

Scottish Affairs Committee

Oral evidence: [Intergovernmental relations: 25 years since the Scotland Act 1998, HC 149](#)

Tuesday 7 May 2024

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Members present: Pete Wishart (Chair); Wendy Chamberlain; Christine Jardine; Ms Anum Qaisar; Michael Shanks.

Questions 410 - 461

Witnesses

[I](#): Rt Hon Henry McLeish, former First Minister of Scotland 2000-2001.

[II](#): Lady Elish Angiolini, former Lord Advocate 2006-2011.

[III](#): Rt Hon Lord McConnell of Glenscorrodale, former First Minister of Scotland 2001-2007.



Examination of witness

Witness: Rt Hon Henry McLeish.

Q410 **Chair:** Welcome to the Scottish Affairs Committee and our ongoing inquiry into intergovernmental relations: 25 years since devolution. Today we have a couple of former First Ministers and a former Lord Advocate and we are all very interested and excited about their appearances. First off is former First Minister the Rt Hon Henry McLeish, who I will now allow to introduce himself and anything by way of a short introductory statement.

Henry McLeish: Thanks very much, Chair, and I thank the members of the Committee for the invitation to speak to you. I was 15 years in this place and I enjoyed the place. It was a very special political space. I am delighted to be back speaking to the Committee.

I was First Minister in 2000, after the death of Donald Dewar. We were elected in 1997 and, of course, we pushed on with devolution. Tragically, after we established the Parliament, Donald Dewar died. In the aftermath of that I was selected—a sensitive word these days—by the party to be put forward as First Minister, and that is what I did.

Chair, after the brief, helpful discussion we had outside, I would like to briefly focus on some of my experiences rather than give you the narrative that you have probably heard before and probably will hear again. That may alleviate some of the concerns of the Committee. The first point is that in 1997 when we were elected, it was an incredible year. I do not mean because of a Labour victory, but in terms of devolution we had a situation in that year where the year ended with the First Reading of the Scotland Bill. It was preceded by a referendum campaign, interrupted by the tragic death of Princess Diana. We had a referendum Bill go through this House, with a referendum enacted. There were a whole range of issues that meant we were entirely focused; to use a phrase that has been used in another more bizarre situation, we wanted to make devo work. In that context, we were focused on that remarkable achievement.

In that process, I am conscious now, looking back, that talking about machinery between Governments and Parliaments was not really on the agenda. We were conscious that if you set up other institutions, you have to have some relatable framework that makes that work. It was discussed prior to the election and it was discussed post the election, but I think in the drive to get this legislation enacted and taken through, it may not have been given.

I say that because I want to jump right to the end, which is now. It seems to me in the last few years that the lack of possibly legally underpinned framework has resulted in what we have had over the last four years, where what we have seen is not the progress of two Parliaments but the battle, in my view, between Unionism and



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nationalism. We have seen a situation—it vexes me but this is the reality—where in the Government from Mr Johnson onwards there was simply a lack of respect, and a lack of the potential that devolution has. In that context, that was one side of it.

We then had a situation in Scotland where the SNP Government were very keen, if I can use the phrase, to mix it, not knowing whether it was a public policy issue of importance to Scotland, not knowing whether it was just a one-upmanship over Westminster or whether, indeed, it was a battle of ideologies or philosophies. None the less, none of that made any sense to me. It was kind of the extreme end of where I started.

Let me go back there. I want to tag it to the row that is going on just now about the Secretary of State and the Foreign Office wanting to tell the Scottish Government that they should have someone in the room, as it were—a kind of nanny. When I was First Minister we had some remarkable developments, all with the consent of the Foreign Office. At that time Robin Cook was the Foreign Secretary. Now we are debating, 25 years on, whether we should do this and that.

I was the first person to be invited to the White House for a 45-minute session with the President. That was fixed up through our embassy in Washington and the ambassador, with no particular problems. George W Bush took a lot of time in that to discuss not only Scotland but some other policy issues. Secondly, we had Hu Jintao, who went on to become the President of China. He came to Edinburgh and I hosted him for two days. We had a situation where John Reid, who was the Secretary of State at that time for Scotland, and I went to a private meeting with Pope John Paul—the first Scottish leaders in 500 years to visit the Vatican in that context. We also had Thabo Mbeki, the President of South Africa.

It was a good relationship at that time. There were similar parties, of course, with the Liberals involved with us. There was one great problem that emerged—a real stooshie with the press in Scotland. Tom McCabe, my Finance Minister, had used the phrase that Scotland was a Government: a Scottish Government. Of course, the press went absolutely wild. “A Scottish Government? No, get back into your trap, you’re an Executive.” I picked up the phone and I phoned Tony Blair. I said, “Look, Prime Minister, as far as Scotland is concerned, on devolved matters we are the Scottish Government”. “Fine, how is the weather?” The press the next day—gone. That degree of networking was solid in relation to developing where we were in Scotland.

Q411 **Chair:** We will get into all these themes; thank you for that. You are absolutely right that the international work that was done in the early days of devolution was fantastic and we are still seeing the benefits of that. You had a very unusual and unique position in the whole story of devolution because you were the Minister who effectively took the Scotland Bill through. I know that Donald gets credited with signing it all off and doing the big statements, and credited with devolution, but it was



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Henry McLeish who was there at the end of the day at the Dispatch Box dealing with all the amendments and getting the Bill through.

I looked at some of the debate from that period; it was fascinating and I encourage colleagues to do it. I am pretty certain that they have. It was an interesting part of Scottish political history. There was very little talk about intergovernmental relations at all. I was struggling to find any references to any discussion that went on in the House at that point. Was I looking in the wrong places? Did this feature at all in the construction of the Act and should it have been? Should more attention have been paid at that point in the devolution journey?

Henry McLeish: The answer to the last point is yes, but the context at that time was that it did not—well, it was not done. Nobody had raised it as a major issue. I think I spent 108 or 110 hours on the Floor of the House dealing with the issues, and you're right: I cannot recall somebody standing up to say, "Hang on a minute. When this is completed, what's the machinery for working together?" On the other hand, Donald Dewar put an enormous amount of work in. I think, intellectually as well, that if we had felt at that point that there was going to be troubles or difficulties ahead, that may have forced us to give more credence to the intergovernmental machinery, which we did not.

Q412 **Chair:** You have characterised your own way and described how you observe current relationships. Should we possibly at that point have had more time looking at intergovernmental machinery at the early stage of setting out the Act?

Henry McLeish: I think so, but one of the interesting points—this is an all-party Committee and I do not want to be accused of being partisan—is that there was a different feel in different parts of the Chamber. Some of the Conservatives were thinking that this was the last thing on earth that they wanted to be involved in, so there was just a, "Forget it". I then had a situation where there was one critic from Scotland who was really the opposition, and he asked tons of questions about a great deal of things. The SNP were quiet, and the Lib Dems. Therefore, it was only occasionally that there was a bit of a rumpus, but nobody was pressing for that issue.

With the great benefit of hindsight now, if that had happened, it would have been beneficial. It might not have had to be used in the early years—Jack McConnell will tell you about his years. Nevertheless, in terms of the process of building devolution and building new Parliaments and new Governments, it is something now that would have stood us in good stead at this point where relations, in my judgment, between Westminster and Holyrood have reached rock bottom.

Q413 **Chair:** I know that we do not have much time with you, but given that you have brought this up, I am interested in your views in all this. You mentioned the McCabe intervention and the call about describing the Scottish Executive, as it was then, as a Government. Famously, we now



have the White Heather bar in the Scottish Parliament in tribute to that particular intervention. When you were First Minister, did you detect a resistance among particularly Labour colleagues down there who thought that you were maybe getting ahead of yourself—that you were becoming overexcited about the Scottish Parliament? We have always heard about good relationships—which there were, obviously—between Labour colleagues in Edinburgh and Scotland, but was it a little bit like some of the colleagues down here were trying to drag you back down a little with a “Who do they think they are?” type of attitude?

Henry McLeish: You are clearly apprised with too much mischievous information, Chair. One of the great problems about devolution has been that, in my judgment, it was essentially to strengthen governance in the UK as well as giving Scotland a voice and all that went with it, but in some people’s minds it has been historically highly centralised, highly exceptional, and they have been very jealous of the legislative capabilities—in my view, quite delusional at times. Nevertheless, there was a very powerful view here that devolution was peripheral. What then happened was a situation where you were always being slightly tested about how Scottish you wanted to be with a Labour ticket. I did not find that a problem. I have played for my country at football and it was not really an issue.

The Tom McCabe illustration was one where the media were quite febrile in the earlier period of devolution. They were always looking, God bless them, for some controversy. Tom McCabe, without flickering, had just made that comment, which seemed common sense. You are well aware, Chair, that that became a huge issue, but it was stopped in its tracks because of the common sense of both sides in extrapolation.

That issue in Scotland has not disappeared, Chair. Within parties and between parties there is still a question about where the devolution years stopped in 2014 after the referendum and where we started with the independence years. There is a bit of banter that could take place on that, but my serious point is that unless each of the institutions respects and trusts each other, you can have all the constitutional machinery in the world and it still will not work if it is fixated in the minds of those involved that this is a second-class Parliament, in some people’s eyes. “We used to be the empire’s Parliament; we are now this; we are out of Brexit; we are doing this and that.” If I can be really provocative, that arrogance within the House here does not stand devolution in good stead and, I am afraid, it alienates people who are not as well disposed to this House as I am.

Q414 **Chair:** Lastly, today we have a new member to the ex-First Ministers club in the feature of Mr Yousaf. There have only been six First Ministers in 25 years. I think a lot of people look at the history of devolution as being a little bit more fractious than that. Do you have any particular advice for the new First Minister, who may be already installed in position, as a former First Minister yourself?



