



Briefing for the Public Petitions Committee

Petition Number: [1498](#)

Main Petitioner: Colin Emerson (on behalf of Edinburgh Secular Society)

Subject: Calls on the Parliament to urge the Scottish Government to bring forward legislative proposals to repeal s.124 Local Government (Scotland) Act 1973, as amended by s.31 Local Government etc. (Scotland) Act 1994. This would end the legal obligation on local authorities to appoint three unelected religious representatives to sit on their education committees.

Background

The Local Government (Scotland) Act 1973 s.124 requires that an education committee of a local authority must include members nominated by various churches. These are:

- (a) one representative of the Church of Scotland, nominated in such manner as may be determined by the General Assembly of the Church;
- (b) in the case of the education authority for each area other than Orkney Islands, Shetland Islands and Western Isles, one representative of the Roman Catholic Church, nominated in such manner as may be determined by the Scottish Hierarchy of the Church; and
- (c) one person, or in the case of the education authorities for Orkney Islands, Shetland Islands and Western Isles, two persons, in the selection of whom the authority shall have regard (taking account of the representation of churches under paragraphs (a) and (b) above) to the comparative strength within their area of all the churches and denominational bodies having duly constituted charges or other regularly appointed places of worship there.

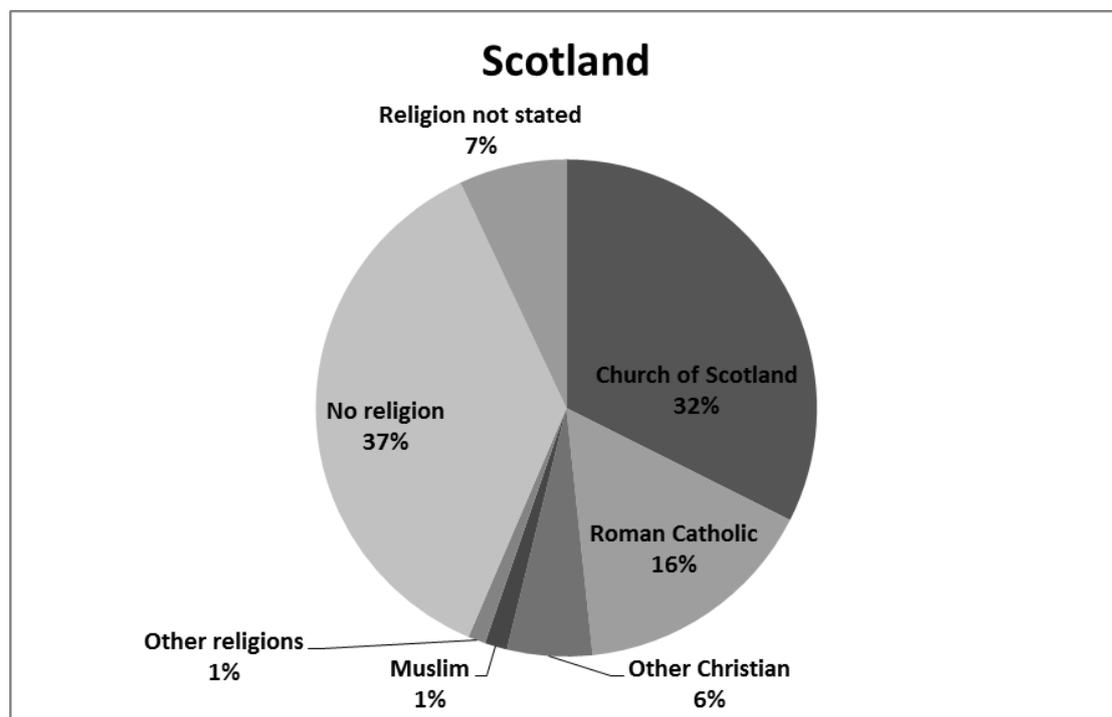
The provision reflects the historical roots of school education as a religious concern. Schools were transferred from churches to elected school boards under the education acts of 1872 and 1918. In 1929, local government education committees were established. Section 12 of the 1929 Local Government (Scotland) Act required that education committees include members nominated by churches, and similar provision has been repeated in local government legislation since then.

Religious affiliation in Scotland

In the [2011 census](#), 37% of people stated no religion, 32 were Church of Scotland and 16% were Catholic. There was considerable regional variation.

The table below sets out the local authorities with the highest and lowest percentages of no religious affiliation, affiliation to the Church of Scotland and affiliation to the Catholic Church.

	highest		lowest	
	area	%	area	%
No religion	Aberdeen	48.1	Eilean Siar	18.1
Church of Scotland	South Ayrshire	43.7	Glasgow	23.1
Catholic	Inverclyde	37.0	Shetland	4.1



Scottish Government Action

The Scottish Government has not issued any guidance or policy on this matter. On a related issue, the Scottish Government updated its [guidance on religious observance in 2011](#).

Scottish Parliament Action

John Finnie MSP has lodged a proposal for a member's bill which includes provisions to remove religious representatives from local authority education committees. The [consultation](#) on the proposed Local Government Accountability and Transparency (Scotland) Bill closes on 27th January. The consultation describes the proposal as follows:

“My proposal would be for education committees to be brought into line with other local authority committees, and so be subject to the rule that at least two-thirds of their members must be elected. A council could, therefore, continue to include three religious representatives in its education committee (so long as that committee had at least six other elected members), but could also have fewer such representatives, or none at all.

With regard to voting rights, I propose that unelected members who are appointed to any committees of the council will not have the right to vote but will continue to take part in all other aspects of committee work.”

Church representatives have opposed this proposal. For example, the Scotsman reported that:

A spokesman for the Church of Scotland said: “The role [the Kirk’s] representatives play is one of service and support that reflects its contribution to education since its vision of a school in every parish helped in establishing Scotland’s universal education system, one of the first anywhere in the world, and profoundly shaped the Scotland we know today.

A spokesman for the Catholic Church said: “Church representatives offer an invaluable service to their local communities by contributing to discussions among elected representatives on councils.”

([Scotsman, 5th November 2013](#))

There is an open petition on the related issue of religious observance in schools. [PE1487](#) was considered by the Public Petitions Committee on 3 September and 12 November when they wrote to the Scottish Government asking for various points of clarification. The Committee has taken evidence on the issue and received a substantial number of written submissions. These are available [here](#).

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