

The Scottish Constitution

This section sets out the SNP's proposed constitution for an independent Scotland.

Article 1 - Constitution and People

1 The rights 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 by such agreements as may be freely entered into by it with other nations or states or international organisations for the purpose of furthering international co-operation, trade, and world peace.

2 These rights shall be exercised in accordance with this Constitution, which shall be the supreme law of the land, and which may be amended only in accordance with provisions as to amendment hereinafter stated; all rights and obligations of European Union membership shall also be recognised; the extent of Scotland's rights to territorial waters and natural resources beyond territorial waters shall be determined according to international law.

3 The Territory of Scotland comprises all those areas over which the Court of Session and High Court of Justiciary have exercised jurisdiction since the time of, and in virtue of, the ratification of the Articles of Union of 1707, and all the territorial waters appertaining thereto under international law at the time at which this Constitution comes into force, and the sovereignty of the Scottish state extends over all such rights in relation to exploitation of the resources of the sea, the sea bed and the sub soil thereof beyond the limit of territorial waters as are enjoyed and exercised by states under international law at the time at which this Constitution comes into effect; and for the future, the extent of the territorial waters and of such other rights shall be determined in accordance with the relevant provisions of the law of nations for the time being.

4 Citizenship

(a) Every person whose principal place of residence is in Scotland at the date at which this Constitution comes into force shall be a citizen of Scotland, and shall remain so until such time, if any, as he or she shall renounce such citizenship.

(b) Every person whose place of birth was in Scotland or either of whose parents was born in Scotland, being a person who is alive at the date at which this Constitution comes into force, shall be a citizen of Scotland, and shall remain so until such time, if any, as he or she shall renounce citizenship.

(c) As soon as is reasonably possible after the date at which this Constitution shall come into force, the Parliament of Scotland shall enact legislation making further provision as to citizenship, which shall inter alia prescribe:

(i) What formal steps shall be required to constitute voluntary renunciation of citizenship

(ii) What conditions and procedures shall be necessary to acquisition of Scottish citizenship by naturalisation, and

(iii) What future provision shall be made as to acquisition of Scottish citizenship by birth or by marriage, provided that no law may be passed whereby any person who is or at any time becomes a Scottish citizen may be deprived of that citizenship save by a voluntary act of renunciation, which may include, but only if and insofar as Parliament shall so prescribe by legislation, acquisition of or voluntary continuation in the exercise of, citizenship of any other state or states; 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.

(d) Adopted children shall for purposes of citizenship be treated as though they had been born to their adoptive parents.

(e) All persons whose principal place of residence is in Scotland at the date at which this constitution comes into force shall have the right to continue in residence in Scotland, and to return to residence in Scotland after any period or periods of absence, whether they exercise or renounce their rights to Scottish citizenship; and all children under the age of eighteen years whose parents' principal residence is in Scotland at the date at which this constitution comes into force shall have the same rights to residence and to citizenship as though they had been resident in Scotland at that date. No law may be passed under which any person's existing right of residence may be extinguished by any means other than voluntary renunciation.

Article II - Head of State and Executive

1 The Head of State shall be Queen Elizabeth and her successors as determined by the law of Scotland, acting in right of Scotland¹.

2 During any period of absence of the Monarch from Scotland, the Chancellor of Scotland (the elected presiding officer of Parliament) shall act as Head of State.

3 The Head of State shall be responsible for the exercise of all lawful governmental functions in Scotland, excepting functions expressly delegated to Ministers or other public authorities. The Head of State shall exercise such functions only upon the advice of his or her Ministers who shall be chosen from among the Members of, and who shall be directly answerable to, the Parliament of Scotland, and who shall be selected with a view to their ability to command and retain the confidence of Parliament, and whose appointment shall be confirmed by Parliament.