Henry McLeish: Let's make a play for bipartisanship. I think that that is where politics in this place and politics in Scotland and politics in democracies should be going. I have great respect for John Swinney. I worked with him, and way back in the early years of the Parliament he and I got a joint award from *The Herald* for being the parliamentarians who were most interested in creating some unity of purpose. I wish him well. It is a tough job at any time and he is picking up his party where they have had certain problems to face.

It is this trust and tolerance that has got to be a key part of the new politics. If I could make one point, when I was here I thought that part of the Bill, part of the Act, part of the process would be to create a new politics. That simply has not happened. That level of tribalism that you experience here is alive and well in Edinburgh.

Q415 **Christine Jardine:** I was listening to what you were saying with great interest about the fact that the machinery did not really seem to matter—that the intergovernmental machinery did not seem to figure in the discussions, if I picked that up correctly.

Henry McLeish: Well, I would not say "mattered". I said that on reflection it should have mattered but at that point it was not an agenda item.

Q416 **Christine Jardine:** Sorry, yes. Was the Joint Ministerial Committee machinery set up in 1999 thought to be the final product? Was it imagined that that would be the final product or was there an expectation that somehow machinery would just evolve over time?

Henry McLeish: I think the latter point that you make is a good one, but of course between 1997 and 2007, when Jack McConnell's period finished, it was all playing with the same players north and south of the border. It was only after that point, when Alex Salmond became First Minister, that I began to think myself that the lack of some robust machinery could be detrimental to Scotland as we evolved. I am being quite honest in saying that during the early years from 1997 it was not a high point. It was discussed but not sufficiently to try to create a labyrinth of checks and balances to make it work.

Q417 **Christine Jardine:** I want to go back to something that you said earlier. You said that in the early years of devolution there were lots of foreign visits, you went to the White House and nobody thought anything very much about it, whereas now it is much more controversial. To what extent has the lack of having anticipated that and paying sufficient attention to machinery, and leaving it to evolve, has led to the situation where we now have two institutions that are very much more in competition than perhaps they were in 1997? In 1997 Holyrood was looked on as a huge achievement. It was about devolution. You mentioned the independence years; it has become much more competitive and more about the Scottish Parliament trying to establish itself as something that perhaps was not originally envisaged with



devolution. Do you think that that has undermined the relationship?

Henry McLeish: I am very ambitious for Scotland within the confines of my own party. I have made the comment that over the last four years in particular, which coincides with the Johnson years, the Truss years and the Sunak years, this level of disrespect and people being uncomfortable with the relationship is costing Scotland. I mean, I think Scotland is not progressing.

Coming back to the point that you made and about whether it mattered, with the benefit of hindsight it did matter. When I talked about the White House, it was not to give you a tour of where I have been, although it was fascinating, nevertheless. It was just effortless and that may have lulled us into a false sense that it will always be like this. We will have the new politics and everybody will trust and have tolerance with each other and so on. That did not transpire. So you are absolutely right to say that more cognisance should have been given.

The reason that I raised the spat between the Secretary of State and the powers that be in Holyrood is that it seems like a ridiculous item that a country like Scotland, a nation with a functioning Parliament, should not be able to say, "We're doing this, we're doing that". I will give one example to pinpoint that. When Robin Cook was the Foreign Secretary—and Robin sadly died not long after this—we had a situation where we were about to sign an 11-substate document in Brussels. The civil servants had been giving our civil servants a really rough time: "No, you can't do this, you can't do that". I phoned Robin and asked him, "Look, Robin, could you help." No problem. Ten minutes later—done, and we are in Brussels. But now it is quite clear that we should have thought of the machinery.

Q418 **Christine Jardine:** That is interesting because that illustrates something that we heard from earlier witnesses—that during the early years with the Liberal Democrat-Labour coalition the relationship with Westminster was much smoother. Perhaps that was to do with having the same party in power in two places and perhaps more credence should have been given to the idea that one day you might have, as we have now, parties that are in competition, and that that ease of relationship came more from a sort of same-party relationship and we did not give enough credence to that.

Henry McLeish: That is the basis of the discussion that we are having, I suppose. I did not think that anybody—let me rephrase. At that point, where devolution was happening, from 1997 onwards and 1999 in the new Parliament, there was such a hope that this was a different development. But reality being reality, once 2007 arrived, it may well be that Scots had interpreted what we were doing at Westminster in a completely different way. That is reflected from 2007 as huge electoral success for the SNP, but here is a Scotland now that has stalled. Our country is more divided than it has been in the last 25 years and the issue of independence, in my judgment—it is only my judgment—is



simply going nowhere. Could we have envisaged any of that? Not really. Part of the exciting journey of devolution is that we are where we are, but I do think that there is an opportunity now, with all that has happened, to reset where devolution might be, especially at a time where Scotland needs to go forward rather than remain, in my judgment, stagnant.

Q419 Michael Shanks: Reflecting on some of that, there seems to be a bit of a contradiction in some of the evidence, not just from you but from everyone who has spoken to us, that maybe we should have thought about the machinery more. But at the same time, if there is not mutual trust and respect, it does not matter what the machinery is, it is not going to work anyway. Isn't the reality that this is about people and about relationships and about politics getting in the way, and that if we had more machinery it might still have not made much of a difference?

Henry McLeish: Yes, as a proposition that could be true, but my view is that we need some rules of the game now and we do not have any. If I am an ex-politician and I see a public policy issue end up in the Supreme Court or in the courts of Scotland, democracy has failed. That could be other sides, both sides, three sides, four sides, if that were possible, to blame.

There is no dichotomy here. You need rules of the game if players are behaving badly. In the Scottish Parliament now, things are not as good as they should be. The idea of opposition for the sake of it should have died out. On the other hand, you are right. My concern now is that the depths of division between the Conservative Government and the SNP Government are such that you can create all the rules in the world, but if you have a mind not to adhere or to implement or to respect—this is why I come back a bit naively. I am an ex-politician, so I can be a naive ex-politician. Politics has to change. It is so incredibly unproductive. It used to be in the past that I would have political opponents, but now you must have a political enemy.

Before I start to eulogise on that kind of issue, you are right. This is the contradiction at the heart of politics. I am still inspired by the idea of a better politics where we discuss politics and issues and we do not go for the person, we go for the policies.

Q420 Michael Shanks: On some of the machinery of that, I think that I am right in saying that there were more Joint Ministerial Committees during your time in office than subsequently, although the one on Europe started meeting quite a lot not long after that. Did you find those productive? Were they helpful? Did you resolve issues or were they just formalities?

Henry McLeish: The latter, but very enjoyable, because here you were speaking to people from Northern Ireland, the Welsh and of course the Scots, and then you had Westminster. That was a revelation, in a way, that you were sitting beside people who you had only heard about on television. You were beginning to build up a wider understanding. More



importantly, for a Union that wants to survive, you were learning what is happening in other parts of the Union. I fear, and I think that England is exactly the same, that we are quite parochial about our own nations: you know, the number of Scots who should be doing this and the number of English who should be doing that. The Joint Ministerial Committees were simply an opportunity to get together, understand difference, respect difference, and just see what was happening in other devolved responsibilities.

Q421 Michael Shanks: I asked your successor after Jack, Alex Salmond, this question. Do you think that as devolution has developed First Ministers have started to see their equal more as the Prime Minister rather than anyone else in the Government? If that is the case, is there a risk that that lower level co-ordination through joint ministerial things starts to fall away because it becomes something for a big summit rather than just getting down and battering out the detail? Has that changed or did you view your equal as Tony Blair rather than the Secretary of State?

Henry McLeish: No. Look, Alex Salmond is a unique character. I do not think that he will find an equal easily in many places, so let's leave that there.

No, it seems to me that humility is involved. The narrative on devolution was an exciting one. It should have given us all enough to get on with without pretending that we want to be the Prime Minister or we were this and we were that. I do not think to any real extent that has taken over. Where I do think there is a problem is that in terms of the reserved and devolved issues—the basis of the Act—if you want to adhere to that, that is the rule of the game. But recently there has been some legislation in the Scottish Parliament that is bordering on—and it has been proven in legal cases. I think you have to watch that you do not go into this and pretend you want a battle, as I said earlier, so that it is either one-upmanship or, "We're doing it in Scotland, so we must be better".

I am a very proud, passionate, ambitious Scot but in many respects I am not a narrow nationalist who would seek to engage other institutions. That is only my hypothesis and people completely differ with that. On the other hand, that is where you could look to rules, but if the attitudes are not right and the trust is not there, it may not count for anything.

Q422 Michael Shanks: I have one last question on that note. I think you and I both would describe ourselves as devolutionists rather than Unionists. You have spoken there about nationalism. I think that you said earlier that at the moment there is a problem between muscular nationalism and muscular Unionism butting itself together. If there is a change in Government this year and there is more of a willingness to make devolution work, what could be the key elements of trying to make that work? Is it mechanics or is it policy or is there a danger that as long as the question of independence remains the priority for one part of that, we will always have this conflict?



Henry McLeish: I think we are treading into cultural issues and issues of identity. Identity politics is rampant in America and is happening in Europe and so on. My fear is that we dwell down on the negative, which is, in my judgment, the Unionism versus nationalism bit. I have often been criticised from my own party about being too close to wanting Scotland to do well. I never thought that that would be a problem for any politician. On the other hand, what we have now is silos. In some respects, I believe that devolution should be rewritten to make it attractive. We used to make the point, Donald Dewar made the point and I made the point, that we always thought that devolution was a process, but if it is a process, it is never going to have an end. So what I am advocating for devolution now is that it is more than a process; it is a product, with all the hallmarks that that could have to compete with independence if that is what you want to have.

