Briefing for the Public Petitions Committee

**Petition Number:** PE01641: Future Independence Referendum

**Main Petitioner:** David Robertson

**Subject:** Second independence referendum

Calls on the Parliament to urge the Scottish Government not to seek a second independence referendum until after 2020.

**Background**

The Constitution is a reserved matter. Before the 2014 Referendum on Scottish Independence, the UK Government made an Order under Section 30 of the Scotland Act 1998 to temporarily transfer power to the Scottish Parliament to hold a referendum. It is expected that any future independence referendum would replicate this process.

In September 2014, prior to the Referendum on Scottish Independence, the then First Minister, Alex Salmond, said in a television interview, that if the majority of Scots voted No to independence on 18 September, there would be no second referendum on the subject within a "political generation".

He added: "If you remember that previous constitutional referendum in Scotland - there was one in 1979 and then the next one was 1997. That's what I mean by a political generation."

In its manifesto for the May 2016 Scottish Parliament elections, the Scottish National Party (SNP) stated:

"We believe that the Scottish Parliament should have the right to hold another referendum if there is clear and sustained evidence that independence has become the preferred option of a majority of the Scottish people – or if there is a significant and material change in the circumstances that prevailed in 2014, such as Scotland being taken out of the EU against our will."

In June 2016, the result of the Referendum on the UK’s membership of the European Union was 51.9% to leave and 48.1% to remain. However, in Scotland the result was 38% to leave and 62% to remain.
The latest public polling information (to March 2017) asking “How would you vote in a Scottish independence referendum if held now? (after the EU referendum)” is available on the What Scotland Thinks website:

Scottish Government Action

In 2016, the Scottish Government launched a Consultation on a Draft Referendum Bill. The consultation ran from 20 October 2016 to 11 January 2017.

On 13 March 2017, in a speech at Bute House, the First Minister announced that, as a result of the manifesto conditions for a new referendum having been met:

“…next week I will seek the approval of the Scottish Parliament to agree with the UK government the details of a section 30 order”

Alongside the text of the speech, the Scottish Government published a document entitled: Background to the announcement made by the First Minister.

On 31 March 2017, following the decision on the motion taken in the Scottish Parliament on 28 March (see below) and the letter triggering Article 50 (see below), the First Minister sent a letter to the Prime Minister.

The letter called for:

“early discussions between our governments to agree an Order under section 30 of the Scotland Act 1998 that would enable a referendum to be legislated for by the Scottish Parliament.”
Scottish Parliament Action

On 21, 22 and 28 March 2017, a Scottish Government motion on holding a referendum was debated in the Parliament. At decision time on 28 March the motion, as amended, was agreed to, on division, For 69, Against 59, Abstentions 0:

“That the Parliament acknowledges the sovereign right of the Scottish people to determine the form of government best suited to their needs and therefore mandates the Scottish Government to take forward discussions with the UK Government on the details of an order under section 30 of the Scotland Act 1998 to ensure that the Scottish Parliament can legislate for a referendum to be held that will give the people of Scotland a choice over the future direction and governance of their country at a time, and with a question and franchise, determined by the Scottish Parliament, which would most appropriately be between the autumn of 2018, when there is clarity over the outcome of the Brexit negotiations, and around the point at which the UK leaves the EU in spring 2019; believes that this gives people in Scotland a choice at a time when there is both the most information and most opportunity to act; further believes that 16 and 17-year-olds and EU citizens, who were excluded from the EU referendum, should be entitled to vote, and considers that this referendum is necessary given the Prime Minister’s decision to negotiate a hard exit from the EU, including leaving the single market, which conflicts with assurances given by the UK Government and prominent Leave campaigners, and which takes no account of the overwhelming Remain vote in Scotland.”

Scottish Parliament motions are non-binding.

UK Government Action

In a television interview given on 16 March 2017, the Prime Minister ruled out the possibility of a second Scottish independence referendum in 2018 or 2019.

On 30 March 2017, the Prime Minister sent a letter to Donald Tusk triggering Article 50, starting the process of the UK’s withdrawal from the European Union.

On 31 March, in response to the letter from the First Minister to the Prime Minister, the BBC reported that:

“A spokesman for the UK government said: "The prime minister has been clear that now is not the time for a second independence referendum, and we will not be entering into negotiations on the Scottish Government's proposal."
At this point, all our focus should be on our negotiations with the European Union, making sure we get the right deal for the whole of the UK."

Francesca McGrath
Senior Researcher
31 March 2017

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