



From: [redacted]  
CCD: EFOI  
11 March 2021

Cabinet Secretary for Government Business and Constitutional Relations  
First Minister

**PROGRAMME FOR GOVERNMENT COMMITMENT: PUBLICATION OF A DRAFT INDEPENDENCE REFERENDUM BILL – APPROACH TO TIMING OF THE POLL**

**Purpose**

1. To provide an update on preparation of a draft Independence Referendum Bill for Ministers' views and to provide advice on the options for handling [redacted].

**Priority**

2. Urgent. In order to finalise the draft Bill and accompanying paper for publication before the pre-election recess.

**Background**

3. The Programme for Government for 2020/21 included a commitment to publish a draft Independence Referendum Bill during the current Parliament. Penny Curtis' submission of 2 February set out proposals for the approach to the draft Bill. This submission provides an update on development of the draft Bill which covers the referendum question, update of the franchise to bring it into line with the current franchise for devolved elections, [redacted].

**Content of the Draft Bill**

4. The detailed rules for running a referendum are set out in the Referendums (Scotland) Act 2020. A Bill to provide for a specific referendum can be very short, setting out the question to be asked and the timing of the poll. We discussed the content of the draft Bill with Mr Russell who was content that the draft Bill should also include provisions to update the franchise. [redacted].

5. A draft Bill is provided as a separate attachment. It is still subject to refinement and checking, and will need to be refined in response to decisions on the issues in submission.

Timing of the legislation

6. For the purposes of this draft Bill we have not included a date in the short title of the Bill. The year chosen for the date of a Bill for introduction is the year in which we expect the Bill will receive Royal Assent. Timing of a Bill for introduction and its passage will be for the next Parliament to agree. [redacted]. **We would be grateful for Ministers' views on this approach.**

Question

7. The question is the same one used during the 2014 referendum, and reflects Ministers' policy statements that the question is clear and well understood by the public. The accompanying paper will include a statement on Ministers' intention to ask the Electoral Commission to resume their

consideration of the request for advice on the question as soon after the election as conditions allow. The existing request to the Commission was paused in March 2020 until a point at which the public health conditions allowed the work to start.

8. The accompanying paper also indicates an intention to ask the Electoral Commission to test the question translated into Gaelic that was discussed with Mr Russell. The outcome of the testing would then inform whether to include the question in Gaelic in a Bill for introduction. The draft Bill for publication this month will not include the question in Gaelic. [redacted].

**9. Ministers are invited for their views on setting out an intention to invite the Electoral Commission to test the referendum question in Gaelic as well as in English.**

#### Franchise

10. The draft Bill includes provision to extend the franchise to mirror the franchise at Scottish Parliament and local government which now includes foreign nationals with leave to remain (or who do not require such leave). This fulfils the commitment made during the passage of the Referendums (Scotland) Act to align the referendum franchise with the elections franchise after the passage of the Scottish Elections (Franchise and Representation) Act. It also demonstrates Scottish Ministers' commitment to ensuring those who live in Scotland and have made their lives here can influence decisions about the future of Scotland. Some additional technical changes may be required to adjust some of the specific arrangements; this will be considered at the point the Bill is prepared for introduction.

11. Prisoners serving terms of 12 months or less were already included in the franchise in the Referendums (Scotland) Act, as the legal disqualification for voting is linked to that used at Local Government Elections. [redacted].

#### Timing of the Poll

12. The Scottish Government's policy is that timing of the poll will be a matter for the next Scottish Parliament if there is a majority to support an independence referendum. The language in the accompanying paper will reflect that and say that timing will be conditional on the public health situation, consistent with what the FM has stated publicly. [redacted].

13. [redacted].

14. [redacted].

15. [redacted].

16. [redacted].

#### **Format of the Publication**

17. The proposal is that the draft Bill is accompanied by a very short paper that refers to the PfG commitment, the context of the detailed rules being provided for in the Referendums Scotland Act 2020, and describes the content of the Bill (date of the poll, the referendum question and the format of the ballot paper, and the franchise.) A communications proposal is also being developed.

18. [redacted].

### **Timing of the Publication**

18. The draft Bill will need to be published before the pre-election period starts on 25 March. The most suitable dates for publication are Thursday 18, Friday 19 or Wednesday 24 March.

### **Conclusion**

19. You are invited to note the update on development of the draft Independence Referendum Bill and to indicate:

- Whether you are content with the approach to the content of the draft Bill for publication;
- Your views on the proposal not to include a date in the title of the draft Bill;
- Whether you are content to indicate an intention to test the referendum question in Gaelic;
- [redacted].

20. It would be helpful to have an urgent response to enable us to finalise the draft Bill and accompanying paper for your clearance and to prepare for publication.

[redacted]

CCD: Elections and FOI/Constitution and UK Relations

11 March 2021

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Deputy First Minister			X		X
Minister for Parliamentary Business and Veterans					
Lord Advocate		X			
Solicitor General		X			

Permanent Secretary
DG Constitution and External Affairs
David Rogers
Penny Curtis
James Hynd
Colin Troup
LSLA
Ruaraidh Macniven
Andy Beattie
[redacted]
Liz Lloyd
Ewan Crawford



**Document 3**

**From:** [redacted]

**Sent:** 12 March 2021 13:51

**To:** Cabinet Secretary for Constitution, Europe and External Affairs <CabSecCEAEA@gov.scot>

**Cc:** Curtis PS (Penelope) <Penelope.Curtis@gov.scot>; [redacted]; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; [redacted]; [redacted]; [redacted]; Crawford E (Ewan) <Ewan.Crawford@gov.scot>

**Subject:** S50-05122 - Draft Answer & Background Note

PS/Cabinet Secretary,

Please find attached our suggested draft answer and background note for question number 1 of Portfolio Questions on Wednesday next week.