My bigger concern is that there are so many areas where Scotland should be doing better. There are so many good people in all the political parties who should be doing better together. Why can't I, in a naive way, say that we do not have to have this pitched battle between Unionism and nationalism? Nation build in Scotland first, and at some point in the future, with no crystal ball, there may be decisions to be made on a sounder footing.

Q423 **Wendy Chamberlain:** Thank you for being here today. I will reverse the questions and the way that I was going to ask the questions, because Michael there described himself as a devolutionist. I would probably describe myself as a federalist first and foremost. I will not speak for Christine Jardine but we might be in the same place. Is part of the challenge that we are facing with devolution about the fact that across the UK there has been real difference in the devolution that has been delivered, particularly in England?

Henry McLeish: Yes, but I do not think that that could have been avoided, in a way. The Welsh joined in the mid-1560s, the Irish joined in 1801 and left in 1922, and now you have Scotland coming in and you have an England with Metropolitan Mayors. That is another form of devolution that they are talking about. Therefore, making progress at different times and different rates was always going to happen.

On the other hand, it seems to me that it is all moving not away from Westminster but each of these events is saying something to Westminster. You go back to the Union of the Crowns in 1603. You have the Union of the Parliaments in 1707. My novel idea just now is why not have a Union of the nations? We do not have a Union of the nations just now. We ostensibly have a parliamentary system that has been devolved but we do not have that kind of wider thinking.

I believe that there is a way forward to unite. Gordon Brown has talked about getting rid of the House of Lords now. In my judgment that would be a sensible step but that ain't gonna happen. It is how you can have less centralisation at Westminster and move that out but making some



sense of the four nations involved. Of course, Northern Ireland is presenting some particular problems and you have the situation in the Republic where there might be some border discussions there. The Union seems to be in a state of flux and it is time that we look in a different way at how it can evolve.

Q424 **Wendy Chamberlain:** I suppose in some ways you can argue that that has been one of the strengths of the UK in that it has always been able to cope with that flux and change. At a practical level for me, are some of the challenges or some of the opportunities for discord are being brought about by the fact that we have here at Westminster an institution that is still pretty centralised from an English perspective, particularly when you think about health, education and other things like that?

Henry McLeish: Far be it from me to be delving into English issues, but it seems to me that there is the prospect of greater administrative or bureaucratic—whatever—devolution in England without necessarily the nations, but a lot of the older parts of England have enormous history, and customs and cultures that should be recognised.

If I could be rather pointed, one of the things that concerns me, which I try to write a lot about, is that Westminster needs to change. It is such a simple idea, but it needs more flexibility and it needs to be saying, “Why shouldn’t Scots or the Welsh or the Irish or Andy Burnham in Manchester be doing things? If it is successful and it complements the Union in its totality, that is fine.”

This to me is the question where I go back to the early debates in this House in the 1870s. They were all about Irish home rule but also about the empire. Scotland was maybe going to end up like Toronto or Mumbai, to give the mother of Parliaments some time to breathe—that it was doing too much, and so on. It then went through a phase and it reached the 1960s, and it was only in the 1970s that we started to talk about devolution seriously. In the 1960s the struggle was how Scotland was described in this place. I have gone through the manifestos and it was, “Well, it’s northern Britain” and so on. With great respect to the institution, it has got to change its attitude, its thinking, its trust, and the highly centralised nature of it. If that happened, I would like to think that there might be some corresponding changes in the way that we are going forward.

Q425 **Wendy Chamberlain:** You mentioned there previous debates in this place. Thinking about the fact that what we have heard very strongly is about the machinery of government but also the need for the personalities and so on, was it helpful that both you and Donald Dewar had been Scotland Office Ministers here at Westminster and then took on roles in the Scottish Parliament and Executive, in that you knew where your lanes were and to stay in them?

Henry McLeish: Yes, that is largely true. Donald Dewar was a very impressive figure because he not only understood the laws of this but he



understood Scottish needs. He was a person I admire because he read newspapers from the back page, which is the sports page, forward. He and Gordon Brown share that distinction. He had all these amazing qualities. With Scotland, the trouble has always been—and I will go out on a limb here—that we do not have enough competence in ourselves in Scotland. I think there is a temptation, as we have seen in recent times, with the scapegoating of Westminster or vice versa. What is that all about? If we do not believe in what we are doing—that is why I think a sell of devolution should not hamper people who want independence or whatever. It is saying that at this moment in time maybe there is a better way to look at the fortunes of Scotland and take them on and see what transpires in the future.

Q426 Wendy Chamberlain: My final question is in relation to the civil service. It is not just about the personalities of the individuals who held political office; it is also about the civil servants who prior to devolution were part of the UK Government and then became part of the Scottish Government. Do you think that there has been a loss of something by the fact that we now have civil servants who have not served, potentially, elsewhere?

Henry McLeish: I have always had a great respect for the civil service and I always thought that they were very flexible. But, as I found when we were dealing with that Robin Cook issue in Europe, they are part of the history. To be fair to them, it is a proud history, so why shouldn't they be? The civil service in Scotland has done a good job. I was going to quote earlier when we were talking about where we were in terms of three tiers and other things, the House of Commons Library here is just the gem of the world—equal to the one in Washington. We have a spin-off of that in Scotland, SPICe, with some excellent people from here but we have also developed some people up there. I do not think that it is the civil servants, but what you do need, which is maybe more required in the Scottish Parliament, is the politicians to know what they want.

Chair: Unfortunately, we will have to leave it at all. We could have listened all afternoon to you, Henry. Thank you ever so much for giving us your time. You said that there was some other stuff that you may be able to usefully give us for part of this inquiry. We will readily accept if you have any further thoughts about this particular issue. It has been fascinating listening to you today, and the history all the way through from your time on the Scotland Bill to your time as First Minister and your views on current conditions and situations in Scotland. Thank you for today.

We will adjourn for a few minutes until we get Lady Elish online and we will take it up from there.

Examination of witness

Witness: Lady Elish Angiolini.



Q427 **Chair:** Welcome back to the Scottish Affairs Committee. We are now joined by Lady Elish Angiolini, who was Lord Advocate between 2006 and 2011. It is important that we get the view from our Law Officers as we look at the 25 years of devolution and the current conditions of intergovernmental relations. Lady Elish, please introduce yourself, and anything by way of a short introductory statement would be acceptable. Thank you.

Lady Elish Angiolini: My name is Elish Angiolini. I am currently the principal of St Hugh's College at the University of Oxford. I have been here for the last 12 years. I am also chair of the public inquiry into the murder of Sarah Everard by the police officer Wayne Couzens, and the wider issues regarding policing from that. That is my current activities.

I was the Procurator Fiscal in Scotland, the public prosecutor, and that also encompasses the role of coroner—we do not have a coroner in Scotland—investigating sudden, unexpected deaths, and I conducted fatal accident inquiries in that capacity. Having been a civil servant and prosecutor for many years in Scotland, I was appointed as Solicitor General for Scotland, which was wholly unexpected. That was by the Liberal-Labour coalition. I was in that role for a number of years before Lord Boyd was elevated to the Bench as a judge and I then was appointed as Lord Advocate, again by the Labour-Liberal coalition. There was thereafter an election in which they were not successful and I was kept on, interestingly, by the Scottish National party in the minority Government that they formed at that stage. I continued for four or five years as Lord Advocate in that capacity.

Q428 **Chair:** Thank you. You have a particularly fascinating role in the story of devolution over the past 25 years, as Solicitor General and Lord Advocate for two different First Ministers from two very different political parties. The office of Lord Advocate was created out of the Scotland Act out of the old Lord Advocate position, which goes back to almost medieval times. From your elevated position and your experience in the course of the last couple of decades, what have you made of intergovernmental relations from your office between the UK and the Scottish Governments? When you look at how the relationships have extended and how they have been formed and forged, what is your view about how they have worked?

Lady Elish Angiolini: I had the benefit of being a trainee solicitor and the first Lord Advocate who I ever had a chance to work for was Lord Mackay of Clashfern. I used to assist in drafting—very crude, basic drafts as a trainee—the Lord Advocate's speeches, and following them around and observing them, and thereafter a whole series of other Lord Advocates. In a sense, I was almost an apprentice for a job that I was never going to get. I had a lengthy time out when I was Fiscal in Airdrie and then in the Sheriff Court in Glasgow, as well. I came back to the Crown Office as head of policy and again worked with the Law Officers. In a sense, I probably knew more about the role of the Lord Advocate and the Solicitor General than many others did, simply by observing all these



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different Lord Advocates and Solicitors General and how they interacted with their counterparts in Westminster.

They were all very different but one thing that is striking is that while there was a political dimension in so far as they were appointed by particular political parties and may have been members of those, when it came to the role of Lord Advocate, they were all absolutely jealous of the independence of the Lord Advocate. That was marked with them all and I found them all to be really good public interest lawyers. That is what they were. It was a huge privilege.

There were all sorts; they came from very different backgrounds and were very different characters as well. That struck me. As a civil servant working on the creation of the Scotland Act—because I worked as head of policy along with the other civil servants in assisting to draft the Act—and the debates about how things should be, my job essentially for the Crown Office and Fiscal Service was to protect the independence of the Law Officers from any political interference in this process that could happen inadvertently or, indeed, intentionally.

Q429 **Chair:** Sorry to interrupt. I know that other colleagues will want to ask you about this. You have mentioned the independence of the office of the Lord Advocate. Of course, we are now into live debate about the role of the Lord Advocate as head of the prosecution service and member of Government. I do not think that I have seen anything on record about your views on this. What do you make of this current debate? I know that there is a live Bill in Westminster and it is certainly something that colleagues in the Scottish Parliament are keen to look at.

