Scotland Bill, the Committee has launched inquiries into the Crown Estates in Scotland, student immigration, and health and safety in Scotland. It produced a final report into [the video games industry in Scotland](#) on 7 February 2011.

The Scotland Bill has now completed its committee stage: for details see [Library Research Paper 11/49](#).

3.2 Scottish Parliament report on the Bill

The Scottish Parliament’s Committee also published a [report on the Scotland Bill](#) on 3 March. It was [debated on 10 March](#). The Bill Committee supported the Scotland Bill, with partial dissent indicated by the two SNP committee members.

The SNP government opposed a number of provisions in the Scotland Bill when it was initially published. However, the party voted in favour of the Sewel motion on the Bill in the Scottish Parliament.²¹ That debate was also notable for the demand for a referendum on the Bill’s provisions, from backbench Conservative MSP Margaret Mitchell. Her position was supported by Lord (Michael) Forsyth, who is strongly opposed to the taxation provisions in the Bill – he has referred to them as “a time bomb at the heart of the Union”.²²

The First Minister, Alex Salmond, has also stated that he would like to use the powers under the Bill to replace council tax with a local income tax in Scotland. This was in the SNP’s 2007

¹⁸ Scottish Affairs Committee, *The Scotland Bill*, HC775-I, 2011, p.34.

¹⁹ HM Treasury, *Rebalancing the Northern Ireland Economy*, 2011, p4

²⁰ Scottish Affairs Committee, op. cit., p.3

²¹ [Official Report of the Scottish Parliament](#), 29 March 2011, motion S3M-8114

²² “Major omission’ in plans for Scottish tax powers, say MPs”, [Daily Telegraph](#) [online], 22 March 2011, accessed 15 April 2011

manifesto, but they were unable to proceed with the policy. There are no details yet on the SNP's new plans; the Bill does not allow variation in tax rates across Scotland.²³

3.3 Final activities of the Scottish Parliamentary session

The Scottish Parliament passed its final budget of the session on 9 February.²⁴ Labour and the Greens opposed the budget, but the other parties approved it following a round of agreements between the SNP government and the Conservatives and Liberal Democrats.²⁵

Allegations were made that the SNP government broke the conventions of 'purdah' by making several significant decisions in the final week of the Parliament's session. The Parliament dissolved on 22 March. Labour MSPs accused the Finance Minister John Swinney of 'electioneering' after he announced a preferred bidder for the second Forth Bridge crossing the day before dissolution. Funding was also announced for the Borders rail link and for EU support for the fishing industry.²⁶

3.4 End-year flexibility

During the same period, there has been controversy over the Treasury's decision to end the End-Year Flexibility (EYF) system. UK Government departments were obliged to return any unspent funds to the Treasury at the end of the financial year: this could create a perverse incentive to spend late on in that time. The devolved administrations were released from this obligation to a degree: any of their unspent funds were held by the Treasury held for future use by the administrations themselves. EYF implicitly acknowledged that the devolved governments were not the same as UK government departments.

The UK Budget document states:

The Government announces the introduction of a new Budget Exchange system from 2011-12 to replace the End Year Flexibility system which has now been abolished. This will provide departments with flexibility to deal with slippage in expenditure while strengthening spending control. Budget Exchange will allow departments to surrender an underspend in advance of the end of the financial year in return for a corresponding increase in their budget in the following year, subject to a prudent limit.²⁷

The devolved institutions will, however, be able to draw down savings from 2010-11 into 2011-12: this will be the final year that that system operates for them. The change was trailed in the 2010 Spending Review.²⁸ The Treasury's spending allocation process does not easily recognise the distinction between a UK government department and a devolved administration. However, the Chief Secretary to the Treasury has stated that the Welsh Assembly will still be able to retain reserves from year to year under the new system, so it seems likely that the Scottish Parliament will too.

4 Policy developments

²³ "Alex Salmond: Extra powers will help local income tax", [Daily Telegraph](#) [online], 14 March 2011, accessed 15 April 2011

²⁴ See the [Official Report record](#): also see the [Scottish Parliament Information Centre's briefing](#).