Many thanks,

[redacted]

[redacted]

Constitution and Cabinet Directorate

**Question 1:** To ask the Scottish Government whether it will provide an update on when it will publish the draft bill for an independence referendum announced in its Programme for Government for 2020-21.

**Answer:** The Scottish Government will publish the draft independence referendum bill, as announced in the Programme for Government, before the pre-election recess begins.

## **BACKGROUND NOTE FOR S5O-05122**

1. Jeremy Balfour MSP is a Scottish Conservative and Unionist Party member for Lothian.
2. The Programme for Government 2020-21 set out that the Scottish Government would publish a draft bill for an independence referendum before the end of this Parliament. The full PfG commitment is included at Annex A. In order to meet this commitment, a draft bill must be published before 25 March 2021, when the pre-election recess period begins.
3. [redacted].
4. [redacted].

[redacted]

## **Annex A – Text on independence from the PFG 2020-21**

### **Independence**

The Scottish Government has a democratic mandate in this Parliament to offer the people of Scotland their right to choose a future as an independent country in which decisions about Scotland are taken by the people who live here.

In 2014, shortly before the referendum of that year, the political leaders of the campaign against Scottish independence affirmed an important principle when they collectively agreed: "*Power lies with the Scottish people and we believe it is for the Scottish people to decide how Scotland is governed.*"

The right of people in Scotland to decide their own future was also unanimously acknowledged in the Smith Commission report of November 2014 which said: "*It is agreed that nothing in this report prevents Scotland becoming an independent country in the future should the people of Scotland so choose.*"

In line with its mandate, constitutional precedents and agreed all-party principles, the Scottish Government sought an agreement on an order under Section 30 of the Scotland Act 1998 to place a referendum on independence beyond legal challenge.

The Scottish Parliament has already passed into law the Referendums (Scotland) Act which sets out the framework, campaign rules and conduct of polls and counts for any referendum that is within devolved competence.

A future independence referendum would apply these rules. Under the terms of the Referendums (Scotland) Act, a further Act of the Scottish Parliament is required setting the question to be asked and the date of the poll before a referendum can be held.

Because of the pandemic the Scottish Government paused work on independence and it will clearly not be possible to organise and hold an independence referendum that is beyond legal challenge before the end of the current Parliamentary term next year.

However, before the end of this parliament, to set out the terms of a future referendum clearly and unambiguously to the people of Scotland, the Scottish Government will publish a draft bill for an independence referendum setting out the question to be asked, subject to appropriate testing by the Electoral Commission, and the timescale in which, within the next term of Parliament, we consider the referendum should be held taking account of the development of the COVID-19 pandemic at the time of publication, and ensuring the flexibilities to respond to any further restrictions caused by it.

If there is majority support for the bill in the Scottish Parliament in the next term, there could then be no moral or democratic justification whatsoever for any UK government to ignore the rights of the people of Scotland to choose our own future.

## **Annex B – Lines to take**

### **Due to the coronavirus crisis, it is clearly not be possible to organise and hold an independence referendum that is beyond legal challenge before the end of the current Parliamentary term.**

- The Scottish Government now plans to publish, before the end of this Parliament, a draft bill for an independence referendum – setting out the terms of a future referendum clearly and unambiguously to the people of Scotland.
- The draft bill will set out the question to be asked, subject to appropriate testing by the Electoral Commission, and the timescale in which, within the next term of Parliament, we consider the referendum should be held, most likely in the early part of the new Parliament.

### **Referendum**

- We now have legislation setting the rules for any referendum that is now, or in future, within the competence of the Scottish Parliament.
- Our aim is to ensure that all referendums are run to the highest possible international standards and that the results are accepted by all parties.
- It is important that the rules for any referendums held on devolved matters are suited to Scotland and agreed by the Scottish Parliament.

[redacted]

- Publication of the draft Bill is entirely legitimate and we will publish it before the end of this parliamentary term, allowing the people of Scotland to make an informed choice about the country's future.
- If there is majority support for the Bill in the Scottish Parliament after the next election there could then be no moral or democratic justification whatsoever for any UK government to ignore the rights of the people of Scotland.
- [redacted]

### **Use of Civil Service resource**

- A small number of civil servants have dedicated time to this work alongside other duties.
- It is only right and proper that civil servants continue to support Ministers with implementing policies and commitments right up to the pre-election period beginning.
- This work meets a key PfG commitment from September so it is entirely appropriate for civil service resource to be used to deliver this publication.