Lady Elish Angiolini: It is important to constantly look at and scrutinise all these posts to make sure that they are still relevant and that there is nothing that could be done to improve them, but fundamentally so much comes down to the integrity of the individuals who hold these posts. I am enormously proud to have observed nothing by way of political influence in the decisions that were made by my predecessors. Given that I was not a member of any political party and nobody knows what my politics are, that decision to have someone who was non-political in itself is reinforcement of what the role was about. I just happened to be qualified because I had been doing an apprenticeship for it for many years, which the outside world was not aware of but the Lord Advocates were.

Q430 **Chair:** Lastly from me, you touched briefly on your relationships with other Law Officers across the UK Government senior civil service. You did not mention other devolved nations. Could you talk a bit about that engagement with UK Law Officers, particularly in the early days when you were perhaps not in the position of the office of the Lord Advocate? Did that work well? Was there access available to you and was that advice offered in what was a relatively new role?

Lady Elish Angiolini: We had regular meetings with the UK Law Officers, the Advocate General and the Attorney. We also had bilateral



visits with the Northern Irish Law Officers and with the Director of Public Prosecutions and the Attorney in Dublin, as well as European senior prosecutors who would come together. I was invited to address all France's prosecutors, in very poor French. There were coming-together conferences where people would discuss what was happening in various areas, like terrorism or other areas where we could come together. Therefore, you got to know people.

The relationship was excellent and Jim Wallace remains a good friend now; the relationship was excellent. It had to work because if it was not made to work the whole thing would have disintegrated. You had to listen and you had to be reasonable and you had to be able to negotiate in a way that would not compromise a proper interpretation of what the provisions of the Act were. Therefore, my own experience of it was a very positive one. It was a huge privilege to do that role.

Q431 **Michael Shanks:** Good afternoon, Lady Elish. I feel fairly certain that your definition of very poor French is not the same as my definition of very poor French.

I want to pick up on a few things from the questions from the Chair. Is there not a danger in the fact that the Lord Advocate is both the head of prosecution and the principal legal adviser to the Government and sits around the Cabinet table, whether physically invited to or not. Is that not a conflict of interest, or at least is there not a perception of a conflict of interest?

Lady Elish Angiolini: You could say that in those circumstances. As with many things it depends on integrity, but the checks and balances are there, too, in terms of the minutes. If you were to misbehave at one point, you are going to be found out later. Eventually, all these records and minutes of meetings are published. You may be a bit older, but none the less it would come back to haunt you if you are not carrying out your role correctly.

I did not attend Cabinet meetings when I was Lord Advocate. I would look at the minutes and if there was something that I could see in the minutes of the Cabinet meeting that gave me concern that there might be an issue of law that might crystallise, I would attend Cabinet. It was always quite clear that if I wanted to attend Cabinet, I had that right of audience to be able to advise the Government that they were going off-piste in terms of the competence. But it very rarely got to that because we were quite fastidious in looking at what was being considered at Cabinet.

I attended Cabinet in the early days with the Labour-Liberal coalition. Alex Salmond was more concerned that the Lord Advocate was not, as he saw it, contaminated with politics or whatever. It was so important that he had kept me on as Lord Advocate afterwards. When the Liberal-Labour coalition lost the election, you would normally go with the Government, so I had packed my bags ready to go. I got a phone call from Alex



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Salmond. He asked how I was and I said, "Fine, ready to go—very best wishes". He said, "I'd like you to unpack your bags and come around to see me because I'd like to discuss you staying on as Lord Advocate". That was astonishing but it was evidence of the integrity that is attributed to the role. That is not something that was peculiar to me; it was something that I think was generally the position with my predecessors.

Q432 Michael Shanks: In more recent years we have seen legislation ending up in the Supreme Court for the first time. There are quite a number of cases now that have ended up there. One view of that is that that has been a failure of policymaking at a certain level, but also potentially the intergovernmental relationships that might have foresaw any particular challenges and maybe tried to change the legislation before it got to that or to bring the people around the table to try to make it work. What is your view on the fact that policies are ending up in the Supreme Court when they did not for the first 20 years of devolution?

Lady Elish Angiolini: I was on the Supreme Court and the Judicial Committee of the Privy Council before that. Some of that was not as much about the constitutional issues; it was because, for the first time, this court had jurisdiction over criminal matters by dint of whether or not they were compatible with the European convention on human rights and various other aspects. I would be there as Lord Advocate arguing in that court as well.

The issue about the competence of the devolved Government to legislate on a matter has been up there, but that is what that court is there for. It should not be seen as a failure. Sometimes matters are obscure. As an example, for instance, you will remember the case of pleural plaques. We wished to put a Bill through in Scotland to compensate people who had acquired pleural plaques in their lungs from working with asbestos. There was medical evidence to suggest that it was not particularly harmful—that it was benign, but it was something that was present. The Scottish Government took a view that people should still be compensated because of the fear and the damage that had been done to their bodies. The UK Government and Attorney General took a different view from me and considered that it should not be within the competence of the Scottish Government. We went to the court and it was determined that it was within the competence of the Scottish Government.

These debates are there not necessarily as a failure; it is a good thing. It teases out issues. It allows us to develop more law. It may be seen as an unnecessary expense by some people. Sometimes if something appears to be plain in a statute or in a provision, it can turn out to be quite ambiguous when it comes to a practical situation. That is when sometimes we have to go to court to get the judges to give their wisdom to the matter.

Q433 Michael Shanks: On another issue around compensation, because you mentioned one case there, one of the scandals that your successors are dealing with is the Post Office Horizon prosecutions, which were



undertaken by the Crown Office. Towards the end of your time in office there were stories circulating then that the evidence that was being used was questionable at best. Were you aware at all, when you were Lord Advocate, of any questions being raised about the evidence given in the prosecutions in Scotland?

Lady Elish Angiolini: Not at all. I cannot even remember if any of these cases surfaced at all. The types of cases they were would be dealt with in local offices—local procurators fiscal. If they came into the Crown Office for any reason, they would be dealt with by Crown counsel. The Lord Advocate was there to deal with if someone was offering a plea of guilty to culpable homicide in a murder case or if there were major High Court cases, so they would not see that. I have no recollection whatsoever of any of those. That is not to say—memories fade with the passage of time—that I did not see something at that time but I had no recollection of these cases at all.

Q434 **Michael Shanks:** Lastly, in terms of a remedy to that, there has been some debate here over the past few weeks about whether it should be for the Scottish Parliament with their judicial functions to pass a Bill to exonerate those who were wrongly convicted. There has been argument here that it should be the UK Parliament because the Post Office is a UK-wide body. Do you have any advice for your successors on what should happen next in Scotland in terms of these convictions?

Lady Elish Angiolini: It would be extraordinarily daft of me to give an opinion on the basis of a question asked. You will be pleased to know that we give an awful lot more care and attention to that. We would want to research it and we would want to look at precisely what the terms of the statute are and so on. It is very boring and very dull stuff. I am sure it would be great if I was tempted to say what I had a view on but I would not do that. And now you probably could not afford me! *[Laughter.]*

Michael Shanks: You cannot blame me for trying to tempt you at least. Thank you, Lady Elish.

Chair: That was a very good try and I am pretty certain that we could not afford you. We will leave it at that.

Q435 **Wendy Chamberlain:** It is lovely to have you here, Lady Elish. I want to pick up the unique part of your role where you did transition from one Scottish Government to another. You described your elevation to the role of Lord Advocate as unexpected, despite the fact that clearly you had an excellent pedigree. Why did you feel that it was unexpected—because you had no political affiliation or was there something else?

Lady Elish Angiolini: I did not have any political affiliation; I was a civil servant. I had flirted with going to the Bar at that stage and it might have been something that I was going to do at a later stage, but I had two young children and I loved the role of Procurator Fiscal. It is one of the least understood but really important offices that is unique to Scotland. It combines the investigative role with investigating public



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disasters. It is hugely interesting and I loved every role that I had in that, so there was nothing really tempting me.

This invitation came out of the blue. When I was invited to become Solicitor General, I did not accept it at first because I was so taken aback. I come from a background of financial insecurity. My father was a local coalman in Govan. After the Clean Air Act, times were very hard financially. Being a civil servant was safe in some ways and I was not that adventurous about finance, but when I was asked, I had so many phone calls; I was almost bludgeoned into it by a number of QCs and friends who said that I would be absolutely silly not to take the opportunity. I loved it. It was an amazing, very hard, very tough job, but none the less a huge privilege.

Q436 Wendy Chamberlain: On the role of Procurator Fiscal, we hear plenty of stories from our colleague Alistair Carmichael on that. As a former police officer, I appreciate the variety as well. Do you think that that position where you had no political affiliation made it easier for you to transition between the Governments when the SNP minority Administration came in in 2007?

Lady Elish Angiolini: Clearly, they must have thought that I was doing something alright or I do not think that Alex Salmond would have invited me to come on. I do not think that that was a quality unique to me. I think that it is because I was not a member of any political party and had no allegiance that made it easier. I watched my predecessors from Lord Mackay of Clashfern to Lord Boyd, and they were all men. I was going to say they were good men and women; they were all really good men. I watched them making decisions, and watched them making the tough and difficult decisions, when I was a young solicitor. It was a heavy, heavy job. If you think about Lockerbie and these other big disasters that happened—in Dunblane at the school—these are things that Lord Advocates do not just go home and leave it at the office. They were all very good people and that made me also think twice about taking the post. I did not accept it immediately. As I say, I had to be cajoled by a few people over the next few days, but I am very glad that I did do it. It was a huge privilege to serve in that office.

Q437 Wendy Chamberlain: One change that you mentioned was in relation to your attendance at Cabinet—you were less likely to attend after 2007. What else was different about your role with the change in the governing party?