²⁵ "Alex Salmond's pre-election budget eases through Scottish Parliament", [Guardian](#) [online], 9 February 2011, accessed 15 April 2011

²⁶ "SNP accused of electioneering over £790 million Forth bridge contract", [Daily Telegraph](#) [online], 22 March 2011, accessed 15 April 2011

²⁷ HM Treasury, [Budget 2011](#), p49

²⁸ HM Treasury, [Spending Review 2010](#), p18

4.1 UK Budget 2011

The UK 2011 Budget received a mixed welcome in Scotland, according to media reports. The Scottish Government welcomed the cut in fuel duty – a particularly salient issue in the remote parts of Scotland. The West Highland Free Press reported that there were plans to apply to the European Commission for permission to cut the duty by 5p in the Scottish islands and the Isles of Scilly.²⁹ There was criticism of the windfall tax on oil companies. These are an important part of the Scottish economy, particularly in the North-East, and it has been suggested that this tax will inhibit new plans for exploration. The matter has been raised by Alex Salmond in the initial meetings following the election.³⁰ The rise in duty on whisky was also not welcomed.³¹

4.2 Supreme Court

Alex Salmond, and Justice Secretary Kenny MacAskill, attacked the UK Supreme Court's role in hearing complaints of breaches of European Convention rights and EU law. Two of the twelve Supreme Court justices, Lord Hope and Lord Rodger, were Scottish lawyers (though Lord Rodger died on 26 June 2011), and the Scottish Government's expressed concern was that these two judges would tend to drive Supreme Court appeal decisions on matters of Scottish law. Mr Salmond set up an expert review group, which produced [a first report](#) in late June.

This argument follows the *Cadder* case in late 2010 (see [SN/PC/5868](#)), where the Scottish Parliament was obliged to amend the law at short notice following the Supreme Court's finding that a suspect was entitled to legal advice whilst being questioned by police; and *Fraser v Lord Advocate*,³² in May 2011, where the Supreme Court allowed an appeal against conviction because police evidence had not been disclosed to the defence. It appears that the Scottish Government, and some opinion within the Scottish legal system, wishes to see such cases go directly to the ECHR in Strasbourg rather than to the UK Supreme Court.

4.3 Sectarianism

The issue of sectarianism moved on to the political agenda again in March, following a particularly violent series of clashes following a Celtic-Rangers Scottish Cup football match on 3 March. 34 arrests were made inside the ground: afterwards, the chief constable of Strathclyde Police telephoned Alex Salmond, urging him to take action.³³

A summit, to include the police, the Scottish Football Association, and politicians, took place on 8 March. An additional £500,000 of funding for anti-sectarian voluntary organisations was announced in its wake.

4.4 Higher education funding

In the light of the changes to tuition fee policy by the UK government, Scottish Executives of both political colours have so far decided against tuition fees for Scottish students. A working group between Universities Scotland and the Scottish Government produced [a report](#) looking

²⁹ Alexander announces 5p fuel duty cut", [West Highland Free Press](#) [online], 11 March 2011, accessed 15 April 2011. The cut will not apply in the mainland Highlands, which has caused some unhappiness there.

³⁰ <http://www.guardian.co.uk/politics/2011/may/23/alex-salmond-north-sea-oil-tax>

³¹ "George Osborne 'right to tackle Scotland's high fuel prices", [Daily Telegraph](#) [online], 23 March 2011, accessed 15 April 2011

³² See the [relevant page on the Supreme Court's website](#) for further details.