#### Document 4

**From:** [redacted] **On Behalf Of** Cabinet Secretary for Constitution, Europe and External Affairs

**Sent:** 16 March 2021 11:09

**To:** [redacted]; Cabinet Secretary for Constitution, Europe and External Affairs  
<CabSecCEAEA@gov.scot>

**Cc:** First Minister <firstminister@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Constitution and External Affairs <dgcea@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>; Troup C (Colin) (Dr) <Colin.Troup@gov.scot>; Legal Secretariat to the Lord Advocate <DLPCEALSLA@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Beattie A (Andy) <Andy.Beattie@gov.scot>; [redacted] ; Lloyd E (Elizabeth) <Elizabeth.Lloyd@gov.scot>; Crawford E (Ewan) <Ewan.Crawford@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Lord Advocate <LordAdvocate@gov.scot>; Minister for Parliamentary Business and Veterans <MinisterPBV@gov.scot>; Curtis PS (Penelope) <Penelope.Curtis@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; [redacted]; [redacted]  
**Subject:** RE: Referendum Bill- draft bill for publication

Hi [redacted],

Thanks for this.

Mr Russell is content.

BW,

[redacted]

[redacted] | Private Secretary to Michael Russell, Cabinet Secretary for Constitution, Europe and External Affairs | [redacted]  
[cabsecCEAEA@gov.scot](mailto:cabsecCEAEA@gov.scot)

## #SCOTLAND|SNOW



**From:** [redacted]

**Sent:** 16 March 2021 10:05

**To:** Cabinet Secretary for Constitution, Europe and External Affairs <[CabSecCEAEA@gov.scot](mailto:CabSecCEAEA@gov.scot)>

**Cc:** First Minister <[firstminister@gov.scot](mailto:firstminister@gov.scot)>; Permanent Secretary <[PermanentSecretary@gov.scot](mailto:PermanentSecretary@gov.scot)>; DG Constitution and External Affairs <[dgcea@gov.scot](mailto:dgcea@gov.scot)>; Rogers D (David) (Constitution and Cabinet Director) <[David.Rogers@gov.scot](mailto:David.Rogers@gov.scot)>; Hynd JS (James) <[James.Hynd@gov.scot](mailto:James.Hynd@gov.scot)>; Troup C (Colin) (Dr) <[Colin.Troup@gov.scot](mailto:Colin.Troup@gov.scot)>; Legal Secretariat to the Lord Advocate <[DLPCEALSLA@gov.scot](mailto:DLPCEALSLA@gov.scot)>; Solicitor to the Scottish Government <[solicitor@gov.scot](mailto:solicitor@gov.scot)>; Beattie A (Andy) <[Andy.Beattie@gov.scot](mailto:Andy.Beattie@gov.scot)>; [redacted] ; Lloyd E (Elizabeth) <[Elizabeth.Lloyd@gov.scot](mailto:Elizabeth.Lloyd@gov.scot)>; Crawford E (Ewan) <[Ewan.Crawford@gov.scot](mailto:Ewan.Crawford@gov.scot)>; Solicitor to the Scottish Government <[solicitor@gov.scot](mailto:solicitor@gov.scot)>; Lord Advocate <[LordAdvocate@gov.scot](mailto:LordAdvocate@gov.scot)>; Minister for Parliamentary Business and Veterans <[MinisterPBV@gov.scot](mailto:MinisterPBV@gov.scot)>; Curtis PS (Penelope) <[Penelope.Curtis@gov.scot](mailto:Penelope.Curtis@gov.scot)>; Deputy First Minister

and Cabinet Secretary for Education and Skills <[DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)>; [redacted]; [redacted]

**Subject:** Referendum Bill- draft bill for publication

P/S Cabinet Secretary for Constitution, Europe and External Affairs

Please see attached draft cover paper (including Ministerial foreword), and draft Bill, for urgent comment and clearance.

[redacted]

Best wishes,

[redacted]

**Document 5**

**From:** [redacted]

**Sent:** 18 March 2021 11:23

**To:** [redacted] ; Cabinet Secretary for Constitution, Europe and External Affairs  
<CabSecCEAEA@gov.scot>

**Cc:** First Minister <firstminister@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>;  
DG Constitution and External Affairs <dgcea@gov.scot>; Rogers D (David) (Constitution and Cabinet  
Director) <David.Rogers@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>; Troup C (Colin) (Dr  
<Colin.Troup@gov.scot>; Legal Secretariat to the Lord Advocate <DLPCEALSLA@gov.scot>; Solicitor  
to the Scottish Government <solicitor@gov.scot>; Beattie A (Andy) <Andy.Beattie@gov.scot>;  
[redacted] ;  
[redacted] ; [redacted] ; Lloyd E (Elizabeth) <Elizabeth.Lloyd@gov.scot>; Crawford E (Ewan)  
<Ewan.Crawford@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Minister for  
Parliamentary Business and Veterans <MinisterPBV@gov.scot>; Curtis PS (Penelope)  
<Penelope.Curtis@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills  
<DFMCSE@gov.scot>; [redacted] ; [redacted] ; Solicitor General <SolicitorGeneral@gov.scot>;  
[redacted]

**Subject:** RE: Referendum Bill- draft bill for publication

P/S Cabinet Secretary for Constitution, Europe and External Affairs  
[redacted]

Please see attached Q&A on the Referendum Bill, for comment and clearance. As  
noted in the attached, the lines on independence will be updated later today.  
[redacted]

Best wishes,

[redacted]

[redacted]

## DRAFT INDEPENDENCE REFERENDUM BILL PUBLICATION - BRIEFING

### Legislative Competence

- It was made clear during the passage of the Referendums (Scotland) Act that a transfer of power (e.g. a Section 30 order) would be required to put beyond doubt or challenge the Scottish Parliament's ability to apply the framework to an independence referendum.
- If there is a majority in favour of independence in the Scottish Parliament after the forthcoming election for this bill there can be no democratic justification whatsoever for any Westminster government to seek to block a post-pandemic referendum.

