Scotland’s devolved Parliament and Government were established in 1999 under the Scotland Act 1998. The current devolved arrangements build upon earlier institutional arrangements for the distinctive governance of Scotland, elements of which date back to the Union of 1707. By creating both a distinct legislature and separate institutions of political representation for Scotland, the 1999 reforms were nevertheless of profound constitutional significance. This chapter traces the development of devolved government in Scotland, arguing that the history of Scottish devolution is best understood as a response to nationalist sentiment: the assertion of the right of the people of Scotland to self-governance and self-determination. The historical trajectory has been one of increasing autonomy and constitutional recognition, and this pattern has continued since 1999 (culminating in an—unsuccessful—referendum in 2014 on the question whether Scotland should become wholly independent of the United Kingdom). However, despite the extensive powers enjoyed by, and the political importance of, the Scottish Parliament and Government, the status of devolution within the United Kingdom constitution is ambiguous.
10. Devolution in Scotland

and contested. The chapter also explores the constitutional status of devolution across two dimensions: the juridical—i.e. how the powers of the Scottish Parliament and Government are understood and interpreted by the courts; and the political—how the devolved Scottish institutions relate to their counterparts at UK level. The chapter ends by exploring how the tensions between Scotland’s powerful political claims for constitutional recognition, yet weak legal protection, have played out in relation to Brexit, and may play out in future in a Scottish political context still dominated by the independence question.

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