³³ "Celtic-Rangers clash: Salmond calls in football and police chiefs", [Guardian](#) [online], 3 March 2010, accessed 15 April 2010

at ways of closing the 'funding gap' between Scottish and English universities. Universities Scotland, however, reacted to the report by calling for further consideration of charging tuition fees to Scottish students, with CBI support following shortly afterward.³⁴

4.5 Land reform

The first 'hostile' purchase of land under the *Land Reform (Scotland) Act 2003* took place in February 2011. This legislation allows community bodies to make a bid to buy out their landlord, which the landlord is obliged to accept if certain conditions have been met. The land concerned is the Pairc Estate on the Isle of Lewis, and it is to be bought by local crofters. The price to be paid is set by an independent valuer: this is expected to happen sometime in May 2011. The community company will then need to raise the money. The current owner of the land is unhappy with the decision, claiming it violates his human rights and that he was happy to negotiate with the community company on terms for a voluntary sale.³⁵

4.6 The Lockerbie bomb

The Prime Minister, David Cameron, ordered a review of UK government decisions regarding the man convicted of the Lockerbie bombing, Abdelbaset Ali al-Megrahi, following the various descriptions of policy in the Wikileaks cables released in December 2010 (see [Library Standard Note SN/PC/5868](#) for a fuller description of the release of Megrahi). The Cabinet Secretary, Sir Gus O'Donnell, published a [review of the papers](#) on 7 February, making the following comments:

it is clear from the paperwork that at all times the former Government was clear that any decision on Mr Megrahi's release or transfer under a PTA was one for the Scottish Government alone to take.

The development of this view was prompted, following Mr Megrahi's diagnosis of terminal illness, by the extremely high priority attached to Mr Megrahi's return by the Libyans who had made clear that they would regard his death in Scottish custody as a death sentence and by actual and implicit threats made of severe ramifications for UK interests if Mr Megrahi were to die in prison in Scotland. The policy was primarily motivated by a desire to build on previous success in normalising relations with Libya and to safeguard the substantial gains made in recent years, and specifically to avoid harm to UK nationals, to British commercial interests and to cooperation on security issues.

Policy was therefore progressively developed that HMG should do all it could, whilst respecting devolved competences, to facilitate an appeal by the Libyans to the Scottish Government for Mr Megrahi's transfer under the PTA or release on compassionate grounds as the best outcome for managing the risks faced by the UK.³⁶

³⁴ See "Scottish universities call for an end to free higher education", [Guardian](#) [online], 28 February 2011, accessed 15 April 2011; "Businesses attack Labour and SNP over university funding", [Daily Telegraph](#) [online], 16 March 2011, accessed 15 April 2011

³⁵ "First community 'land grab' approved by minister", [Daily Telegraph](#) [online], 22 March 2011, accessed 15 April 2011

³⁶ Cabinet Office, *Cabinet Secretary's Review of Papers relating to the Release of Abdelbaset Al-Megrahi*, 7 February 2011, p14-15.

4.7 Prescription charges

The Scottish Government abolished prescription charges on 1 April 2011. This brings the Scottish health service into line with Wales and Northern Ireland. MPs, in particular Bill Cash, questioned whether Scotland should be entitled to make the change.³⁷

5 Political parties

Wendy Alexander, the former leader of the Scottish Labour Party from 2007-2008, stood down from the Parliament; as did Lord (Jack) McConnell, the former Labour First Minister, and Robin Harper, the Green Party's longest-serving representative.³⁸

The Guardian produced a survey on the extent to which all three devolved bodies were not achieving full representation in terms of ethnicity, gender and sexual orientation. The proportions of women relative to men in the Scottish Parliament and Welsh Assembly, in particular, were very high in the early years of the institutions, but the range of candidates in winnable seats may result in a reduction for the 2011 institutions. Fewer black and minority ethnic, and LGBT, candidates are standing than would be expected given the approximate proportion of the population falling into those categories. In the event, two ethnic minority members were elected – Humza Yousuf and Hanzala Malik. 45 women were elected, an improvement of two on the 2007 Parliament.

³⁷ "Free prescriptions spark English fury", *Scotsman* [online], 2 April 2011, accessed 15 April 2011

³⁸ "Wendy Alexander to quit Scottish Parliament", *Guardian* [online], 17 February 2011, accessed 15 April 2011