Lady Elish Angiolini: Alex Salmond did not want there to be even a possibility—if there was a specific issue that they wanted my advice on or I felt that there was something untoward and perhaps relevant, I could attend.

Wendy Chamberlain: You were not prevented; it was just a different approach.



Lady Elish Angiolini: There was no question of me being excluded. That worked well. It could have been awkward if something came up and I was not in the town. If it was on, I was there. I was just around the corner and could come down.

In terms of the difference: no difference at all. Alex Salmond treated Frank Mulholland, who was Solicitor General, and myself with complete respect. The only social interaction we had—it was quite arm’s length, and Nicola Sturgeon the same. It was a respectful relationship but it was a distant one. We went out for one meal with Alex Salmond, or maybe it was two meals, but they started at 9 pm and I have no stamina. They could go on until about midnight. All I can remember was, “Oh, God, I’m going to fall asleep. I’ve got two kids back at home and I’ve got to get up the road”. The relationship was very much an at-distance relationship.

Q438 **Wendy Chamberlain:** I have one final question. Given that this is intergovernmental relations that we are discussing and given that your term covered not only a change in the Scottish Government but also a change in the UK Government, what observations, if any, do you have on how the intergovernmental relationships changed?

Lady Elish Angiolini: Again, the instances where we would be together, we would be at conferences—justice conferences that were taking place—but we would have a meeting every so often if there was a problem with a case cross-border. One thing that we had to work very closely on was when Ken MacDonald was Director of Public Prosecutions at the time, and we had to work with the Law Officers, and it was the terrorist attack on Glasgow Airport. At that point we had to enter discussions with the English prosecutors regarding who would take jurisdiction to prosecute the case on the basis that it started in England and had ended up in Scotland. It had been conceived of in Scotland. The conspiracy had started in Scotland. Therefore, we had a debate. On the Saturday afternoon I had gone to the emergency meeting of the Government and these negotiations were taking place, not about that matter, because then on the Sunday morning I had a meeting with the Director of Public Prosecutions and the Attorney General and the senior police officers from both jurisdictions. We had a decision then on what was the best way. Did we both have jurisdiction? We did under the Explosive Substances Act but we did not know until the Sunday morning that we could both take it, because it was not clear that it was a continuing crime. It was not as if it was happening all at once.

Q439 **Christine Jardine:** Thank you very much for coming along. I won’t keep you. I very briefly want to go back to something that Michael Shanks said when we talked about the different number of times that disputes have ended up in court. You have been very clear that Law Officers’ integrity is important and that it remains separate. Do you think that now more disputes between the UK Government and the Scottish Government end up in court is much more to do with the political attitude of the time than the legal advice or the position of the Lord Advocate or the Solicitor



General? Is it all to do with the relationship between the individuals in Whitehall and Holyrood?

Lady Elish Angiolini: I do not follow it that closely to know what the relationships are, but the whole structure of the Scotland Act would have failed catastrophically if it was based on personality. That is why all the checks and balances are in there about competence and about routes to resolve the issues. I think that the fact that these cases are going to court is not a failure. It is quite proper sometimes because it is not clear what the interpretation of a particular action is, or a subject comes up that was not something that was conceived of before and the Scotland Act does not clearly set out whether this would be devolved or reserved. At that point, if it cannot be agreed—and it does not necessarily mean it is an ill-will meeting; you just cannot come to an agreement about it—then it is for the court to determine and if necessary, if the Parliament does not like it, for the relevant Parliament to amend it to make it absolutely beyond doubt what the meaning of that provision is and that it is within the competence of that particular Government. Perhaps politicians like to characterise it as a failure, but I think that is the Law Officers doing their job.

Q440 **Christine Jardine:** Would I be fair in characterising that as you are confident, and that we should be confident, that the relationship between Governments is working and working well, and we should not read anything at all into recent cases such as GRR and so on ending up in the courts, but that that is simply the way it is meant to work?

Lady Elish Angiolini: It is one of the mechanisms that is built into the Scotland Act because new situations would come up that were not conceived of then. I am just trying to think about it. There was something about sex change, for instance. These are subjects that were not really described or dealt with at that point, so where does that lie? In what field is that? Should there be a specific provision for that? The mechanism in the Act was that that which was not reserved was devolved, so specific issues were reserved, like firearms and, I think defence—I cannot remember what other matters—so I am talking about something where it is not absolutely clear.

I do think that the relationship between the Law Officers is very important and that they are talking and meeting. Dorothy Bain, the current Lord Advocate, was an Advocate Depute when I was the Lord Advocate. I certainly think she would understand very much the importance of having good relations with the English and Welsh Law Officers and the Northern Irish Law Officers, too.

Chair: Thank you. We have finished dead on 4 pm for you, Lady Elish. We are very grateful for your time in taking our questions this afternoon. If there is anything else you feel you could usefully contribute to this inquiry, anything would be gratefully received by this Committee. For this afternoon, thank you very much.



Examination of witness

Witness: Rt Hon Lord McConnell of Glenscorrodale.

Q441 **Chair:** Good afternoon. We are delighted to be joined by former First Minister Lord McConnell, who I will now allow to introduce himself and anything by way of a short introductory statement.

Lord McConnell of Glenscorrodale: This feels like I am in “The Apprentice” or “Mastermind” or something. Suddenly you find yourself in the seat!

Thank you very much for the invitation to attend the Committee to speak on this subject. Thank you also to the Committee for having the inquiry. I think to keep these matters under review regularly is very important and I am sure this inquiry will build on the previous discussions that have taken place on this topic inside Government and inside Parliament.

I will just make a couple of introductory remarks. First, I think it is a remarkable achievement of those who designed the original Scotland Act that despite all the political ups and downs, of which there have been many in the last 25 years, the core principles of the original Act and the way in which the Governments, the civil servants and the two Parliaments are meant to both work together but work alone has stood the test of time. That is not necessarily the case elsewhere in the world and I think it is a testament to the original design. That is not to say there are not some significant issues and problems.

I do think that we are now in a time when politics is much more divided and divisive, where public service is perhaps less valued or practised in terms of the basic principles of public service and public service leadership. I think also that the powers have become a little bit more complicated and less transparent than they were back in 1998, 1999, and therefore that makes intergovernmental relations more difficult than they were back then.

On that topic in particular, I have three very brief comments. First, I think the formal structures have never worked. I think they have been ripe for fundamental change since quite early on and successive Governments on both sides have not really tackled that need for change. The JMC structure and everything else that is part of the formalities, I think, has been something that has been a part of the devolution settlement that has not really operated well in practice.

Secondly, political relationships are vital. To me it was quite clear very early on that people knew each other. It was not just the former Westminster politicians—who were previously asked about—knowing each other and knowing systems, but even those of us who were younger and had never served at Westminster knew our colleagues south of the



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border, knew people across different political parties, and that has changed over the 25 years and was always going to change. I think the parties have not built in mechanisms to try to counter that.

Thirdly, I think there is a significant issue about civil service experience, knowledge, capacity, that needs structures to be put in place to try to counter the lack of experience and knowledge at both ends of the A1.

Q442 **Chair:** Of course, you and I go all the way back to NUS Scotland in the early 1980s. We were both servants of the executive at that point. On that basis, you have been in Scottish politics a long time—unfortunately as long as I have—and you have seen lots of things. Scotland has made huge progress with the coming of a Parliament: 25 years we are now celebrating this week, with lots of comment being made about the Scottish Parliament. What do you make of the journey that we have been on? When you see where you and I started all those years ago back in the 1980s to where we are just now, how would you sum up the progress and journey that Scotland has made since then?

Lord McConnell of Glenscorrodale: Wow! That is a big question to try to put into a short answer. I saw decade after decade in my life the development of the campaign and then the implementation of the will of the people and then the practice of governing. I saw the excitement of the 1970s dashed at the end of the 1970s, the relative indifference of the 1980s—and a few of us struggled on to keep the flame alive—but then at the end of the 1980s parties starting to come together and realising you had to do this as a nation not as a party, then in the 1990s both building the support for the principle of devolved home rule for Scotland but also sorting out the details of how it would work in practice so that it would not fail in a legislative sense or in a referendum.

We have seen now over two decades of that in practice and my view is—and this will not necessarily meet with approval right across the political spectrum—it was not a surprise that the first two or three years were very rocky. It was not just about the First Minister dying; it was about the fact that it was a new institution, with lots of scrutiny and transparency that had not been there for Scottish politicians at Westminster before and some real difficulties. I think the Parliament then had about a decade of productive government, really productive work, both in improving Scotland day to day but also legislating in areas that had been outstanding for a very long time.

The laws that we passed in the first decade or so of the Scottish Parliament—in my time, for example, the land reform laws, the criminal justice reforms that Elish and Colin Boyd were part of along with Cathy Jamieson between 2003 and 2007, the new rights for children with special needs, for vulnerable adults and so on—would have struggled to find time at Westminster in that decade. The fundamental changes that came into place were due to Scotland having a Parliament it could use.



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I do think that in the 10 to 15 years since, the Parliament has lost its way and there is a real challenge now after 25 years to improve the quality of what goes on in the Parliament and the level of scrutiny and the intergovernmental relations.

Q443 **Chair:** You were, of course, First Minister between 2001 and 2007. I think there have been three distinct periods, it has been explained to us, and you obviously represented the end of the first period where we had a Labour Government across all the nations of the United Kingdom and relationships were much more on a casual and ad hoc basis when we went into 2007 up to the independence referendum, which surprisingly has been described to us as being reasonably effective. Respect is a theme that we keep hearing about that period. Of course, after that we went into Brexit, which most people have described as being a much more fractious period.

