I am writing in response to an issue raised by your Committee in relation to service declarations and the Scottish Referendum. I understand that you have suggested that consideration should be given to extending the entitlement to register via a service declaration to children of service personnel who will be of voting age for the Scottish Independence Referendum (i.e. those aged 16 and over on 18 September 2014). Currently only the spouses and civil partners of those with a service qualification are also entitled to register via a service declaration under UK electoral law.

As your committee is aware, the UK Government extended the service declaration to include the spouse or civil partner of service personnel; there has been no demand for a similar extension to cover the children (of voting age) of service personnel.

As you will be aware, the agreement reached between the UK and Scottish Government on 15 October 2012 provided the Scottish Parliament with the legislative competence to introduce legislation providing for a single question referendum to be held before the end of 2014. Although matters relating to the registration of electors for all UK, Scottish Parliament, local and European elections are reserved to UK Parliament, the Edinburgh Agreement and the section 30 order provided the Scottish Parliament and the Scottish Government with the competence to create the franchise for the independence referendum. This was set out clearly in the Memorandum signed by both Governments:

- The Referendum Bill introduced by the Scottish Government will create a franchise for the referendum. Both governments agree that all those entitled to vote in Scottish Parliamentary and local government elections should be able to vote in the referendum.

- The Scottish Government's consultation on the referendum also set out a proposal for extending the franchise to allow 16- and 17-year-olds to vote in the referendum. It will be for the Scottish Government to decide whether to propose extending the franchise for this referendum and how that should be done. It will be for the Scottish Parliament to approve the referendum franchise, as it would be for any referendum on devolved matters.

- The Scottish Government's decision on what to propose to the Scottish Parliament will be informed by the analysis of responses to its consultation exercise and by practical considerations. The Order does not restrict the extension of the franchise in the case of this referendum.

The Scottish Government have set out the franchise that they wish to see delivered for the referendum in the Scottish Independence Referendum (Franchise) Bill. In this Bill the Scottish Government are able to include a power to make modifications to electoral law for the purposes of the referendum, to replicate or make separate provisions if they consider it necessary.
Therefore, we believe that it should be a matter for the Scottish Government to make specific provision in their franchise Bill to cover this specific category of people; if they wish to do so, such provision would be within the framework of the s.30 Order approved by both the UK and Scottish Parliaments.

I am copying this letter to the Secretary of State for Scotland and the Parliamentary Under-Secretary of State for Scotland.

Chloe Smith MP
Minister for Political and Constitutional Reform
4 June 2013