### If the UKG refuses a section 30 order

- There would be no democratic justification for any Westminster government to seek to block a post-pandemic referendum.
- All parties signed up to the Smith Commission report in 2014 which said: "It is agreed that nothing in this report prevents Scotland becoming an independent country in the future should the people of Scotland so choose."

### A "wildcat" referendum?

- The Scottish Government is committed to a referendum which is beyond legal challenge and which will be recognized both here at home and by the international community including by the EU. That will ensure that the decision people in Scotland make, should they vote in favour of independence, is given effect.

### Timing of poll

- Scottish Government Ministers have been clear that a referendum on Scottish independence should be held within the next term of the Parliament, taking into account the COVID-19 pandemic.

### Why is there no date in the Bill?

- The referendum will be held after the health crisis. The date of the poll will therefore be decided by the new Scottish Parliament – taking into account the situation with the pandemic.
- But the Scottish Government believes the powers needed to drive our long-term recovery from COVID should lie here in Scotland and not at Westminster. That means the referendum should be in the first half of the new Parliament – provided it is safe to do so.
- The draft Bill include provision to allow Ministers to change the date of the referendum by regulations, if it would be impossible or impractical for the poll to proceed on the date set out in the Bill, or if it could not be conducted properly.
- This provision provides a means to change the date of the poll if practical problems mean it cannot proceed as planned as is standard in electoral legislation

[redacted]

### Question and Ballot paper

- The draft Bill includes the question as used in 2014, and the form of the ballot paper.
- Scottish Ministers are clear that the question used in 2014 is still familiar to voters and is the most appropriate question that could be used on this topic.
- The Referendums (Scotland) Act 2020 will require the Electoral Commission to consider the wording of the referendum question and publish a statement of any views of the Commission as to the intelligibility of the question as soon as reasonably practicable after a referendum Bill is introduced.

- On Friday 31 January 2020 the Scottish Government informed the Scottish Parliament that it would ask the Electoral Commission for advice on the question which was used in the 2014 independence referendum - 'should Scotland be an independent country?'
- This request was made to the Electoral Commission in February 2020.
- In March 2020, the Scottish Government wrote to the Electoral Commission and asked for the request to be paused until the prevailing public health conditions would allow it to proceed.
- The Referendums (Scotland) Act 2020 will require the Electoral Commission to consider the wording of the referendum question and publish a statement of any views of the Commission as to the intelligibility of the question as soon as reasonably practicable after a referendum Bill is introduced.
- The Scottish Government is committed to supporting and promoting the use of Gaelic.
- The Scottish Government therefore intends to translate the question in to Gaelic, and ask the Electoral Commission to consider the translation as part of any question testing process as described above.

### **Franchise**

- The draft Bill follows the approach taken at the 2014 independence referendum by aligning the referendum franchise with that used for local government and Scottish Parliament elections.
- It was made clear during the passage of the Referendums (Scotland) Act that Ministers intended to keep the franchises in alignment if there were any changes, such as those then proposed in the Scottish Elections (Franchise and Representation) Bill.
- Since the passage of the Referendums (Scotland) Act, the Scottish Elections (Franchise and Representation) Act made changes to the franchise used for local government and Scottish Parliament elections, to include foreign nationals with leave to remain in Scotland (or who do not require such leave), and prisoners serving sentences of less than 12 months.
- The draft Bill therefore includes drafting to bring the referendum franchise in line with these changes.
- Prisoners serving sentences of less than 12 months were already enfranchised in the Referendums (Scotland) Act.

### **Referendums (Scotland) Act**

- The draft Bill applies the Referendums (Scotland) Act, with any modifications that might be needed.
- The Referendums (Scotland) Act provides a legislative framework for the holding of national referendums in Scotland that are within the legislative competence of the Scottish Parliament. It covers the technical aspects of holding the referendum by setting the rules for voting and setting out the rules for how the poll should be conducted, and also provides campaign rules to regulate campaigning at the referendum.
- Depending on the exact arrangements for the referendum, e.g. the exact date, it may be necessary to make some technical modifications to the Referendums (Scotland) Act.

### **Ancillary provision**

- The draft Bill includes ancillary provision, to allow Ministers to make regulations to provide for any incidental, supplementary or consequential provision to give effect to the Bill.
- This is a standard piece of drafting to include in any primary legislation.

### **Shouldn't the recovery come first?**

- The point of an independence referendum is so that people in Scotland – not Boris Johnson – decide how Scotland recovers from the pandemic.
- If Boris Johnson maintains control of Scotland, jobs and our economy will be hit hard by Brexit, our NHS will be vulnerable to post-Brexit trade deals and on past evidence the Tories will impose years of austerity.