You were looking to be First Minister after 2007, but were you conscious that that was a golden period in intergovernmental relations and there was much more of a casual relationship? How would you characterise your relationship with UK Government Ministers? How was business effectively done when you were First Minister?

Lord McConnell of Glenscorrodale: I think the characterisation of that period as having beneficial intergovernmental relations comes down to the sense of purpose in both Governments. Whatever people might think of individual decisions made or the overall culture or direction of the New Labour Government, whatever people might think of the coalition after 2010 up to 2015, I think that period of government had a sense of purpose in trying to impact on people's daily lives and improve our country that has not been exhibited since 2015-16. Similarly, I think in Scotland we certainly had an absolute focus on delivering the benefits—the potential—of a Scottish Parliament and a Scottish Government that we had all dreamed about for so long and making sure that those early years were very productive. I think that my immediate successors, whereas I might have disagreed with some of the decisions they made, had a strategy for having a Scottish Government that was seen to be managed, and delivered good changes for Scotland as a means through which they could build the campaign for independence.

You had two Governments of various political colours at different times that might not have always got on smoothly, but they were focused on what the impact of the legislation and the decisions were. I am not absolutely certain that has been the case in either Government since 2015-16.

Q444 **Chair:** It is quite surprising in the list of achievements that you gave us of the first 10 years of Parliament that you did not mention the smoking ban.

Lord McConnell of Glenscorrodale: The thing about the smoking ban is that that is the moment when the Parliament came of age. The ban on



smoking in public places in decades gone by would have been an experiment in Scotland that would have been resisted by the people.

Q445 **Chair:** Given you have talked about arrangements and relationships, if we tried to get the smoking ban through the Scottish Parliament now do you think it would be successful, given the UK Government's attitude and response to things being designed in Scotland?

Lord McConnell of Glenscorrodale: We were very clear that it was legal for us to take that legislation through and that was one of my very first questions: is this something that we can do legally? Our Law Officers and the legal advisers in the Parliament were clear that it could happen. The reason that it happened, and the reason that it happened successfully, was because it was Scotland making a decision for itself. If that had been a decision that had been imposed, it would have been resisted. It was the first example of the people of Scotland accepting a decision—because public opinion was split about 50:50.

Chair: Yes, I remember it very clearly.

Lord McConnell of Glenscorrodale: It was people in Scotland accepting a decision that they did not want because that decision had been made by their elected Parliament rather than by a Parliament of the whole UK. It was a very seminal moment in the development of the Parliament.

Q446 **Chair:** Another policy, although it was not so much a piece of legislation, was the fresh talent. There is no way on earth that the Scottish Government would get anything like the fresh talent agreed by the Westminster Parliament. Did you secure any resistance from Westminster as you were trying to put that through, or were you left to get on with it just to see how it worked?

Lord McConnell of Glenscorrodale: The fresh talent scheme again is interesting partly because of what was said about it. Its impact was phenomenal. It really did change the whole attitude to Scottish population growth. That was part of the reason for doing it. It was not just the practical impact of people staying who had a contribution to make or people coming who had a contribution to make. It was also sending out a signal about the kind of Scotland that we wanted.

When David Blunkett as Home Secretary agreed with the proposal, I think he did that because he could see that we were serious about it. We were not creating a symbolic gesture or doing something we had not thought through. We had done a lot of work on it. We had worked it up with his officials so he had a choice and he overruled other people, who were not very keen, in order to agree it. When he came to Scotland he said, "The one-size-fits-all Home Office is a thing of the past." Can you imagine anybody saying that today?

Chair: Absolutely. Very interesting. Thank you for that.



Q447 **Christine Jardine:** Thank you for joining us, Lord McConnell. I would like to investigate a wee bit more or go even more into what you were just saying about that seminal moment when the smoking ban was accepted by people, and the Chair suggested that that could not happen nowadays. Do you think that is a fair assessment? Do you think it could happen nowadays if it was a law that the people in Scotland wanted and that there was this feeling that it was progress? Do you think it could happen?

Lord McConnell of Glenscorrodale: I do not think there is any evidence, pretty much for about a decade now, of those who have responsibility in the Scottish Government choosing creative solutions like that within the existing settlement. I think there has been a consistent approach now for too long of wanting to have a debate and an argument, and a challenge on who has the power, rather than on how the power is used.

It is the same thing at the other end of the A1. I think you have Governments that have clearly been chaotic and difficult to work with, but I think not really focused on the impact of a policy. For example, if you take the immigration example, it is quite clear that there are different issues of workforce capacity, skills, even housing capacity—all these other issues, including educational capacity around the country in different regions—and a creative approach to UK immigration policy is perfectly possible if you have a Home Secretary who thinks on the job and is not just interested in slogans. If you use that as a very good example, I think Ministers in Scotland have slipped into a default position, which is to argue about the power rather than argue to get the power used better, which is what we did on fresh talent. Nothing was ever devolved in fresh talent. It was simply that the Home Office had a separate scheme for Scotland that then worked in conjunction with our existing powers.

At the other end, in the UK Government, there has been a lack of caring about delivery, but also a lack of willingness to be flexible and to work creatively with the devolved Governments in different areas of policy.

Q448 **Christine Jardine:** You said you felt a sense of purpose had been lost, that there was a great sense of purpose but since about 2015 you felt that has been lost and for the past decade there has been no real sense of purpose in the Scottish Government. Do you think that has been replaced by this determination that you mentioned—being concerned with arguing and challenging, rather than the sense of purpose being just to do the best thing for the people of Scotland?

Lord McConnell of Glenscorrodale: With due respect to the four excellent Members of Parliament who I have in front of me here who I have great admiration for, I think there is a serious problem in both Parliaments and at ministerial level where too many people are there to sell a line, to promote a position that they are asked to promote by their party or their leadership. People are promoted on the basis of their ability to sell that line rather than get things done and manage a Department



and drive change. I think that is an unfortunate aspect of modern democracy in the UK. It is a problem in Edinburgh and it is a problem in London. That is why I think structures need to be put in place.

To roll back to what I said at the beginning, I think in such a divided and sometimes quite lightweight political environment you need a proper disputes mechanism to resolve some of these issues. The JMC-type structure, whatever it is called, should be there to resolve and deliberate transparently on disputes, rather than as some cosy meeting place where people get together and have a chat. I think there should be a rule on civil servants that if they are going to go to senior level in the Scottish or the UK civil service, if they are in the UK civil service it should be compulsory that they have done at least two years in a devolved Government at some point in their early career. Similarly in the Scottish Government, you should not be promoted above a certain level if they have not spent some time in the Cabinet Office or the Treasury or the Foreign Office or somewhere in London. I think you need to build these structures in.

The middle bit, on political personalities, you cannot really change. Parties have to work at that much harder. There may be certain things you can do but it is not for legislation or government structures to fix that problem. On the first problem of how you resolve these disputes transparently and effectively, the intergovernmental relationship structure needs to be changed in terms of the work that is done behind the scenes—back channels, understanding, knowledge, people being able to talk to each other, so that it is not just the lawyers like Elish who can talk to each other but all the other civil servants and public figures as well. Having some rules in place that make sure that people have the knowledge and the contacts that you get by sharing an office with somebody would make a big difference.

Q449 Christine Jardine: Would it be fair to characterise that as a mechanism that just does not lay down rules but introduces people to one another and an understanding and an experience of both Parliaments—and the Welsh Parliament and the Northern Irish Assembly as well—that they have an experience of all those Administrations so that they come at it from a common purpose or a common understanding rather than purpose?

Lord McConnell of Glenscorrodale: Absolutely. There will be times when there are disagreements and times when people have different opinions to share and different advice for Ministers, and that is fine, but I think it is quite a big issue that there is a lack of knowledge, experience and informal contact. All the key civil servants that I worked with—even the younger ones who were new and excited about devolution and enthusiastic about how we could stretch what we were doing and push it to the limits—had good contacts in the Cabinet Office or the Treasury or somewhere in London where they had spent some time over previous



years. They benefited from that and I think their colleagues in London benefited from it also.

Q450 **Michael Shanks:** It is good to see you, Lord McConnell. Thanks for your time today. I just have a couple of questions that you have touched on already but particularly around your background, being the first First Minister who had not served here and had not been a Minister in the Scotland Office. Do you think there were any difficulties there because you did not have those pre-existing relationships? You have already said you did in terms of the party, but do you think you faced challenges that maybe Donald and Henry had not?

Lord McConnell of Glenscorrodale: That is an interesting question. I was the first First Minister who had not served at Westminster in any of the three devolved nations. All my counterparts were former MPs in Wales or Northern Ireland as well. That was a factor. I think it had benefits. It maybe gave me a freedom and a freshness that was needed at that particular time, but it also had drawbacks in not having been part of the club, despite how good my relationships were with certain individuals. Yes, I think it had positives and negatives and the best way to carry out the job was to understand those positives and negatives and get others to help you with the negatives. That is partly where I used the civil service because I had some top-quality civil servants who had had good relationships with their colleagues in London and they could follow some of those back channels in a way that those avenues were not always open to me at the time.

Q451 **Michael Shanks:** You gave an interview a couple of years ago for the Institute for Government about quite a lot of these things. One of the things that came through several times was that you said you found it quite easy to pick up the phone to a Minister in different Departments and talk about Scotland. You did not feel that you had to go through the Scotland Office. You could pick up the phone to the Foreign Office or the Home Office or whatever. Clearly, that does not happen now and partly that is because of relationships that have broken down. Do you think that can come back in some way or do you think you were just at a point in the devolution journey where you still knew who these people were and picking up the phone was not quite such a big thing to do?

