

## **SCOTTISH LEGISLATION 1996**

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Writing a summary of Scottish legislation for 1996 can already seem like an exercise in legal history. With the change in Government, some of the most controversial aspects of 1996 Acts, such as the Nursery Voucher scheme included in the Education (Scotland) Act 1996, are likely to be abandoned. There were four Scotland-only Acts in 1996 (one of which was repealed by a consolidating act later in the year) out of a total of 62 Acts passed by Parliament. The 1996 session was marked by special meetings of both MPs and members of the Lords gathering evidence throughout Scotland. A Special Standing Committee of the Scottish Grand Committee met in Stirling, Ayr and Inverness in preparation of the Licensing (Amendment) Act, while members of the Lords travelled to Inverness to hear evidence on the Deer (Amendment) Act.

### **CHAPTER NUMBER 36: LICENSING (AMENDMENT) (SCOTLAND) ACT 1996**

This Act, which received cross-party support, was passed in response to drug-related deaths at 'raves'. The Act empowers licensing boards to attach conditions to licenses at 'rave' sites to protect the health or welfare of persons attending. Section 18A, which amends the Licensing (Scotland) Act 1976, imposes a duty upon licensing boards to attach conditions to any new, renewed or occasional license where music is played, persons are dancing, and at which it 'appears to the board' that offences involving controlled drugs may be committed. Conditions that might be imposed include provision of adequate drinking water (for those who are dehydrated from the use of drug

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'Ecstasy'), prevention of overcrowding and proper oversight or stewarding of events. The Act came into force on 21 October 1996.

#### **CHAPTER NUMBER 43: EDUCATION (SCOTLAND) ACT 1996**

This Act establishes the Scottish Qualifications Authority or 'SQA', which will carry out the duties of the former Scottish Examination Board and the Scottish Vocational Educational Council. The Scottish Examination Board was primarily concerned with the examining of secondary school students. Section 2 of the Act allows the new SQA to test secondary students in their first and second years. The Scottish Vocational Educational Council was set up in 1985 by the Secretary of State for Scotland to develop, accredit and award vocational qualifications in Scotland, primarily in the post-school sector. The SQA began operations in April of this year. One of its main tasks will be the implementation of the Higher Still reforms (now delayed until 1999).

In addition to establishing the SQA, the Act makes a number of reforms to school boards in Scotland. From 1997, elections for membership to school boards will move to a common time scale, to occur between 1 September and 30 November every other year. School Boards will be permitted to 'co-opt' parent members to a board where necessary. Section 30 of the Act introduces new requirements for school board members to declare any 'material interest', whether direct or indirect, when voting on matters before the board.

#### **CHAPTER NUMBER 44: DEER (AMENDMENT) (SCOTLAND) ACT 1996 (CONSOLIDATED WITH DEER (SCOTLAND) ACT 1959 AND DEER (AMENDMENT) ACT 1982 IN DEER (SCOTLAND) ACT 1996 (CH. 58))**

This Act seeks to deal with problems arising from a rising deer population in Scotland and problems of overgrazing in unenclosed woodlands. The Deer Commission for Scotland replaces the former Red Deer Commission and as the name implies will have extended jurisdiction to handle problems arising from red, sika, fallow and roe deer. The goal of the Act is the sustainable management of deer, and the Commission is empowered to handle all matters relating to deer and their welfare. The Act gives the Secretary of State the power to appoint no less than 9 and no more than 12 members to the Commission after organisations representing interests involved in the

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management of deer have put names forward. By way of a controversial Lords' amendment, one-third of the appointees must represent 'deer managers', in other words traditional sporting estate interests. Other groups (whose qualifications as representatives are to be determined by the Secretary of State) include agriculture and crofting, forestry, and natural heritage.

The terms of this Act were consolidated with Deer (Scotland) Act 1959 and Deer (Amendment) Act 1982 in Chapter 58: Deer (Scotland) Act 1996, which came into force on 18 November 1996.

### **REFERENCES**

- Himsworth C. M.G. (1996). The Scottish Grand Committee as an Instrument of Government. **Edinburgh Law Review**, Vol 1, pp.79-90.
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