### **General independence lines**

- The Scottish Government believes the best future for Scotland is to be an independent country in order to build a fairer, more prosperous society.
- There is no reason whatsoever that Scotland could not emulate the success of independent countries of our size which are far wealthier per head than the UK.
- Independence would allow Scotland to make the public spending choices best suited to Scotland's interests.
- Independence will give Scotland the powers we need to grow our economy and invest in our people and public services to create a fairer, wealthier, and greener country.
- As an independent member of the EU, free from the damage of Brexit, Scotland would be part of the huge Single Market which is seven times the size of the UK.
- Against its will, and in the middle of a pandemic and economic recession, Scotland has been removed from a market worth £16 billion in exports to Scottish companies – and which by population is seven times the size of the UK – as well as the Customs Union.
- The UK government has deliberately chosen a form of Brexit which will make it harder and more expensive for firms to export goods and services to the EU, and to employ EU nationals in their workforce.
- Scottish Government modelling estimates that a deal of the type that appears to have been agreed could cut Scotland's GDP by around 6.1% (£9 billion in 2016 cash terms) by 2030 compared to EU membership.
- This "hard Brexit" reinforces why it is so important for people in Scotland to have the right to decide their own future and to regain the full benefits of EU membership as an independent country.
- The decision whether the time is right for the people who live in Scotland again to make a choice about their constitutional future is for the Scottish Parliament, as the democratic voice of Scotland, to make.

### **Queries on specific aspects of independence**

- In March last year the Scottish Government paused work on updating the comprehensive plan for an independent Scotland to focus on the response to the Covid-19 pandemic.
- If there is majority support for an independence referendum in the next parliamentary term when the Covid-19 pandemic is over, the Scottish Government will return to this work to ensure that the people of Scotland have the information they need to make informed choices over the future of the country.

## Document 6

**From:** [redacted]

**Sent:** 19 March 2021 15:12

**To:** Lord Advocate <LordAdvocate@gov.scot>; Cabinet Secretary for Constitution, Europe and External Affairs <CabSecCEAEA@gov.scot>

**Cc:** First Minister <firstminister@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Constitution and External Affairs <dgcea@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>; Troup C (Colin) (Dr) <Colin.Troup@gov.scot>; Legal Secretariat to the Lord Advocate <DLPCEALSLA@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Beattie A (Andy) <Andy.Beattie@gov.scot>; [redacted] ; Lloyd E (Elizabeth) <Elizabeth.Lloyd@gov.scot>; Crawford E (Ewan) <Ewan.Crawford@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Minister for Parliamentary Business and Veterans <MinisterPBV@gov.scot>; Curtis PS (Penelope) <Penelope.Curtis@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; [redacted] ; [redacted] ; Solicitor General <SolicitorGeneral@gov.scot>; [redacted]

**Subject:** Referendum Bill- draft bill for publication

P/S Cabinet Secretary for Constitution, Europe and External Affairs

Please see attached updated draft paper, [redacted], and to reflect comments from the First Minister. This has been sent to APS for web conversion.

Best wishes,

[redacted]

**Document 7**

**From:** [redacted] **On Behalf Of** Cabinet Secretary for Constitution, Europe and External Affairs

**Sent:** 19 March 2021 13:31

**To:** [redacted] ; First Minister <firstminister@gov.scot>; Cabinet Secretary for Constitution, Europe and External Affairs <CabSecCEAEA@gov.scot>

**Cc:** Crawford E (Ewan) <Ewan.Crawford@gov.scot>; Lloyd E (Elizabeth) <Elizabeth.Lloyd@gov.scot>; Nicolson S (Stuart) Special Adviser <Stuart.Nicolson@gov.scot>; Curtis PS (Penelope) <Penelope.Curtis@gov.scot>; [redacted] ; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted] ; [redacted]; Neilson M (Mike) <Mike.Neilson@gov.scot>; Macniven R (Ruaraidh) <Ruaraidh.Macniven@gov.scot>; [redacted] ; [redacted] ; [redacted] ; [redacted] ; [redacted] ; Communications Brexit & Constitution <CommunicationsBrexit&Constitution@gov.scot>; [redacted]; [redacted]; [redacted]; Lord Advocate <LordAdvocate@gov.scot>; Easton A (Aileen) <Aileen.Easton@gov.scot>; [redacted]

**Subject:** RE: CLEARANCE - draft news release - Indy Ref Bill

Hi [redacted],

Mr Russell is content for his interests.

Thanks,

[redacted]

[redacted] | Private Secretary to Michael Russell, Cabinet Secretary for Constitution, Europe and External Affairs | [redacted]  
[cabsecCEAEA@gov.scot](mailto:cabsecCEAEA@gov.scot)

**#SCOTLAND|SNOW**



**From:** [redacted]

**Sent:** 19 March 2021 13:04

**To:** First Minister ; Cabinet Secretary for Constitution, Europe and External Affairs

**Cc:** Crawford E (Ewan) ; Lloyd E (Elizabeth) ; Nicolson S (Stuart) Special Adviser ; Curtis PS (Penelope) ; [redacted] ; Rogers D (David) (Constitution and Cabinet Director) ; [redacted] ; [redacted] ; [redacted] ; [redacted] ; Neilson M (Mike) ; Macniven R (Ruaraidh) ; [redacted]; [redacted]; [redacted]; [redacted]; Communications Brexit & Constitution <[CommunicationsBrexit&Constitution@gov.scot](mailto:CommunicationsBrexit&Constitution@gov.scot)>; [redacted] ; [redacted] ; [redacted] ; Lord Advocate ; Easton A (Aileen) ; [redacted]

**Subject:** CLEARANCE - draft news release - Indy Ref Bill

FMPO/Private Office,

This is a draft news release for the publication of the Scottish Independence Referendum Bill. It has been agreed with policy colleagues and spads.