Lord McConnell of Glenscorrodale: It was partly that I knew some people. I had had a very good relationship with the Prime Minister before he was Prime Minister and there were quite a lot of Scots in that Administration, some of whom I had better relationships with than others. There were others as well who I had known for a long time. David Blunkett had been a council leader at roughly the same time as I was a council leader. We had come up through local government into national politics together. So there were people I knew and had good relationships with, but others who were completely new—Alan Milburn, for example, who was the Cabinet Office Minister at one point, we had quite a working relationship with. I did not know him at all before he became a Cabinet



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Minister. There were people at that time who were close and who were not.

I want to make something very clear here. I think it was critical that not only the First Minister but other Ministers in the Scottish Government could have direct relationships with the right Departments in the UK Government. I am not a fan of the position of the Secretary of State for Scotland. I think it is a pre-devolution position that should be abolished anyway, but even if it is there it should be there to help and not hinder.

One of the reasons I did not like the JMC structure was it was focused too much on the Prime Minister and the First Minister. I wanted to see strong relationships develop between my Environment and Rural Affairs Minister, Ross Finnie, and David Miliband, who I think was the DEFRA secretary for at least part of the time that I was First Minister. I wanted good relationships between Cathy Jamieson and the Home Secretary when she was Minister for Justice. It was difficult in Health because the systems were so separate from each other and we did have arguments over smoking, contaminated blood inquiries—all sorts of issues—but again people should be able to talk to each other. When they were not able to talk to each other, that was when things broke down. I think that is a very important part of the intergovernmental relationship.

Q452 **Michael Shanks:** That is very interesting. I think I am right in saying that you are the first witness who has mentioned that idea that it is not just the First Minister's relationships with the UK Government but the individual Ministers'. I think that is an important thing for our inquiry, because we have talked a lot about formal structures and they clearly have a place, but that is a more informal but important structure.

I want to take you back to a question—

Lord McConnell of Glenscorrodale: Sorry, I do not want to interrupt you but can I just say that these things can happen across different political parties? The fact that Ross Finnie was a Liberal Democrat did not stop him having a great relationship with different DEFRA secretaries, even though we were following different policies at times. The fact that we had a Liberal Democrat Minister for Transport did not stop Alistair Darling as Transport Secretary devolving the railway infrastructure so that we could run the whole system from Scotland in what was probably a mistake in the original devolution legislation. Encouraging that enhances delivery; it should not create division.

Q453 **Michael Shanks:** I think there is a tendency sometimes to think that the only relationships we have are within party but, of course, Scotland being Scotland, we have relationships right across the political spectrum. I think that is important to remember.

Going back to fresh talent for a minute, you made an interesting observation to Christine Jardine that it was not about devolving the power; it was about having a difference within the existing powers. There have been a lot of examples recently of what were reserved powers being



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devolved to Scotland, and instead of trying to find a place within the existing system we have created Scottish versions at huge cost and at huge time.

The one that sticks to me is around disability benefits, where instead of trying to work with the DWP to use existing systems but in a Scottish context, we set up a whole new IT system and a whole new structure. Maybe just the reflection 25 years on, is there now a sense that things should be particular to Scotland, delivered in Scotland and very much with a Scottish badge on it? Have the days of trying to work together on projects but with a Scottish solution to a Scottish problem just gone completely, or is it just the political situation we find ourselves in just now?

Lord McConnell of Glenscorrodale: I am going to try to describe what I think is the SNP's approach to governing in Scotland on that issue and try to do it as neutrally as I can. I think there has been a concerted effort since 2007 to build Scottish institutions. The centralisation of police in Scotland, for example, and some other services in Scotland to central Scottish-wide agencies instead of being locally controlled, has been part of that lift in power up from the local level to the Scottish level. When powers have been devolved, in the main, new institutions have been created for similar reasons. I think it has been a deliberate strategy. People will have their own opinions on whether that is a good or a bad thing. I do not have any knowledge of the more recent ones to know whether they are working well or not working well, so I would not want to particularly comment on that.

If intergovernmental relations are going to work properly—but, more importantly, if the different Governments are going to deliver for people in Scotland well, whether they are getting on well with each other or not—you must get the three elements right. One is to respect the settlement. You might have opinions on what each other are doing—and that is perfectly valid—at different levels of government, but you should respect the relative autonomy of both the Scottish Government and the UK Government to work in the areas that come under their legislative competence, and the same with the two Parliaments.

The second area is in areas where you can work together without changing the legislative competence. It is difficult, for example, to deal with the problems of poverty and failures of a welfare system to get people into work and people functioning outside the home and so on, unless you have an effort that crosses health and housing as well as welfare benefits, taxation systems, and incentives for work. We did not get that right. There were six or seven Secretaries of State for pensions and welfare when I was a Minister in the eight years. Whenever we would get to work well with somebody in a joint way on these issues, they would get moved or there would be a scandal and they would resign and somebody else would come in, and we would start all over again. That is not something that worked under the Labour-Liberal coalition any better than it worked under the SNP, but it is an area where I think both



Governments need to have a bit more humility and be willing to work with each other in the interests of people in finding complex solutions to complex problems.

The third area is where you can devolve inside the scheme and that is what we did on fresh talent and on a number of other areas—the renewables, for example. The kick-off for Scottish renewable expansion, which happened in 2002 just after I became First Minister, was as a result of the renewable obligation certificates getting devolved by DEFRA to our Rural Affairs Department. We suddenly had the ability to give permissions for onshore wind, and that is when the industry took off in Scotland. That was not a change in the powers but it was a decision inside the Scotland Act to devolve that responsibility from the UK Government to the Scottish Government, and we grabbed it with both hands.

These three elements are all important. There is the respecting of the different competencies; there is when the two Governments can work together using their competencies together; and there is also the flexibility in the Scotland Act. One of the great strengths of the Scotland Act is to temporarily or otherwise devolve a particular element of a reserved competence so that a solution can be found in Scotland.

Q454 **Michael Shanks:** I have a very quick final question. You led a coalition Government. In the last hour I think we have a new First Minister who is going to have to make the parliamentary arithmetic work, although probably not a coalition. In your interview with the Institute for Government you reflected quite a lot on how coalition Government worked, particularly because you went into the election in 2003 basically as a coalition Government seeking re-election. Do you have any advice for John Swinney on how he might make government work in the next few months—maybe few years, if he is lucky?

Lord McConnell of Glenscorrodale: I do not have any advice on how he deals with his dilemma, in that there might only be one party in the Parliament that is willing to work with him and, therefore, that creates a bit of a relationship outside of a coalition that is going to be a wee bit uneasy. More generally, first, I wish him well. Secondly, I wish Humza Yousaf well. It was a hard hand he was dealt. He is a decent guy. I have had a good relationship with him as a Minister over the years. I hope he has a future. He has behaved with some dignity over the last seven days and we should be grateful for that. Not all his predecessors did that.

Moving forward, if John Swinney is going to make a success of his time as First Minister, he is going to have to be honest about the problems that Scotland currently faces. We cannot spin our way out of the problems that we have in our education and health services. We cannot create jobs by producing headlines or having fancy slogans. It needs hard work, honesty, and some creative ideas being welcomed at the centre again. If he does that, I certainly wish him well.



Q455 **Christine Jardine:** Can I ask something briefly? I would not forgive myself if I did not ask this. You said, and other people have mentioned before, that there is no place now for a Secretary of State for Scotland in the modern set-up. Is there a way that you envisage the Department or the Scotland Office could work with the Scottish Government to help create a better relationship? You said the structure has never worked from the beginning, when you were speaking at the start. Is that a way that we could make the structures work—if somehow there was a different relationship between the Scotland Office and the Scottish Government?

Lord McConnell of Glenscorrodale: The Scotland Office was there for a purpose pre-devolution. It was a powerful Department. It had massive responsibilities. The civil servants in the Department had incredible power when the Ministers were down in London all week and they were up in Edinburgh running the education service and the health service and everything else. The Ministers themselves covered a wide range of departmental responsibilities that probably stretched them to the limit and made it very difficult to drive change unless a Minister was an exceptional individual, and that happened on both sides of the political spectrum over the years. I just think, 25 years on, there is a real need to look at that structure.

We almost changed it. Tony Blair tried to change it in 2003 after the election in a reshuffle that summer, and the reshuffle had not been properly planned and the implications had not been thought through. There are a lot of legal responsibilities of the Secretaries of State, so if you are going to change the position then you have to prepare it properly and you have to find a way of describing in legislation who is going to carry out those responsibilities.

If you change the structure to have a powerful role—potentially Deputy Prime Minister, certainly an equivalent to the power and reach of the Foreign Secretary, the Home Secretary and the Chancellor, one of the great offices of state—that was responsible for the nations and regions of the UK, then that would give the devolved nations a more powerful voice at the centre in that direction. It would also mean that the centre of government was more focused on the need to build those relationships and deliver across the whole UK. I would then have a powerful Minister of State role for each of the three devolved nations within that structure. I do not see any reason why that would not work. I think it would enhance the relationship and ultimately deliver better for people, but I think we are a long way off that.

Q456 **Chair:** That is exactly what this Committee recommended in its last look at intergovernmental relations. I am interested—I never thought about this—that you said you were the first First Minister who had not served at Westminster. I think there is only yourself, Nicola Sturgeon and Humza Yousaf now, among a pantheon of First Ministers, who have not been down here. Is this a relationship-type issue? We have heard that there is



this period that was characterised by ad hoc arrangements, meetings, phone calls.

