

Our Reference: 202000086794
Your Reference: Independence Referendum

15 September 2020

Dear [redacted],

Thank you for your email dated 10 September asking the First Minister about the franchise at a future referendum on Scottish independence. I previously worked in the Referendums (Scotland) Bill team so have been asked to respond.

At the 2014 referendum on Scottish independence, the franchise was based on who can vote at Scottish Parliament and local government elections. The use of this franchise was intended to allow those who were residents in Scotland, and who would be directly affected by the outcome of the referendum, to have a say on their future.

As you might be aware, the [Referendums \(Scotland\) Bill](#) was introduced to the Scottish Parliament on 28 May 2019. The Bill completed its parliamentary process on 19 December 2019 and received Royal Assent on 29 January 2020. The Referendums (Scotland) Act 2020 commenced on 30 January 2020 and provides a legal framework for the holding of referendums on any matters within Scotland's control.

The Act sets out that the franchise at referendums will be any UK or Commonwealth citizen, citizen of the Republic of Ireland or relevant citizen of the European Union who is aged 16 or over, is registered in the register of Scottish local government electors and is not subject to any legal incapacity to vote. You will note that the Act does not propose that the franchise should be extended to those resident outside Scotland. However, it will be for the Scottish Parliament as a whole to decide whether to adjust this franchise if a Bill is brought forward to legislate specifically for an independence referendum.

I hope you find this information useful.

Yours sincerely

[redacted]
EFD : Referendums Scotland Bill Team

Our Reference: 202000098498

20 November 2020

Dear [redacted],

Thank you for your correspondence dated 10 October 2020. I work on the Health Protection (Restrictions and Requirements) (Scotland) Regulations 2020 so have been asked to respond.

The UK Coronavirus Act 2020 and Coronavirus (Scotland) Acts 2020 provide new powers and measures to help protect the public, maintain essential public services and support the economy during the current outbreak of coronavirus.

The text of the UK Act can be found here:
<https://www.legislation.gov.uk/ukpga/2020/7/contents/enacted>

The Coronavirus (Scotland) Acts can be found here:
<https://www.legislation.gov.uk/asp/2020/7/contents/enacted>
<https://www.legislation.gov.uk/asp/2020/10/contents/enacted>

The UK Act received Royal Assent on 25 March 2020. The Scottish Parliament gave its consent to the provisions of the Act as far as they relate to devolved matters on 24 March 2020.

The First Scottish Act (the Coronavirus (Scotland) Act 2020) received Royal Assent on 6 April 2020, and the second Coronavirus (Scotland) (No.2) Act 2020 received Royal Assent on 26 May 2020.

To address your point on scientific and medical evidence, the [Framework for Decision Making](#) that was published in April 2020 sets out the four key harms that we assess all measures against.

This framework recognises that Covid-19 causes harm in at least four ways; the direct harm of the virus on people's health, the indirect health harms on non-covid health outcomes resulting from the wider impact on our health and care services; the social harms related to the effects of increased isolation, particularly for those living alone or in settings away from family, such as care homes; and lastly the economic harms that result from measures to close down parts of the economy and the impact on people's jobs and livelihoods. However there are no easy choices and we must at all times seek to minimise the harms caused directly or indirectly from the virus - our objective remains to suppress the virus to the lowest possible levels and to keep it there. We cannot have a strong economy by taking any other course of action.

The Scottish Government also published an evidence paper on 7 October 2020 to sum up evidence on infection trends, confirmed cases, hospital admissions and deaths, and how these vary across Scotland. This paper is available at <https://www.gov.scot/publications/coronavirus-covid-19-evidence-paperoctober-2020/>.

During the period in which additional temporary restrictions were put in place, cafes had been allowed to remain open (with restrictions in place) while other licensed hospitality venues had been required to close. The Scottish Government recognises that for some communities, local cafes may be the only indoor settings where people could meet others. We wanted to avoid increasing social isolation as much as possible, which is why allowing all cafes to continue throughout this period, even if they hold a license, was deemed appropriate.

Restrictions on adult activity detailed in the *Coronavirus (COVID-19): Scotland's Strategic Framework* will be disappointing to those who enjoy playing sport and undertaking physical activity. However, they are necessary to suppress the transmission of the virus in high prevalence areas. The First Minister has noted that we will keep that situation under review.

We recognise the benefits sport and physical activity bring to physical and mental health as well as the key role sports clubs play in local communities. That is why we have provided exemptions for under-18s, while some restrictions for adults have had to remain in place.

I hope you find this response useful.

Yours sincerely

[redacted]

EFD : Referendums Scotland Bill Team