Grateful for clearance.

[redacted]

## Document 8

**From:** Curtis PS (Penelope) <Penelope.Curtis@gov.scot>

**Sent:** 19 March 2021 16:07

**To:** Cabinet Secretary for Constitution, Europe and External Affairs <CabSecCEAEA@gov.scot>

**Cc:** First Minister <firstminister@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Constitution and External Affairs <dgcea@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>; Troup C (Colin) (Dr) <Colin.Troup@gov.scot>; Legal Secretariat to the Lord Advocate <DLPCEALSLA@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Beattie A (Andy) <Andy.Beattie@gov.scot>; [redacted] ; Lloyd E (Elizabeth) <Elizabeth.Lloyd@gov.scot>; Crawford E (Ewan) <Ewan.Crawford@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Minister for Parliamentary Business and Veterans <MinisterPBV@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; [redacted]; [redacted]; Solicitor General <SolicitorGeneral@gov.scot>; [redacted] ; [redacted] ; Lord Advocate <LordAdvocate@gov.scot>

**Subject:** Immediate - Referendum Bill- draft bill for publication - draft letters to inform Parliament, UKG, Royal Household and others about publication

PO/Mr Russell

I attach a series of draft letters about the publication of a draft Independence Referendum Bill for approval. We will add the link to the publication before they are issued and send up final versions. **We will also confirm with Private Office when they should be issued (once the publication time has been finalised).**

I would be grateful for clearance from Mr Russell.

**Scottish Parliament** – the deadline for lodging a GIQ before the pre-election recess has passed. Letters to the Presiding Officer and Convener of the Finance and Constitution Committee attached are to inform the Parliament about publication.

Publication draft independence referendum bill - letter to Presiding Officer

Publication draft independence referendum bill - Draft letter to FCC Convener

**UK Government** – to the Chancellor of the Duchy of Lancaster, copied to the Secretary of State for Scotland.

Publication draft Referendum Bill - Letter to Michael Gove

**COSLA**

Publication draft independence referendum bill - letter to COSLA

**Electoral Community** (these are less time-critical) – Electoral Commission, Convener Electoral Management Board, Chair Scottish Assessors Association Electoral Registration Committee, SOLACE

Publication draft independence bill - letter to EMB convener

Publication draft independence bill - letter to SAA

Publication draft independence referendum bill - letter president SOLACE

Publication draft independence referendum bill - letter to Electoral Commission

Penny Curtis  
Deputy Director Elections and FOI  
Directorate for Constitution and Cabinet  
Scottish Government  
2W.02A | St Andrew's House | Regent Road | Edinburgh | EH1 3DG  
[redacted]

**Document 9**

**From:** [redacted] **On Behalf Of** Cabinet Secretary for Constitution, Europe and External Affairs

**Sent:** 22 March 2021 13:15

**To:** Curtis PS (Penelope) <Penelope.Curtis@gov.scot>

**Cc:** Crawford E (Ewan) <Ewan.Crawford@gov.scot>; [redacted]; [redacted]; [redacted]; Cabinet Secretary for Constitution, Europe and External Affairs <CabSecCEAEA@gov.scot>

**Subject:** RE: Immediate - draft independence referendum bill - updated letters for issue

Good afternoon all

Please find attached the signed letters issued today from the Cabinet Secretary regarding the Draft Independence Referendum Bill.

I've copied the CDL letter to SoS for Scotland.

Kind regards

[redacted]

[redacted] | Deputy Private Secretary,  
Office of Michael Russell, Cabinet Secretary for Constitution, Europe and External Affairs

[redacted] | [cabsecCEAEA@gov.scot](mailto:cabsecCEAEA@gov.scot) | [www.gov.scot](http://www.gov.scot) |

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**From:** Curtis PS (Penelope) <[Penelope.Curtis@gov.scot](mailto:Penelope.Curtis@gov.scot)>

**Sent:** 22 March 2021 10:06

**To:** Cabinet Secretary for Constitution, Europe and External Affairs <[CabSecCEAEA@gov.scot](mailto:CabSecCEAEA@gov.scot)>

**Cc:** Crawford E (Ewan) <[Ewan.Crawford@gov.scot](mailto:Ewan.Crawford@gov.scot)>; [redacted]; [redacted]; [redacted]

**Subject:** Immediate - draft independence referendum bill - updated letters for issue

[redacted]

In anticipation of publication today, here are updated letters for issue that now include the link to the publication.

The letters to the PO and FCC Conveners are the urgent ones and will need to go out at the same time as publication (time to be finalised) to ensure that we've informed the Parliament.

The one to Michael Gove should be copied to Alister Jack.

The others are less urgent and can go out as soon as reasonably possible after publication. I've included email addresses for COSLA and the electoral community ones below.

Let me know if you want to discuss.