I certainly remember—and I tried to tempt Henry McLeish to give an answer to this—that there was a little bit of an attitude among Westminster Labour MPs that you weren't to get too far ahead of yourselves. I think this particularly happened around your smoking ban and fresh talent. It was, "Who do they think they are?" and the suggestion that you called yourself a Scottish Government, and the advent of the White Heather Club in the Scottish Parliament as a result of that. Did you feel that there was a sense from Labour MPs down here that, "We'll let you get on with that, but don't push it too far"? Then, of course, there was Johann Lamont's famous contribution to this when she characterised it again as a branch office. Did you ever feel that was what it was like for you when you were First Minister?

Lord McConnell of Glenscorrodale: There were different personalities, and some were enthusiastic and some were not. One of the things that was interesting to me was that the relatively small number of my colleagues who had been publicly either cautious or hostile to devolution were among the best at respecting the new settlement. Tam Dalyell, for example, and I had spent 20 years debating each other on devolution—he was much older than me but we knew each other; we were adversaries in the debate over the 1980s and 1990s. I think Tam was the only Labour MP not to sign the Scottish constitutional convention charter when we finalised that in 1995. The week I became First Minister he got in touch with me and told me how much he would give me support, unquestioning support, because he wanted the person who was the First Minister of Scotland to succeed regardless of what he thought about the institution.

Chair: It was always a handwritten letter from Tam. I always remember it—the personal touch.

Lord McConnell of Glenscorrodale: It was interesting. Different people took different approaches. I think there was a general psychological challenge, if I can put it like that, to those who had had wide-ranging responsibilities and local stakeholder engagement in their constituencies as Members of Parliament prior to 1999 who suddenly found that their jobs were very different.

Q457 **Chair:** Do you think that held back the early development of the Scottish Parliament, the Scottish democracy—that there were MPs down here possessively holding on to what they felt was their authority and their power arrangements?

Lord McConnell of Glenscorrodale: Not really. There were some Scottish MPs who were unhappy with the smoking ban; they did not stop it happening. There were some Scottish MPs who questioned what we were doing on fresh talent and some of the other things that we did in areas where we were working with the Home Office or Home Secretaries. They did not stop us doing it. I do not think it held us back. I think it was



an unexpected tension but it was one that with hindsight we should have anticipated. When people's jobs change to that extent, it is perhaps natural that they will feel a little bit uneasy. What was true is that when new generations came in initially, then they were much more accepting of the situation and were willing to pick up their responsibilities and work with them.

What is sad is that over time the new generations of politicians have not had that personal contact and experience that I talked about earlier that allows them to truly understand what is happening elsewhere. I mentioned David Blunkett earlier; Charles Clarke would be another example. Mo Mowlam would be another example. There were a number of senior Secretaries of State in the Blair Government who were representing English constituencies, who were very identifiable as English politicians, but they really got devolution because they had followed the debate over the past 20 years closely. They knew a lot of us and we were able to work very closely with them. That is something that will have changed quite dramatically over the years. I do not think very many of the current Members of the Cabinet will really understand what has happened in Scotland since I was a boy.

Q458 Wendy Chamberlain: It is nice to see you, Lord McConnell. I wanted to pick up on the latter points that Christine Jardine asked about in terms of the role of the Scotland Office. I think our colleague Alistair Carmichael feels similar. What you outlined in terms of a Deputy Prime Minister, I think, does give value in sending that message, although we have had a previous Prime Minister in recent years who called himself the Minister for the Union as well and that did not go so well. What I thought was very interesting and of value was what you described in relation to those direct engagements with Government Departments. Is there a risk that any structure that gives a nations role then potentially weakens the opportunities to build those relationships at a departmental level?

Lord McConnell of Glenscorrodale: I have not been a 100% advocate over the last 25 years for putting a firm structure into this. I think there is a need for a disputes structure, but creating an absolutely firm structure, I think, goes against the grain of the British political system in our constitutional set-up and I think we should hesitate to go down that road. There are many faults with the way that the UK and its constituent nations are governed, but we also have many benefits that other countries do not have, and a bit of flexibility is not necessarily a bad thing. Being able to be responsive and creative in the way that we do things in the right hands can be positive.

I am quite keen on a relatively flexible approach because there will be different personalities and different big issues of the day at different times, but I do think that attitudes need to change for that to work. A very good example of that is in economic policy. Not only have we had a Parliament in Scotland with limited tax-raising powers since 1999, but we have had a Parliament in Scotland with quite significant tax varying



powers since 2015, yet this country is still delivering Budgets and budget decision making and Finance Acts based on a system from the 1950s or something like that. It is not even just the 1990s. We still have a system where the Chancellor stands up on the day and surprises everybody with announcements on tax, yet a large part of the tax take is being decided by other people elsewhere in the country. There are no prior discussions or attempts to get a synergy or even to expose differences or talk about the impact. The same thing is now happening in Scotland where you have a Finance Minister standing up and announcing tax changes.

It just seems to me that the attitude needs to change. For attitudes like that to change they probably have to change at the centre. The Budget would be a good place to start because it would be a very strong signal—a more open and transparent approach to building a Budget, even if you keep a few final decisions private to the very last minute.

Wendy Chamberlain: Particularly given the increasing likelihood that a lot of it is leaked to the press in advance, it makes even more of a mockery of it.

Lord McConnell of Glenscorrodale: Absolutely.

Q459 **Wendy Chamberlain:** Do you think that has affected the transparency and scrutiny in Scotland as well, where there is a budget process that the Scottish Government go through but then there are additional Barnett consequential as a result of the Budget that basically do not come under the same level of scrutiny as a result?

Lord McConnell of Glenscorrodale: I heard the discussions earlier about the legal challenges to certain Bills and Acts and so on. That is obviously an issue, but I think the biggest casualty of poor intergovernmental relations over recent times has been the ability of the Scottish Government to set a budget in the full knowledge of what is going on and to do that in a timely way that can be scrutinised in Scotland.

I had two immediate priorities as Finance Minister in 1999, appointed 25 years ago on 17 May—the anniversary is just coming up. The two things that I was told that day were my absolute top priorities were, first, to get the Budget and Finance Act through the Scottish Parliament, to make sure that we had a system for budget and then a system for audit before the autumn so that we could have our first budget that winter, and secondly, to get the memoranda of agreement between the Scottish Executive/Government and the UK Government Departments again agreed before the end of the year. There was a reason for that: we had to function properly and we wanted the Scottish Parliament to function properly, not just the Scottish Government. If the Scottish Parliament is going to scrutinise the budget properly, the Scottish Government need to know the financial parameters within their budget, and I do not think that is working as well as it should.



Q460 Wendy Chamberlain: I am not going to touch on the intergovernmental relations at official level because I think you have covered that well, and you have given some interesting thoughts to take away for our civil service in Scotland inquiry. The new IGR framework as we look forward was introduced in 2022. With the JMC during covid—we have done inquiries on this as a Committee as well—it showed how unfit for purpose it was just simply because those processes and systems were not used. Professor James Mitchell has said that despite the many changes the essential nature is pretty much as it was 25 years ago. What do you think success looks like for the new framework going forward? Do you have any faith in the new framework going forward or do you think that the same fundamental issues that we have discussed throughout this inquiry come to the fore?

Lord McConnell of Glenscorrodale: Those fundamental issues still exist. I think the two main problems with the JMC set-up—and it is there in the new framework as well—is that it is more about a discussion and liaison and general contact than solving disputes. Secondly, it is all behind closed doors and is not transparent. That allows both Governments then to talk about it publicly in a way that can be disingenuous.

I would make the deliberations of whatever formal structure exists transparent. It could never be absolutely deliberative for reasons partly to do with what Elish was talking about in terms of the role of the court deliberating who has legal responsibility and so on, but I think it would be more deliberative if it was more transparent. The purpose should be to try to resolve disputes or negotiate proper formal agreements.

Looking back to 2004 and the transport decision, for example, when it was decided that the UK Government would add to the devolution settlement railway infrastructure alongside the services that we had had responsibility for before, that was just an agreement between me and Alistair Darling. It was reported to the Scottish Parliament, we then put a Bill through and so on, but there was never a JMC meeting to agree that this change to the 1998 Act would happen. To me, there should be a structure that does formal stuff and that can be dispute resolution and it can be formal agreements that have been negotiated, but I do not think beyond that it is good to create structures that inhibit the political relationships that make things happen.

Wendy Chamberlain: Back to that flexibility. Thank you very much.

Q461 Chair: Lastly, today is quite a big day, as you have mentioned and have referenced on a couple of occasions: 25 years since the Scottish Parliament opened. You were one of the pioneers, first Finance Minister and elected that day, too. We are now going into a new era and we are looking forward to seeing what comes. Off that journey, what would be your advice to the new First Minister who has just been installed today? What would you say to him about the job and the challenges that lie ahead? I know you know John Swinney very well as Leader of the



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Opposition from the time when you were First Minister. What would you say to him today as he seeks to lead a new Administration?

Lord McConnell of Glenscorrodale: I have to say being the first Finance Minister would have been enough of an honour for me, but it was an incredible honour and privilege to be First Minister for nearly six years and to be in that position when I was relatively young and different from the others in Scotland, Wales and Northern Ireland at the time. I had something in my head all the time that I was First Minister. On the night before the formal opening of the Scottish Parliament on 1 July 1999, the rock band Garbage played in Princes Street Gardens and Shirley Manson, the singer, pointing up to the old Assembly building up on the hill from the stage, said from the stage, "I've got one message for everybody up there who is going to meet tomorrow and formally open the Scottish Parliament and it's this song" and it was "Don't let me down". If you are the First Minister of Scotland, that is a good thing to remember. People do not want you to let them down.

Chair: Great. Thank you ever so much. I knew this would be a fascinating and fun session and I think we have lots of very good and useful evidence for our report, which we will share with you and hopefully you will enjoy and appreciate. For this afternoon, Lord McConnell, thank you very much for your attendance.