4 The residual powers of the Executive in Scotland at the date at which this Constitution comes into force shall be identical with the prerogatives of the Crown existing in the United Kingdom of Great Britain and Northern Ireland according to the law of Scotland immediately prior to that time, with the exception of any right, power or liberty or immunity belonging to the prerogative of the Crown which would be inconsistent with the provisions of this Constitution. Acts of the Parliament of Scotland shall override the residual powers of the Executive in any case of inconsistency.

¹ The SNP is committed to holding a referendum in the term of office of the first independent Parliament of Scotland on whether to retain the monarchy

5 The Head of State shall appoint as Prime Minister whichever person being a Member of the Parliament of Scotland is elected by Parliament to serve in that office, or in default of such election, whichever person being a Member of Parliament is in the opinion of the Head of State best able to command the confidence of Parliament.

6 The number of persons holding office as, or receiving payment as Ministers in Scotland shall not at any time be greater than one fifth of the number of the whole membership of the Parliament of Scotland.

7 No Act passed by the Parliament of Scotland for the levying of any form of general taxation payable in Scotland may remain in force for a period longer than eighteen months after the date upon which such Act came into force.

8 No public money shall be spent for any purpose save as authorised by or under Acts of the Parliament of Scotland.

Article III - Legislature

1 Subject to the provisions of this Constitution, legislative power shall be vested exclusively in the Parliament of Scotland, and in any person or body to whom Parliament shall expressly delegate the power to make subordinate legislation within some defined sphere of competence. Subject to detailed provisions to be made by Parliament concerning any matters of procedure in relation to subordinate legislation, no regulation made or order made by way of subordinate legislation may take effect as law until it has been laid before Parliament, approved by Parliament and published in such form as will reasonably bring it to the attention of the public in general or such section of the public as is directly affected by the provisions in question. Parliament shall elect its own Presiding Officer and shall under his or her direction regulate its own procedures in accordance with the provisions of this Constitution. The Presiding Officer of Parliament shall hold the office of Chancellor of Scotland.

2 With the exception of any rules of law inconsistent with this Constitution, every rule of law which is in force in Scotland at the date at which this Constitution comes into force shall remain in force until such time, if any, as it is repealed or amended by Act of Parliament or other competent legislative act or by desuetude (notorious contrary custom).

3 The Parliament of Scotland shall be a single-chamber Parliament, and shall be composed of the persons lawfully elected to serve therein. All citizens of Scotland and all persons permanently resident in Scotland of the age of sixteen years and over shall (subject to any lawful exceptions hereto) have the right to vote in Parliamentary and local government elections and in referenda; elections to Parliament shall be conducted by a system of proportional representation so as to secure a fair reflection of the composition of Scottish society, both in general and with particular regard to party preference and to geographical diversity.

4 The Parliament of Scotland shall enact laws making detailed provisions for all matters concerned with the conduct of elections².

² The SNP is committed to a single-transferable -vote electoral system

5 The term of each Parliament shall be four years, save in the cases prescribed in Articles III.6 and III.7 below, and the date for each General Election shall be appointed by proclamation of the Head of State to take place on a day not more than thirty days earlier nor more than thirty days later than the fourth anniversary of the preceding General Election. If any vacancy arises in the membership of Parliament at any time up to four months earlier than the end of the term of the Parliament, such a vacancy shall be filled by by-election for the remaining part of the term.

6 If at any time Parliament 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, the Head of State may dissolve Parliament and by Proclamation appoint a date for the holding of a General Election to take place within one month of such a situation arising; and during the intervening period the Head of State may appoint an interim Prime Minister and Government. The Parliament of Scotland elected at such a General Election shall serve for the remainder of the unexpired term of the Parliament so dissolved.

7 Parliament shall in time of war have power by resolution to extend its term for a period not exceeding one year.

8 No treaty or binding international agreement of any kind shall be of any effect unless and until it is confirmed either by a resolution of Parliament, or by enabling legislation to the extent that it purports to affect any person's legal rights or duties. Every such treaty or agreement shall be valid and effective for all purposes and shall constitute valid law within Scotland, provided that no treaty which is inconsistent with the provisions of this Constitution shall take effect unless and until it is confirmed by the normal process of Constitutional amendment.

