

## Minority Ethnic Matters Overview

*MEMO+ is an occasional series of briefing papers on topics of interest to minority ethnic communities in Scotland. It is produced by the [Scottish Council of Jewish Communities](#) in partnership with [BEMIS - empowering Scotland's ethnic and cultural minority communities](#), and is supported by the [Scottish Government](#).*

# “Scotland’s Future” Scottish Government White Paper on Independence: Justice

On 18 September 2014 there will be a referendum in which voters will be asked the question, "Should Scotland be an independent country?", and the Scottish Government has produced a White Paper to explain its proposals for the way in which an independent Scotland would be governed.

A White Paper is a document produced by the Government that sets out details of their proposed future policy on a particular subject. It is not a consultation and does not set out alternatives, but only gives details of the Government’s intentions. This White Paper does not, therefore, provide an analysis of the advantages and disadvantages of Scotland becoming an independent country, and it does not discuss what should happen if Scotland remains in the UK.

This MEMO+ is one of a series that summarises the main points of the White Paper. Other issues cover Scottish Government proposals for:

<a href="#">White Paper: General Info</a>	<a href="#">Education &amp; Employment</a>	<a href="#">Health &amp; Wellbeing</a>
<a href="#">Culture &amp; Communications</a>	<a href="#">Energy &amp; Resources</a>	<a href="#">Immigration &amp; Asylum</a>
<a href="#">Defence &amp; Security</a>	<a href="#">Environment &amp; Agriculture</a>	<a href="#">International Relations</a>
<a href="#">Economy &amp; Finance</a>	<a href="#">Equality &amp; Human Rights</a>	<a href="#">Third Sector &amp; Civic Society</a>

### What is currently devolved, and what reserved?

Much of the Justice system is devolved, that is, under the control of the Scottish rather than the UK Parliament. Scotland already has its own legal system, police force, prosecuting authority, and prison service. However, control of some bodies, such as the British Transport Police, Ministry of Defence Police, and Civil Nuclear Constabulary, is reserved to the UK Parliament. If Scotland were to become an independent country, these would also come under Scottish Government control. Policy in a number of significant areas of law, such as road traffic offences, firearms, drug classification, and gambling, is also currently the responsibility of the UK Government, and the Scottish Government believes that there has not been adequate consideration of differences between Scotland and the rest of the UK.

The Scottish Government also believes that independence would facilitate more ‘joined-up’ policies between public services, welfare services, and employment, improvements to which have been shown to have a significant impact on crime rates.

## **Police**

If Scotland were to become an independent country, the Scottish Government proposes that:

- The phone number to call in an emergency would still be 999;
- The non-emergency police phone number would still be 101;
- Police Scotland would co-operate with the UK Police Forces, Europol, and other international agencies to prevent and detect cross border crime.

## **Courts and Tribunals**

The Scottish Government proposes that if Scotland were to become an independent country:

- the highest courts would be the Inner House of the Court of Session, and the High Court of Justiciary (sitting as Court of Criminal Appeal), which would be known jointly as the Supreme Court of Scotland. The UK Supreme Court would not have jurisdiction in an independent Scotland;
- judges and prosecutors would remain independent of the Scottish Government. As at present, decisions about prosecution would be the responsibility of the Lord Advocate, and Ministers would not have any power to intervene in judicial decisions.
- the Tribunal Service would be enlarged to deal with areas that are currently reserved to the UK Parliament, such as welfare benefits and employment;
- the current arrangements for extradition would be maintained, so that criminals fleeing from or to Scotland could still be arrested and brought to trial.

## **Prison Service**

The Scottish Government proposes that, if Scotland were to become an independent country, it would continue existing prisoner transfer arrangements that enable prisoners to maintain family contact during their sentence.

## **Legislation**

The Scottish Government proposes that, if Scotland were to become an independent country, existing laws, whether passed by the Scottish or UK Parliaments, would continue to apply unless they were amended by the Scottish Parliament. In particular, it proposes new laws in the following three areas:

- Road traffic offences and drink driving: to set new drink-drive limits, and enable the police to conduct random breath tests at any time and in any place;
- Firearms: to simplify regulation and licensing.
- Gambling: to increase regulation in contrast to the UK Parliament approach of greater deregulation.

[Click here](#) and [here](#) for more details about Scottish Government proposals about Justice.

## Useful Links

- **White Paper: Scotland's Future: Your Guide to an Independent Scotland**
  - Full Document <http://82.113.138.107/00439021.pdf>
  - Summary <http://82.113.138.107/00439013.pdf>
- **Scottish Government Q&A about Law and Order**  
<http://www.scotreferendum.com/topic/law-and-order/>
- **Scottish Government referendum website**  
<http://www.scotreferendum.com/>
- **UK Government Scotland Office referendum website**  
<https://www.gov.uk/government/topics/scotland>
- **Yes Scotland** (Campaign for Scottish Independence)  
<http://www.yesscotland.net/>
- **Better Together** (Campaign for Scotland to remain part of the UK)  
<http://www.bettertogether.net/>
- **BBC Scottish independence: Referendum library**  
<http://www.bbc.co.uk/news/uk-scotland-scotland-politics-21618252>



The **Scottish Council of Jewish Communities (SCoJeC)** is the representative body of all the Jewish communities in Scotland. It advances public understanding about the Jewish religion, culture and community, and also works in partnership with other organisations to promote good relations and understanding among community groups and to promote equality. (Scottish Charitable Incorporated Organisation SC029438) <http://www.scojec.org/>



**BEMIS** is the Scottish national Ethnic Minorities led umbrella body, supporting, empowering, and building the capacity of minority third sector community organisations. As a strategic partner with Government, it is proactive in influencing the development of race equality policy in Scotland, and helps develop and progress multicultural Scotland, active citizenship, democracy, and Human Rights Education at the Scottish, UK, and European levels. <http://www.bemis.org.uk/index.html>



The **Scottish Government** is committed to promoting equality of opportunity and social justice for all those who live in Scotland. **One Scotland** is the Scottish Government campaign designed to tackle racism. It aims to raise awareness of racist attitudes, highlight its negative impact and recognise the valuable contributions that other cultures have made to our society – and make Scotland no place for racism. <http://www.scotlandagainstracism.com/>