

The Scottish Senate – A Proposal

The following is for discussion as a start point only. Nothing is sacred.

The principle is to establish a legislative interface between the Scottish people and their governing body.

Many countries have second chambers and, although their powers and responsibilities can vary, the common function is to accept, revise or reject acts of the first chamber. They do this within a closed framework which is often disastrously competitive. We can see this most clearly in the American system where conflicts of party loyalties take precedence over the principle of good governance and can lead to almost total paralysis.

The objective here, is to establish a second chamber whose prime responsibility is to the Scottish people through the people's assembly. The senate will have constitutional duties with regard to the provision of detailed information relating to any proposed legislation including its impact on other areas of governance. The senate may also, upon petition from the assembly, prepare and propose legislation to be presented to parliament. Other duties and responsibilities are listed thus:

Terms of reference

- To examine all acts of parliament passed in the first reading and to publish a full assessment of the potential effects of such legislation.
- To publish all information relating to contracts entered into or proposed between the government and the private sector.
- To hold inquiries, where necessary, into the conduct of members of the parliament, judiciary, civil service, police and local authority officials.
- To determine that all information is freely available.
- To ensure that the interests of all lobbyists in any particular part of proposed legislation whether financial or other incentives are offered or not, including details of all meetings etc are disclosed. Any withholding of information by MPs or government ministers would be a criminal act and the senate would have the power to initiate proceedings in that event.
- To authorise and mandate referenda where proposals involve impacts on human or civil rights (except in determined emergencies whereupon only limited periods of exceptional powers will be considered and only then on presentation to the senate and, ultimately to the people's assembly)
- To enforce referenda where any major alteration the state's constitution is proposed (e.g. removal of the monarchy and declaration of a republic) or changes in international relations are concerned (e.g. joining the EU, entering a mutual defence pact etc.)

- To maintain and enforce all matters relating to the media as detailed in the constitution.
- To ensure the protection of civil rights.
- To consider, act upon or report upon any petition brought by the people's assembly.
- To report to the assembly (notwithstanding any of the above) every three months.

Election

I have suggested here that the senate has 100 members. It may have more or fewer as may be determined in discussion.

As follows:

- Election is by the whole of Scotland as one constituency.
- Any and every person on the electoral register is entitled to put themselves forward for election with the exception of the following: members of the civil service, senior members of the judiciary or police force, senior members, office holders or area organisers of any political party.
- No elected member of the senate may join a political party subsequent to election.
- While membership of a political party other than those stated above are not barred from candidacy, no attempt to influence the senate on party political lines will be allowed.
- The maximum number of terms any member can serve is two.
- Each candidate can publish a full CV and personal manifesto. Candidates must make themselves available for questioning by members of the people's assembly. External canvassing is prohibited.
- The successful candidates will be those with the most votes, declining until all posts are filled.

That's all for now. Pitch in, everyone, I look forward to all your views.