9 No declaration of war or conclusion of peace shall be made by the Head of State save in conformity with the terms of any resolution passed by Parliament.

10 The Parliament of Scotland shall from time to time by resolution make provisions as to the procedures required for the passing Acts of Parliament and all such Acts as are passed in accordance with these procedures shall be submitted to the Head of State for signification of Assent, and upon signification of such Assent such Acts shall take effect as laws; but the following shall normally be required elements in any procedure adopted by Parliament:

(a) The first stage of legislation shall be publication of a Proposed Measure which shall be debated in principle by Parliament, and if approved by a majority of those voting, shall be carried forward to the second stage.

(b) The second stage shall be consideration of such a proposed measure by a Committee of Parliament; the committee may during such period of time as is prescribed by resolution of the Parliament conduct hearings to which representations may be made by or on behalf of all persons or groups of persons interested in the subject matter of the proposed measure. The Committee may recommend amendments to the proposed measure and shall report thereon to Parliament.

(c) The third stage shall be consideration by Parliament of the Report by the Committee, and Parliament shall adopt or reject amendments recommended by the Committee, or further amend the proposed measure as it sees fit.

(d) The fourth stage shall be a vote by Parliament to enact or not enact the proposed measure in the form adopted in conclusion of the third stage.

(e) In the case of any proposed measure which the Presiding Officer of the Parliament of Scotland certifies as concerning solely or mainly the raising or the spending of national revenues, the proposed measure may be submitted for Assent by the Head of State as soon as it shall have passed the fourth stage by the vote of a majority of members of Parliament present and voting.

(f) In the case of any proposed measure not so certified by the Presiding Officer the proposed measure may be submitted in like manner for Assent unless within ten days a resolution is supported by the vote of two fifths of the whole membership of Parliament requiring that adoption of the proposed measure be deferred; any such resolution moved within the prescribed period of ten days shall take precedence over other business in Parliament, and a vote on the resolution shall be taken within the prescribed period.

(g) In any case in which such a resolution is passed, the proposed measure may be reconsidered by Parliament in the manner appropriate to the fourth stage at any date not less than twelve months and not more than eighteen months after the date of such resolution, and if the proposed measure is then enacted by the votes of a majority of the members present and voting it may forthwith be submitted for Assent by the Head of State.

(h) If such a resolution as is mentioned in sub-section (f) above is passed, the Parliament shall have power by resolution of a majority of those present and voting to submit the proposed measure as a whole to a National Referendum, which shall concern only the question whether to adopt or not adopt the proposed measure as a whole, if a majority of the electors voting in such a referendum votes in favour of adoption of the proposed measure it shall forthwith be submitted to the Head of State for Assent.

11 All proceedings of the Parliament of Scotland or of any of its committees shall be held in public, except as provided in section 12.

12 The Parliament of Scotland and its members shall enjoy such privileges and immunities as are essential to the free unimpeded and democratic conduct of the affairs of the nation. The standing orders of Parliament may include provision as to exclusion of members of the public and the holding of proceedings in private where necessary to uphold the values enshrined in this constitution.

Article IV – Local Government

1 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.

2 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.

3 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.

4 A fair system of proportional representation, similar to the system for parliamentary elections, shall apply in all local government elections.

Article V - Judiciary

1 The Supreme Courts in Scotland shall be the Court of Session and the High Court of Justiciary as constituted by law, and with the jurisdiction pertaining respectively thereto, at the time at which this constitution comes into force. There shall be no appeal to any other Tribunal from decisions of either Court on any matter which falls within its jurisdiction. All appeals to or within either Court on such matters shall be determined in accordance with the law in force at the time at which this constitution comes into force, which may for the future be amended according to the ordinary process of legislation.