Thanks

Penny

EMB	[redacted] @cne-siar.gov.uk
Electoral Commission	[redacted] @electoralcommission.org.uk
SOLACE	[redacted] @fife.gov.uk
SAA	[redacted] @centralscotland-vjb.gov.uk
COSLA	info@cosla.gov.uk

Publication draft Referendum Bill - Letter to Michael Gove

Publication draft independence bill - letter to EMB convener

Publication draft independence bill - letter to SAA

Publication draft independence referendum bill - Draft letter to FCC Convenor

Publication draft independence referendum bill - letter president SOLACE

Publication draft independence referendum bill - letter to COSLA

Publication draft independence referendum bill - letter to Electoral Commission

Publication draft independence referendum bill - letter to Presiding Officer

Cabinet Secretary for Constitution, Europe and External Affairs

Michael Russell MSP



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

T: 0300 244 4000

E: scottish.ministers@gov.scot

Councillor Alison Evison  
President  
Convention of Scottish Local Authorities.  
Verity House  
19 Haymarket Yards  
Edinburgh  
EH12 5BH

---

22 March 2021

Dear Alison,

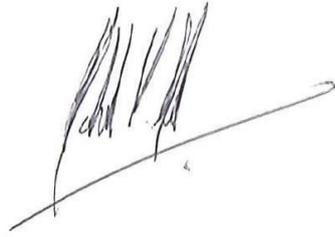
As announced in the 2020 Programme for Government, the Scottish Government has today published a draft Referendum Bill. The draft Bill and cover paper can be found at:

<https://www.gov.scot/isbn/9781800048584>

This publication is in line with a commitment set out in the Programme for Government 2020/21 and sets out the terms of a future referendum clearly and unambiguously to the people of Scotland. The draft bill outlines the question to be asked, subject to appropriate testing by the Electoral Commission, and aligns the referendum franchise with the elections franchise after the passage of the Scottish Elections (Franchise and Representation) Act 2020. The timing of a referendum should be a matter for the next Scottish Parliament to decide taking account of the development of the COVID-19 pandemic.

If you have any questions or would like to meet with officials to discuss any of these matters in more detail we would be pleased to do so. Your office can contact [redacted] on [redacted] or on [redacted] to arrange this.

Yours sincerely,



**MICHAEL RUSSELL**

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The Scottish Parliament, Edinburgh EH99 1SP  
[www.gov.scot](http://www.gov.scot)

Cabinet Secretary for Constitution, Europe and External Affairs

Michael Russell MSP



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

T: 0300 244 4000

E: scottish.ministers@gov.scot

Andy O'Neill  
Head of Electoral Commission Scotland  
The Electoral Commission  
Lothian Chambers  
59-63 George IV Bridge  
Edinburgh  
EH1 1RN

---

22 March 2021

Dear Andy

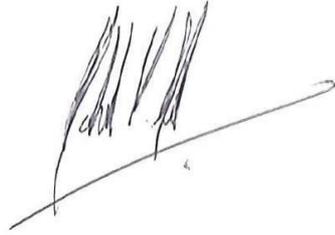
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If you have any questions or would like to meet with officials to discuss any of these matters in more detail we would be pleased to do so. Your office can contact [redacted] on [redacted] or on [redacted] to arrange this. In particular, it would be helpful to know if there are any changes to the provisions contained in the 2020 Act which you think will be required to be made before any referendum.

Yours sincerely,



**MICHAEL RUSSELL**

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Cabinet Secretary for Constitution, Europe and External Affairs

Michael Russell MSP



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E: scottish.ministers@gov.scot

Bruce Crawford MSP

Convener

Finance and Constitution Committee

[Finance.Constitution@parliament.scot](mailto:Finance.Constitution@parliament.scot)

---

22 March 2021

Dear Bruce

## **PUBLICATION OF A DRAFT INDEPENDENCE REFERENDUM BILL**

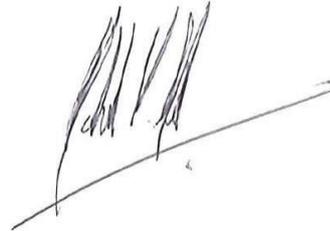
I am writing to advise you that the Scottish Government has published a draft Independence Referendum Bill today. I have enclosed a link to the draft bill and covering paper which have now been published on [www.gov.scot](http://www.gov.scot).

<https://www.gov.scot/isbn/9781800048584>

This publication is in line with a commitment set out in the Programme for Government 2020-21 and sets out the terms of a future referendum clearly and unambiguously to the people of Scotland. The draft bill outlines the question to be asked, subject to appropriate testing by the Electoral Commission, and aligns the referendum franchise with the elections franchise after the passage of the Scottish Elections (Franchise and Representation) Act 2020. The timing of a referendum should be a matter for the next Scottish Parliament to decide taking account of the development of the COVID-19 pandemic.

This government believes that if there is majority support for the bill in the Scottish Parliament in the next term, there could then be no moral or democratic justification whatsoever for any UK government to ignore the rights of the people of Scotland to choose our own future.

Yours sincerely,



**MICHAEL RUSSELL**

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Cabinet Secretary for Constitution, Europe and External Affairs

Michael Russell MSP



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gov.scot

T: 0300 244 4000

E: scottish.ministers@gov.scot

Rt Hon Michael Gove MP  
Chancellor of the Duchy of Lancaster  
Cabinet Office  
70 Whitehall  
London  
SW1A 2AS

---

22 March 2021

Dear Michael

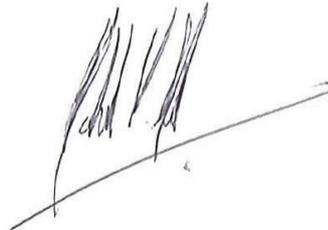
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This government believes that if there is majority support for the bill in the Scottish Parliament in the next term, there could then be no moral or democratic justification whatsoever for any UK government to ignore the rights of the people of Scotland to choose our own future.

