



PUBLIC PETITION NO.

PE01392

Name of petitioner

Robert McEwan

Petition title

City status by right of Ancient Prescriptive Usage

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to make representations to the UK Government to make Scotland equal to other parts of the United Kingdom in having 'Ancient Prescriptive Usage' accepted as a parameter for acceptance of the right for the many ancient towns of Scotland previously known as cities, to have the style and status of city restored.

Action taken to resolve issues of concern before submitting the petition

Letters and meetings with the Scottish Executive and the Scotland Office over many years.

The matter was first raised by the petitioner in 1985 and continued with correspondence between the Scotland Office and the petitioner until 2007.

Councillor James P. Simpson took the matter up with Lord Irvine of Lairg and with the Lord Chancellor in 2001 and again with the Lord Chancellor in 2007, never receiving a satisfactory answer as to why Scotland could not have the same parameters as England.

In the second paragraph of his reply to Councillor Simpson on 19 November 2001, the Lord Chancellor states 'You suggest that Scotland and England have different qualifications for city status. There are, in fact, no criteria for the grant of city status.' In the 6th paragraph he states 'You ask why the Lord Chancellor does not "allow" ancient and prescriptive usage in Scotland. We have been advised by the Scotland Office that they do not consider the English practice of recognising a city by the doctrine of ancient prescriptive usage has any relevance in Scotland, given that the term "city" has no legal relevance in Scotland.' Whilst city may have no legal significance, the style and title used by these ancient cities for hundreds of years does have relevance to them and should not be so lightly dismissed.

Petition background information

'Ancient Prescriptive Usage' is used in the other parts of the United Kingdom as a parameter for allowing a city to retain that title and status.

Many places in Scotland would come into that category such as, Perth, Elgin, Brechin

and Dunfermline yet if they want official recognition they must participate in one of the competitions to select the next town to be awarded City status by Letters Patent from Her Majesty The Queen.

In the letter of 13 September 2000 from Callum Ingram Policy Adviser, Home and Social Division, Scotland Office he states "As there is no reason in principle to stop particular towns calling themselves cities if they wish to do so, due to the general lack of legal significance of the term 'City' in Scotland, any issue of official entitlement to the use of the term cannot arise. It follows that the English practices of entitlement by usage of Ancient Prescriptive Right do not apply in Scotland."

There is no wish for legal powers, only the right to use the style and title that was used before the local government act 1973 took effect creating four city authorities (Edinburgh, Glasgow, Dundee and Aberdeen).

A letter from the Ordnance Map Office, Southampton, 6 February 1856 to Ebenezer Henderson states "Sir, I beg to acknowledge receipt of your note of 21st ultimo, and to say that, after consulting the Solicitor to the War Department, we have decided on designating Dunfermline a City. Henry James, Lieut.-Colonel, Royal Engineers." This therefore was a government department recognising the designation.

On 26 June 1924, Rt. Hon. William Adamson, His Majesty's Secretary of State for Scotland, accepted the Freedom of the City and Royal Burgh of Dunfermline as did the Duke of York on 11 August 1928. Neither of these personages would have used the Style and Title of City and Royal Burgh without legal guidance.

Unique web address

<http://www.scottish.parliament.uk/GettingInvolved/Petitions/PE01392>

Related information for petition

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NO

How many signatures have you collected so far?

61

Closing date for collecting signatures online

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