2 Any question arising in any litigation whatsoever concerning the provisions of this Constitution shall, in the event of an appeal, be referred to the Court of Session sitting as a Court of not fewer than seven judges, and the decision of any such question by the Court shall be final and binding for all purposes. In interpreting the Constitution, the Court of Session shall not be bound to follow its own precedents.

3 The Senators of the College of Justice and the Lords Commissioners of Justiciary shall be independent of the executive and the legislature. The Head of State shall make appointments to the offices of Senator of the College of Justice, Lord Commissioner of Justiciary, Lord President of the Court of Session, Lord Justice General and Lord Justice Clerk upon the advice of a Commission on Judicial Appointments comprising the Lord Advocate, the Presiding Officer of the Parliament of Scotland, a Senator of the College of Justice elected by the whole body of Senators, and two eminent and impartial persons elected to serve for a term of ten years by the Parliament. Judicial appointments shall be terminable only by resignation, or on the achievement of the statutory retiring age, or on grounds of permanent incapacity by reason of ill health, or by order of the Head of State upon receipt of a resolution passed by two thirds of the whole membership of the Parliament calling for the dismissal of a judge on grounds of stated misconduct.

4 So far as is consistent with the provisions of this Constitution;

(a) The Court of Session and High Court of Justiciary shall continue to have power to make Acts of Sederunt and Acts of Adjournal in the same manner and form and concerning the same subjects as they have power to do on the day on which this Constitution comes into force; and

(b) Parliament shall have power to legislate by ordinary process of legislation on all matters concerning the administration of justice in Scotland.

5 The Sheriff Court and all Courts or tribunals of inferior or local or otherwise limited jurisdiction shall continue in existence as provided for by laws in force on the day on which this Constitution comes into force; save that the power to advise on appointments to the

office of Sheriff or Sheriff Principal shall be transferred to the Commission on Judicial Appointments, laws on any subjects concerning such Courts or tribunals may be passed by ordinary process of legislation.

Article VI - Fundamental Rights and Liberties

1 (a) The following provisions shall have effect for the purpose of guaranteeing the fundamental rights and liberties of all Scottish Citizens and of all persons for the time being within the jurisdiction of any Scottish Court; the rights and liberties guaranteed shall be enjoyed by all persons without discrimination on any grounds such as sex, race, colour, religion, personal beliefs, abilities, status or sexual orientation; there shall be no limitation upon their exercise save such as is necessary to prevent or penalise actings by any person or group of persons calculated to infringe or destroy the rights and liberties of other persons or groups, or forcibly to subvert the constitutional order which establishes and guarantees those rights and liberties and, subject to the last mentioned qualification, no law may be passed which abrogates or derogates from the guaranteed rights and liberties, unless it shall be passed by way of a constitutional amendment in accordance with Article VII of this Constitution; every person shall be granted by a competent court a full and adequate and speedy remedy for any infringement whatsoever of his or her guaranteed rights and liberties; where the rights upheld in this Article have equivalent rights in the European Convention of Human Rights and Fundamental Liberties, they are at least as extensive as those rights; a court or tribunal in determining the rights upheld in this Article must have regard to the jurisprudence of the European Court of Human Rights.

(b) None of the rights guaranteed in this Article of the Constitution shall be subjected to any restriction or limitation other than as expressly provided, nor shall any such restriction or limitation be applied for any purpose other than that expressly prescribed.

2 (a) Every person has the right to life. No person shall be condemned to death or executed, saving only that provision may be made in law for the death penalty in respect of acts committed in time of war or of imminent threat of war; such penalty shall be applied only in the instances laid down in the law and in accordance with its provisions.

(b) If any person's death occurs as a result of another person's acting in a manner which is permitted by law and which is no more than necessary;

(i) To defend a person or persons from unlawful violence;

(ii) To effect a lawful arrest or to prevent the escape of a person lawfully detained

The action so taken shall not be rendered unlawful by the fact that death has result from it.

