

Constitution, Europe, External Affairs and Culture Committee  
Thursday 18 December 2025  
34<sup>th</sup> Meeting, 2025 (Session 6)

## Options for a legal mechanism for any independence referendum inquiry

1. The Committee will conclude taking evidence in relation to its [Options for a legal mechanism for triggering any independence referendum](#) inquiry.
2. Previous panels took place on [13 November](#), [27 November](#) and [11 December 2025](#), the papers for which can be found below—
  - [Papers for 13 November](#)
  - [Papers for 27 November](#)
  - [Papers for 11 December](#)
3. We will be hearing this week from—
  - Angus Robertson, Cabinet Secretary for Constitution, External Affairs and Culture
  - Luke McBratney, Deputy Director, Elections and Constitutional Projects, Scottish Government
4. The Scottish Government's written submission can be found at **Annexes A** and the UK Government's at **Annexe B**.

**Clerks, December 2025**

**Annexe A**

Cabinet Secretary for Constitution, External Affairs and  
Culture

Angus Robertson MSP



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Clare Adamson MSP

Convener Constitution, Europe, External Affairs and  
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30 October 2025

Dear Convener

Thank you for the opportunity to provide the Scottish Government's position on the legal mechanism for any independence referendum inquiry ahead of my appearance in front of you in December.

The Scottish Government has set out our view that it is for the people of Scotland to decide on their constitutional future in the publication [\*Your Right to Decide\*](#). I enclose a copy of the publication for information.

*Your Right to Decide* provides evidence of the consensus across the political spectrum on the voluntary nature of the Union before going into detail on the Scottish Government's view that the decision on whether a referendum should be held ought to be for the Scottish Parliament, empowered to make such decisions by the votes of people who live here.

It further outlines the Scottish Government's position that the Scottish Government secures a democratic mandate to negotiate with the UK Government a transfer of power for a lawful referendum whenever the people of Scotland, following a party's clear manifesto commitment to the holding of a referendum, return a Scottish Parliament that supports the holding of a referendum and a Scottish Government committed to delivering one.

The paper affirms that the precedent of 2011 demonstrates that it is for the people of Scotland to decide when a referendum is to be held, and that when they do it is for the governments of Scotland and the United Kingdom to take the steps required to facilitate that.

I look forward to working with the Committee on this issue and providing more detail when we meet 18 December.

Yours sincerely

**ANGUS ROBERTSON**

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## Annexe B

### **Submission from the UK Government to the Scottish Parliament's Constitution, Europe, External Affairs, and Culture Committee Inquiry into options for a legal mechanism for triggering any independence referendum.**

#### **Introduction**

The UK Government welcomes the opportunity to submit evidence to the Constitution, Europe, External Affairs and Culture Committee's inquiry. As the Prime Minister has been clear, the UK Government is fully focused on tackling the issues that really matter to people in Scotland. A referendum is not one of them. We are working to grow the economy, improve public services, and put more money into people's pockets.

#### **The Constitutional Position**

The United Kingdom's constitutional arrangements are founded on the Treaty of Union, agreed in 1706 and enacted through the Acts of Union in 1707. These historic agreements established the Parliament of Great Britain, now the Parliament of the United Kingdom. The sovereignty of the UK Parliament remains the cornerstone of our constitution.

The Scotland Act 1998, which established the current devolution settlement, expressly reserves to the UK Parliament a number of aspects of the constitution, including the Union of the Kingdoms of Scotland and England and the United Kingdom Parliament itself.

The legal mechanism used for the 2014 independence referendum was a specific, time-limited transfer of power under section 30 of the Scotland Act 1998, mutually agreed upon by the UK and Scottish Governments (the Edinburgh Agreement) and passed by both Parliaments. This process temporarily devolved the necessary powers to the Scottish Parliament so as to legislate for a referendum. While it was (and remains) lawfully a matter for the UK Parliament to legislate for a referendum on Scottish independence, the agreement was made that the Scottish Parliament should be the body to pass legislation to provide for the details of the referendum, and so the schedule of reservations in the Scotland Act 1998 was temporarily amended through the order to enable this.

The argument that the Scottish Parliament can legislate for an independence referendum itself, without such a conferral of power by the UK Parliament, was tested and unanimously rejected by the UK Supreme Court in its 2022 judgment. The Court confirmed that legislation making provision for a poll on Scottish independence relates to the reserved matters of the Union of the Kingdoms of Scotland and England and the Parliament of the United Kingdom. It therefore remains a matter for the UK Parliament.

#### **The UK Government's Position**

In 2014 people in Scotland voted decisively to remain part of the United Kingdom. In 2024 the manifesto on which this Government won a majority of seats in Scotland and across the UK was clear on this issue, stating that Labour does not support independence or another referendum. The people of Scotland want to see their governments working together to focus on the issues that matter to them, their families, and their communities - they need, and deserve, governments that are relentlessly focused on delivering on their priorities, of which independence is not one.