This is a response to the call for evidence for the Scottish Independence Referendum (Franchise) Bill. I am writing in support of the comments attributed to Professor Stephen Tierney that were publicised in the Scotsman newspaper on 21st March 2013. http://www.scotsman.com/news/prisoner-vote-ban-may-be-challenged-1-2849061

I agree with Professor Tierney that a referendum that excludes prisoners from voting will be open to a legal challenge. I reckon there are a number of issues that should be addressed. As it stands it must become a priority to inform remand prisoners of their right to take part in this process. The SPS and the Scottish Government should be taking steps to ensure procedures are in place so that those who want to vote whilst on remand can actually vote. There may be scope for some powers to be granted that allows for proxy or postal votes to be entered later than normal if you are being held on remand. After all, no one actually plans in advance to be remanded.

There is also the political point about the rights of prisoners to participate in democratic processes. Voting and taking part in the democratic process is an inherent part on the road to desistence and rehabilitation. This referendum represents the biggest possible constitutional shake up for the future of Scotland. Even if you have been handed down a life sentence the effect of this vote will still be felt upon your release. Therefore I would argue that it is imperative that everyone who is resident in Scotland is allowed to participate, and this includes ALL categories of prisoner. It is no secret that the UK Government will be forced to allow prisoners to vote unless they withdraw from the ECHR. Therefore the arguments that underpin this process should also apply to the referendum. If and when the law is changed to allow prisoner votes, it is not a massive jump to predict that someone somewhere will raise a similar action having been denied a vote in the referendum. A blanket ban is ethically questionable, morally repugnant and legally suspect.

In terms of resources there will be a cost involved in allowing this to take place. Firstly mechanisms would need to be enacted to allow votes to be taken within institutions. Secondly, I think it would be incumbent upon the Scottish Government to provide a bucket to David Cameron PM as this stance will make him physically sick!

This bill allows the explicit setting of the franchise for the referendum. It is an opportunity missed if the Parliament adopts the bill with the blanket ban on prisoners as it stands.

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Corrected version provided on 17 April 2013