3 No person shall be subjected to torture, or to inhuman or degrading treatment or punishment.

4 No person shall be held in slavery or servitude, nor shall any person be required to perform forced or compulsory labour. For the purposes of this article "forced or compulsory labour" shall not include:

(a) any work required to be done in the ordinary course of detention imposed according to the provisions of paragraph 5 of this Article or during conditional release from such detention;

- (b) any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;
- (c) any service exacted in case of an emergency or calamity threatening the life or well-being of the community;
- (d) any work or service which forms part of normal civic obligations.

5 (a) Every person has the right to personal liberty and security, and accordingly no person shall be deprived of liberty save in the following cases and in accordance with the procedures prescribed by the law of Scotland:

(i) In the case of his or her lawful detention in accordance with the sentence passed by a competent Court upon his or her conviction of an offence;

(ii) In the case of his or her lawful arrest or detention for non-compliance with the lawful order of a court;

(iii) In the case of his or her lawful arrest or detention upon reasonable suspicion of having committed, or being engaged in the commission of, or being about to commit, a criminal offence under the law of Scotland;

(iv) In the case of detention of a person under the age of sixteen years by lawful order for the purpose of his or her educational supervision or personal welfare;

(v) In case of the lawful detention of a person who is, or is reasonably believed to be, of unsound mind;

(vi) In case of the lawful detention of a person for the purpose of preventing the spread of an infectious disease;

(vii) In the case of the lawful arrest of a person to prevent his or her unlawfully entering Scotland, or of a person against whom lawful action is being taken with a view to deportation or extradition.

(b) Every person who is arrested or detained shall be informed, as soon as is possible in the circumstances of the case, in a language which he or she understands, of the reason for his or her arrest or detention and of any charge which is to be laid against him or her; he or she shall be entitled to inform a member of his or her family of his or her whereabouts and of the stated reason for his or her detention, and shall be entitled as soon as possible to consult a legal practitioner.

(c) Every person who is arrested or detained in accordance with paragraph 5(a)(iii) shall, wherever it is practicable to do so, be brought before a competent court not later than the first lawful day after being taken into custody, such day not being a public or local holiday: failing which, he or she shall be brought before a competent court as soon as is possible thereafter.

(d) Every person who has been arrested or detained in accordance with paragraph 5(a)(iii) shall be brought to trial as soon as is possible; no person who has been committed for trial of any offence shall be detained in custody for more than one hundred and ten days from the date of such committal, except in so far as the High Court of Justiciary shall have, and shall in any case have exercised, power to grant extension of that period on any grounds

which may be provided for in legislation for the time being in force; every person who has been committed for trial shall be set at liberty and declared forever free from all question or process for the crime for which he or she was committed, unless he or she has been brought to trial and the trial concluded within the aforesaid period of one hundred and ten days, subject to any lawful extension granted by the High Court of Justiciary.

(e) Every person who has been deprived of liberty by arrest or detention has the right to petition the Court of Session or High Court of Justiciary for liberation, and shall be liberated by order of the Court as soon as is practicable in the circumstances of the case unless such deprivation of liberty is proven to be lawful; if a person so deprived of liberty is for any reason unable to take proceedings on his or her own behalf any other person who can show good cause for so doing may petition the Court in his or her name to test the lawfulness of any such detention.

6 (a) Every person has the right to fair and public judicial proceedings to determine any question raised by proper process of law concerning his or her legal rights or obligations, or any criminal charge against him or her. Every such question or charge shall be heard and determined by the competent court or tribunal established by competent court or tribunal established by law, and judgement shall be pronounced publicly, except if, or in so far as, the law permits a court or tribunal to exclude members of the public from part of such proceedings or to prohibit publication of reports concerning part of such proceedings on all or any of the following grounds:

(i) The protection of national security

(ii) The prevention of disorder in court

(iii) The protection of children or young people

(iv) The protection of the personal privacy of the parties

(v) The protection of the interests of justice in circumstances in which publicity would inevitably cause serious prejudice to the fair determination of an issue

(b) Every person charged with a criminal offence shall be presumed innocent until proved guilty according to law.

