



The Scottish Parliament  
Pàrlamaid na h-Alba

## FINANCE AND CONSTITUTION COMMITTEE

### AGENDA

**20th Meeting, 2019 (Session 5)**

**Wednesday 25 September 2019**

The Committee will meet at 10.00 am in the David Livingstone Room (CR6).

1. **Referendums (Scotland) Bill:** The Committee will take evidence on the Bill at Stage 1 from—

Michael Russell, Cabinet Secretary for Government Business and Constitutional Relations, Penny Curtis, Head of Elections and Freedom of Information Division, and Graham Fisher, Solicitor, Scottish Government.

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The papers for this meeting are as follows—

**Agenda Item 1**

Cover Paper

FCC/S5/19/20/1

## Finance and Constitution Committee

20th Meeting, 2019 (Session 5), Wednesday 25 September 2019

### Referendum (Scotland) Bill evidence

#### Introduction

1. On 28 May 2019, the Scottish Government introduced the [Referendums \(Scotland\) Bill](#) which aims to provide a legal framework for holding referendums on matters that are within the legislative competence of the Scottish Parliament. The Policy Memorandum explains that the Bill covers a range of issues which can be broken down into three main headings—

- The framework
- Conduct of polls and counts
- Campaign rules

2. The policy objective of the Bill “*is to put in place a generic framework for referendums that provides technical arrangements which can be applied for specific referendums.*” The purpose of the Bill as set out in the Policy Memorandum is to ensure that—

- *entitlement to vote is in accordance with clear principles and is determined in a fair and consistent manner;*
- *voting and counting processes are clear and transparent, operate smoothly and effectively, and are subject to effective controls and audit; and*
- *campaigns leading up to a referendum are well regulated and independent from Parliament and Government.*

#### Evidence

3. The Committee’s Adviser has produced a [briefing on the Bill](#) and SPICe also published a [briefing on the Bill](#). The Finance and Constitution Committee is the lead Committee for Stage 1 scrutiny of the Bill and issued a [call for views](#) on the Bill which closed on 9 August 2019. The Committee received 16 submissions from the following—

- [FCC/S5/19/RB/1 Written submission from Professor Fisher \(174KB pdf\)](#)
- [FCC/S5/19/RB/2 Written submission from Dr Alan Renwick \(244KB pdf\)](#)
- [FCC/S5/19/RB/3 Written submission from the Association of Electoral Administrators \(170KB pdf\)](#)
- [FCC/S5/19/RB/4 Written submission from the Electoral Management Board for Scotland \(261KB pdf\)](#)
- [FCC/S5/19/RB/5 Written submission from the Scottish Assessors Association \(752KB pdf\)](#)
- [FCC/S5/19/RB/6 Written submission from the Electoral Commission \(172KB pdf\)](#)
- [FCC/S5/19/RB/7 Written submission from the Faculty of Advocates \(661KB pdf\)](#)

- [FCC/S5/19/RB/8 Written submission from Dumfries and Galloway Council \(695KB pdf\)](#)
- [FCC/S5/19/RB/9 Written submission from Stevenson Trust for Citizenship \(143KB pdf\)](#)
- [FCC/S5/19/RB/10 Written submission from the Institute for Government \(890KB pdf\)](#)
- [FCC/S5/19/RB/11 Written submission from Dr Andrew Mycock, Dr Thomas Loughran and Professor Jonathan Tonge \(204KB pdf\)](#)
- [FCC/S5/19/RB/12 Written submission from Scotland in Union \(151KB pdf\)](#)
- [FCC/S5/19/RB/13 Written submission from Dr T Reidy \(303KB pdf\)](#)
- [FCC/S5/19/RB/14 Written submission from the Law Society of Scotland \(170KB pdf\)](#)
- [FCC/S5/19/RB/15 Written submission from Professor Toby James \(202KB pdf\)](#)
- [FCC/S5/19/RB/16 Written submission from the Scottish Parliamentary Corporate Body \(SPCB\) \(184KB pdf\)](#)

4. There is also an open petition, [PE01754](#), calling on the Scottish Parliament to urge the Scottish Government to ensure that any referendum advocating constitutional change should have at least a two thirds majority for it to succeed.

#### *Oral evidence*

5. At its meeting on 26 June 2019, the Committee took evidence from the Scottish Government Bill team and on 4 September 2019, the Committee heard from Professor Justin Fisher, Brunel University London, Dr Alan Renwick, University College London, Michael Clancy from the Law Society of Scotland and Jess Sargeant, from the Institute for Government. The Committee then heard from Dr Theresa Reidy, University College Cork, Dr Andrew Mycock, Reader, University of Huddersfield, Dr Toby James, Head of Politics, University of East Anglia and Professor Chris Carman, Stevenson Trust for Citizenship at its meeting on 11 September 2019.

6. Lastly, at its meeting on 18 September 2019, the Committee heard from Andy Hunter, Chairperson Scotland and Northern Ireland, Association of Electoral Administrators, Pete Wildman, Chair, Electoral Registration Committee, Scottish Assessors Association, Chris Highcock, Secretary, Electoral Management Board and Mark Conaghan, Chair of the Elections Working Group, Society of Local Authority Lawyers and Administrators in Scotland (SOLAR), Dame Susan Bruce, Electoral Commissioner, Scotland, Bob Posner, Chief Executive and Andy O'Neill, Head of Electoral Commission from the Electoral Commission. The Official report from those meetings can be found on the [website](#).

7. At its meeting on 25 September 2019, the Committee will hold its final evidence session on the Bill at Stage 1 with the Cabinet Secretary for Government Business and Constitutional Relations.

#### **Next steps**

8. The Committee will consider its Stage 1 report.

**Committee clerks**