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## The vector of Scotland's legal status development

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Nowadays Scotland's pretensions to be the sovereign state are increasing but the legal basis for it is not solid. There are many countries where we can find regions with a similar indefinable status and problems of co-relation of regional and central authorities (Spain, the Republic of South Africa) that prevent effective exercise of state authority. This problem seems to be worthy of attention because, perhaps, the development of the Scottish state-legal status will present the world with the mechanism of solving the problem of national self-determination and demarcation of powers.

For understanding the processes which have been taking place in modern Scotland it is essential to consider the historical development of Scotland and England's relations. The United Kingdom of Great Britain was formed by the Acts of Union 1707 (the Union with England Act 1707 and the Union with Scotland Act 1706) as a result of the union of two regions. The United Parliament was established by this legal act, too. According to the Acts of Union 1707 a new legislative body was allowed to amend certain categories of Scottish legal acts. As before, inferior courts of the region were subordinated to the higher courts of Scotland [5].

Scotland reached the substantial advance in the struggle for its independence in 1997, when the policy of devolution has been started. The essence of this policy was in building a new vertical power structure with protection of the state integrity and granting greater autonomy to regions through delegation of some part of powers from the Center to local (regional) authorities keeping the supremacy of Westminster power [1]. The Labour Party won the election in the Parliament of the UK and the Scottish National Party (SNP) got parliamentary representation.

Then SNP achieved significant expansion of local powers, including creation of the Scottish parliament that was established by the Scotland Act 1998 (engrossed the Scotland Act 2012) [6]. The authority of this body is set forth in the form of prohibitions. The office of First Minister of Scotland (the head of executive power) was created. The Scottish Government is prohibited to exercise the legislative functions. Moreover, one important rule was stipulated directly: these persons shall hold office at Her Majesty's pleasure.

In 2012 some amendments of the Act were adopted (the Scotland Act 2012) that established Scottish representation in the BBC and the Crown Estate. The most important changes (marginal, according to the Scottish authorities) happened to the powers of local authorities in the taxation sphere. Revenue Scotland was created and began its functioning 1st January in 2015, and decides taxation issues within the established competence. Particularly, local authorities were given the right to establish the income tax rate (previously it was the central authorities' right) [6].

Disagreements, especially in economy, between the centre and the region became a kind of a catalyst for the events of 2014 when the whole world followed the Scottish independence referendum. The legal basis for this event was a published by the Scottish government legislative act &ldquo;Scotland's Future&rdquo; (670-page white paper) devoted to the reasons for independence the main guidelines of the future state development [3].

In 2013 Mr. Salmond, the SNP leader at that moment, brought in the Scottish Independence Referendum Bill, which provided different alternatives of Scotland's future legal status: reservation of the status of autonomy with the right of independent decision-making in the social sphere,

extending rights of autonomy and giving additional powers to the Scottish authorities and complete independence of Scotland from the UK. If Scotland became independent, the first elections to an independent Scottish Parliament would have been held in May 2016. The 18th of September 2014 was specified as the date of the Referendum [3].

The consequences of the referendum seem to be questionable. Over half of the Scottish people have voted against independence and separation of Scotland from the UK, the promised by the central government enlargement of the local powers was not realized, analysts have had doubts about the validity of voting results.

In June 2016 the British Government plans to hold the referendum about the EU membership. The First Minister of Scotland, Ms. Sturgeon, declared if the majority of population vote to leave the EU and the Scots' opinion differs from this decision, the region will hold a new Scottish independence referendum. Moreover, Scotland already has the institutions that an independent state needs: a modern parliament elected by proportional representation, a government, independent legal system [4]. But Mr. Cameron said there is no need for another independence referendum and one will not take place while he is British Prime Minister.

To sum it up, in our opinion, the solution to the problem of the Scotland's legal status is in full reforming of the state structure system of the UK. The transformation of Scotland into a sovereign state at this stage of development is impossible (lack of oil reserves for full funding of Scotland and the impossibility to use the pound as national currency in case of secession from the UK) [2]. It seems to us that it is necessary to carry out reforms to transform the Kingdom into a federation, so similar problems will be solved in relation to other regions of the state. The federal form of the state will provide independence of the regions in resolving local issues. These decisions will be more effective because problems will be handled by Scottish people, and the legal basis for independent Scotland (White paper, the Referendum Bill) will be a solid platform for development of cooperation between the federation and its subject.

### **Источники и литература**

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