(c) Every person charged with a criminal offence has the following rights:

(i) To be informed in detail, as soon as is possible in the circumstances of the case, and in a language which he or she understands, of the charge which is made against him or her;

(ii) To have adequate time and facilities for preparing a defence to the charge;

(iii) To defend himself or herself in person or through a legal practitioner of his or her own choosing;

(iv) To such financial assistance as is necessary in the light of his or her means to secure adequate legal assistance if desired;

(v) To examine or have examined witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf in the same conditions as witnesses against him or her;

(vi) to have all proceedings in court connected with the charge against him or her translated by a competent interpreter into the language which he or she best understands, if that language is not the language of the Court;

(vii) to be informed in a language which he or she understands of the provisions of this paragraph of this Article of the Constitution, before the commencement of the trial.

7 No person shall be convicted of any criminal offence save in respect of an act or omission which, at the date of its commission, constituted a criminal offence under the law of Scotland or the law of nations, nor shall any penalty be imposed which is heavier than the maximum permitted under the law of Scotland at that date.

8 (a) Everyone has the right to respect for privacy in his or her personal affairs, family life, home, and correspondence.

(b) Every interference with personal privacy in these respects shall be unlawful unless it is proven to be in accordance with provisions of the law which are necessary;

(i) for the protection of national security;

(ii) for public safety;

(iii) for the prevention of crime or civil disorder;

(iv) for the protection of public health; or

(v) for the protection of the fundamental rights or freedoms of other persons

and every person who suffers unlawful interference with his or her personal privacy shall be entitled to an adequate civil remedy therefore.

9 (a) Every person has the right to freedom of thought and of conscience and to the free confession and the practice of religion;

(b) A person's freedom in the practice of religion shall not be restricted by law save to such an extent, if any, as is necessary for the protection of public order or public health or for the protection of the rights and freedoms of others.

10 Every person shall have the right of access to governmental information save on a restricted range of matters in which secrecy or confidentiality is authorised or required by law and in the public interest.

11 (a) Every person has the right to freedom of opinion and of the expression of opinion, including the right to impart and receive information and ideas freely to and from any other person or persons whatsoever, except in so far as the law may restrict or penalise the expressing of opinion or the transmission of information so far as is necessary for any of the following purposes:

- (i) the protection of national security or public safety
 - (ii) the prevention of crime
 - (iii) the prevention of incitement to hatred on any grounds such as sex, race, colour, abilities, religion, personal beliefs or status
 - (iv) for the protection of public health
 - (v) for preventing the public display of obscene or indecent materials
 - (vi) for the protection of individuals' rights and reputations
 - (vii) for the protection of information given and received in confidence
 - (viii) for protection of the Parliament and Courts of Law from acts of contempt
- (b) The foregoing provision shall not be interpreted as invalidating laws regulating the licensing of broadcast transmissions or cinemas, theatres and other like places of public resort.

12 Every person has the right to freedom of peaceful assembly and to freedom of association with others for all lawful purposes including the right to form and to join trade unions for the protection of his or her interests: the right to freedom of assembly and of association shall be subject only to such restrictions as are prescribed by law and are necessary for any of the following purposes:

- (i) the protection of national security or public safety
- (ii) the prevention of crime or civil disorder
- (iii) the protection of public health
- (iv) the protection of the fundamental rights of individuals

but provision (i) above does not apply to the right to form and join trade unions.

13 Men and women of marriageable age have the right to marry and to found a family, in accordance with the law of Scotland.

14 Every person has the right to hold private property, and to the peaceful enjoyment of his or her property; no laws may be passed which limit, restrict or abrogate the right to acquire or retain private property except in cases in which the Parliament determines that the needs of the community clearly require to be given precedence over the rights of individuals; and all laws which sanction measures of expropriation shall make provision for fair compensation.

