

Principles of the Constitution

The Scottish National Party commits itself to the following principles:

Constitution and People

1. The right of the people of Scotland to self-determination and to sovereignty over the territory and natural resources of Scotland are absolute and shall be limited only such agreements as may be freely entered into by it with other nations or state or with international organisations for the purpose of furthering international co-operation, trade and world peace.
2. These rights shall be exercised in accordance with the Constitution of Scotland, but recognizing the rights and obligations of European Union membership; the extent of Scotland's rights to territorial waters and natural resources beyond territorial waters shall be determined according to international law.
3. Citizenship shall be open to anyone who is permanently resident in Scotland at the date of independence, to anyone who was born in Scotland or either of whose parents was born in Scotland, and to such other persons as the Parliament of Scotland may prescribe. Everyone permanently resident in Scotland at the date of independence shall have the right to stay in Scotland as long as he or she wishes, even if he or she does not take up Scottish citizenship. No law may be passed under which any person's existing right of citizenship or of residence may be extinguished by any means other than voluntary renunciation; nor may any law concerning the acquisition of citizenship be discriminatory on any such ground as sex, race, colour, religion, personal beliefs, abilities, status, or sexual orientation.

Head of State and Executive

4. Until such time as the people of Scotland decide otherwise, Scotland will retain a limited and constitutional Monarchy, with the Headship of State vested in Queen Elizabeth and her successors according to Scots law; during any period of absence of the Monarch of Scotland, the Chancellor of Scotland (the elected presiding officer of Parliament) shall act as Head of State.
5. Executive power shall be exercised on the advice of, and by a Cabinet of Ministers led by a Prime Minister who shall be elected by the Parliament of Scotland or, in default of such election, shall be appointed as being the person who, in the opinion of the Head of State, is best able to command the confidence of Parliament. A Government shall hold office only if and as long as it has the confidence of Parliament.

Legislature

6. Legislative power, and control of all forms of executive power (except for the autonomous powers of local government) shall belong to the Parliament of Scotland, which shall be a single-chamber parliament, elected by a system of proportional representation so as to secure the full and fair reflection of the composition of Scottish society, both in general and with particular regard to party preference and to geographical diversity.

7. Every person over the age of sixteen years who is a citizen of Scotland or whose principal place of residence is in Scotland shall, subject to the electoral laws, have the right to vote in elections to the Parliament of Scotland; no person's vote shall carry greater weight than that of any other person.
8. A substantial minority (two-fifths) of the Parliament of Scotland shall be able (except in the case of 'money bills') to delay the enactment of legislation for one year, but enactments delayed in that way may by a majority vote of Parliament be referred to the people in a referendum and shall take effect at once if approved thereby.
9. The Parliament of Scotland shall elect from among its members its Presiding Officer who shall hold the office of Chancellor of Scotland. Parliament shall control its own internal procedure, and shall normally sit for a fixed term of four years between general elections. Parliament shall be dissolved within the four-year term only if it is unable to agree on a Government, in the sense that no person can be found who is able to command its confidence as Prime Minister.
10. With the exception of any rules of law inconsistent with the constitution, every rule of law in force in Scotland at the date of independence shall remain in force until such time, if any, as it is repealed or amended by an Act of the Parliament of Scotland.

Judiciary

11. The supreme judicial power shall be vested in the Court of Session and the High Court of Justiciary, which shall have the power to set aside any purported acts of legislation which contravene any provision of the Constitution, and which shall have supreme responsibility for upholding the law of Scotland.
12. The independence of the judiciary shall be guaranteed. All judicial appointments shall be made by the Head of State on the advice of a Commission on Judicial Appointments, comprising the Lord Advocate, the Presiding Officer of Parliament, a Senator of the College of Justice, and two impartial persons elected to serve for ten-year terms by Parliament. Judicial appointments shall be terminable only on achievement of the statutory retirement age, or on grounds of permanent incapacity by reason of ill health, or on the passing of a resolution by a two-third majority of the whole membership of Parliament calling for dismissal of a judge on grounds of stated misconduct.

Fundamental Rights and Liberties

13. Fundamental rights and liberties of all citizens and all persons within the jurisdiction of the Scottish Courts shall be guaranteed without discrimination on any grounds such as sex, race, colour, religion, personal beliefs, abilities, status or sexual orientation; the civil and political rights and liberties guaranteed shall be the same as those contained in the European Convention on Human Rights, except in so far as the legal and social traditions of Scotland justify a more extensive protection of rights – as in the case of the right to a speed trial under the '110 day rule' derived from the Scottish Parliament's Act 1701 cap. 6 'for preventing wrongous imprisonments and against undue delay in trials'. Economic and social rights in respect of working conditions, retirement pensions, housing, health services and education shall also be guaranteed.

14. The Courts shall be charged with securing a full, adequate and speedy remedy to any person for any infringement whatsoever of his or her guaranteed rights and liberties.

Autonomy of Local Government

15. Local Government shall be guaranteed genuine autonomy and freedom from interference by central government (including Ministers) within the areas entrusted by law to local authorities; Parliament will have the power to legislate generally for local government, and in particular to legislate concerning the composition, areas of authority, and financial and taxing powers of local authorities, but the exercise by a local authority of any power conferred on it by law shall not be subject to direct or indirect interference or overriding by any decision of the central government; the Islands authorities as presently constituted shall continue to enjoy all such special powers as they have at present, and legislation shall not be passed which derogates from their powers or varies their territorial jurisdiction save if this is confirmed by a majority vote of the islanders within the islands concerned. A fair system of proportional representation, similar to the system for parliamentary elections, shall apply in all local government elections.

Amendment of the Constitution

16. The Constitution, as the supreme law of the land, shall override all other laws and shall be subject to amendment only by the following procedure: by the enactment of amending legislation by a three-fifths majority (at the final vote on enacting the bill) of the whole membership of the Parliament of Scotland, followed by a referendum in which a majority of those voting vote in favour of the proposed amendment.

From: 'A Constitution for a Free Scotland', Published by the SNP, September 2002.