15 (a) Every person has the right to work and to pursue freely any profession or vocation subject only to such requirements as to minimum qualifications as may be prescribed by or in accordance with the law;

(b) Every person in employment has the right to conditions of work which are fair and which respect the dignity of the person in the sense implied by this Article of this Constitution; in particular, everyone has the right to safe and healthy conditions of work, as determined by legislation concerning health and safety at work.

(c) Every person who is unable to work by reason of age or physical or mental disability or infirmity, or by reason of family responsibilities, or because suitable employment is unavailable, has a right to be provided with reasonable alternative means of subsistence to be determined in accordance with law; in particular, persons who have reached the age of retirement as prescribed by law shall, in terms prescribed by law, have the right to pensions sufficient to maintain the dignity and independence of elderly people in the general social and climatic conditions prevailing in Scotland.

16 Every person has the right to freedom of movement within Scotland, including the right of access to hills, mountains, waterways and open countryside, except in cases in which unrestricted access is likely to cause substantial interference with agriculture, forestry or fishing, and subject to any provisions of the law which are necessary;

(i) for the protection of national security or public safety

(ii) for the protection of public health

(iii) for the protection of the physical environment

17 Every person who is over the age of sixteen years, who is not presently in detention in accordance with law as being a person of unsound mind, who is a citizen of Scotland or whose principal place of residence is in Scotland, shall have the right to vote, and to present himself or herself as a candidate, in elections to membership of the Parliament of Scotland or (subject to such further requirements as to residence as may be prescribed by law) to any local authority. This right shall be exercised in accordance with the law for the time being in force concerning electoral procedures and regulating proper electoral practices; restrictions of the right to vote on grounds of citizenship may be established by ordinary process of legislation.

18 All forms of monopoly or of restrictive trade practice shall be unlawful except in so far as they are expressly permitted by or under laws in force at the time at which this Constitution comes into force, or subsequently enacted by the Parliament of Scotland.

19 For all purposes, every person has the right to use any of Scotland's three official languages, Gaelic, Scots or English.

20 Everyone has a right to housing; Parliament shall be responsible for ensuring by legislation that no person is involuntarily deprived of adequate shelter and living accommodation.

21 Everyone has the right to the provision of reasonable health care to secure wellbeing and human dignity within an acceptable level of overall cost and subject to prevailing conditions of medical practice; Parliament shall be responsible for securing by legislation that health services are properly maintained and are available on fair terms to all persons.

22 Everyone has the right to education for the optimal development of their abilities and potentialities within an acceptable level of overall cost and subject to prevailing conditions of educational practice; Parliament shall be responsible for securing by legislation that educational services are properly maintained at nursery, primary, secondary and post-school levels and are available on fair terms to all persons.

23 Nothing in paragraphs 10, 11, 13, 14 or 16 of this Article of the Constitution shall have the effect of invalidating legislation by the Parliament of Scotland, which imposes restrictions on the political activities of aliens.

24 The Parliament of Scotland may enact legislation providing for the restriction of the application of this Article of the Constitution during times of war or other grave public emergency, but such legislation must contain provision for approval by resolution passed with the support of not less than three-fifths of the whole membership of Parliament of any declaration by the Government of a state of emergency within two weeks thereof, and for renewal of such approval no less frequently than three months from the date of any prior resolution approving of such a declaration; and such legislation may not authorise any derogation from paragraph 2 of this Article, except in respect of deaths arising from lawful acts of war, or from paragraphs 3, 4 and 7 of this Article of the Constitution.

Article VII - Amendment to the Constitution

This Constitution, including this Article of this Constitution, may be amended only by the following procedure :

The passing of a proposed measure at its third stage by a majority of three-fifths of the whole membership of the Parliament of Scotland followed, within a period of between two and six months, reference to the proposed measure to a National Referendum in which a majority of those voting shall have voted for the proposed measure.