Yours sincerely,



**MICHAEL RUSSELL**

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Cabinet Secretary for Constitution, Europe and External Affairs

Michael Russell MSP



T: 0300 244 4000  
E: scottish.ministers@gov.scot

The Presiding Officer  
c/o The Chamber Desk  
Room G10  
Scottish Parliament  
Edinburgh  
EH99 1SP

---

22 March 2021

Dear Ken

## **PUBLICATION OF A DRAFT INDEPENDENCE REFERENDUM BILL**

I am writing to advise you that the Scottish Government has published a draft Independence Referendum Bill today. I have enclosed a link to the draft bill and covering paper which have now been published on [www.gov.scot](http://www.gov.scot).

<https://www.gov.scot/isbn/9781800048584>

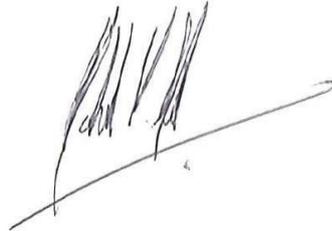
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This government believes that if there is majority support for the bill in the Scottish Parliament in the next term, there could then be no moral or democratic justification

whatsoever for any UK government to ignore the rights of the people of Scotland to choose our own future.

I hope that the Parliament finds this information useful.

Yours sincerely,



**MICHAEL RUSSELL**

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Cabinet Secretary for Constitution, Europe and External Affairs

Michael Russell MSP



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E: scottish.ministers@gov.scot

Steve Grimmond  
Chair  
SOLACE Scotland

22 March 2021

Dear Steve,

As announced in the 2020 Programme for Government, the Scottish Government has today published a draft Referendum Bill. The draft Bill and cover paper can be found at:

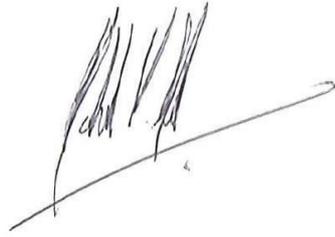
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If you have any questions or would like to meet with officials to discuss any of these matters in more detail we would be pleased to do so. Your office can contact [redacted] on [redacted] or on [redacted] to arrange this.

Yours sincerely,



**MICHAEL RUSSELL**

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Cabinet Secretary for Constitution, Europe and External Affairs

Michael Russell MSP



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gov.scot

T: 0300 244 4000

E: scottish.ministers@gov.scot

Malcolm Burr  
Convener  
Electoral Management Board for Scotland

22 March 2021

Dear Malcolm,

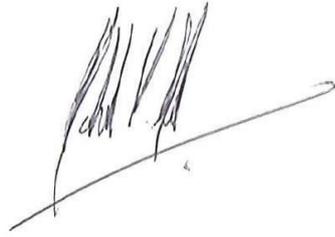
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If you have any questions or would like to meet with officials to discuss any of these matters in more detail we would be pleased to do so. Your office can contact [redacted] on [redacted] or on [redacted] to arrange this.

Yours sincerely,



**MICHAEL RUSSELL**

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[www.gov.scot](http://www.gov.scot)

Cabinet Secretary for Constitution, Europe and External Affairs

Michael Russell MSP



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E: scottish.ministers@gov.scot

Pete Wildman - Chair  
Scottish Assessors Association Electoral  
Registration Committee  
Central Scotland Valuation Joint Board  
Hillside House  
Laurelhill  
Stirling  
FK7 9JQ

---

22 March 2021

Dear Pete,

As announced in the 2020 Programme for Government, the Scottish Government has today published a draft Referendum Bill. The draft Bill and cover paper can be found at:

<https://www.gov.scot/isbn/9781800048584>

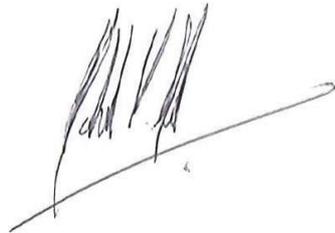
The draft Referendum Bill proposes using the referendum arrangements set out in the Referendums (Scotland) Act 2020 with some minor modifications to take account of the recent extension of the franchise.

This publication is in line with a commitment set out in the Programme for Government 2020-21 and sets out the terms of a future referendum clearly and unambiguously to the people of Scotland. The draft bill outlines the question to be asked, subject to appropriate testing by the Electoral Commission, and aligns the referendum franchise with the elections franchise after the passage of the Scottish Elections (Franchise and Representation) Act 2020. The timing of a referendum should be a matter for the next Scottish Parliament to decide taking account of the development of the COVID-19 pandemic.

If you have any questions or would like to meet with officials to discuss any of these matters in more detail we would be pleased to do so.

Your office can contact [redacted] on [redacted] or on [redacted] to arrange this.

Yours sincerely,



**MICHAEL RUSSELL**

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The Scottish Parliament, Edinburgh EH99 1SP

[www.gov.scot](http://www.gov.scot)

**Document 10**

**From:** Curtis PS (Penelope) <Penelope.Curtis@gov.scot>

**Sent:** 22 March 2021 12:45

**To:** [redacted]; Lord Advocate <LordAdvocate@gov.scot>; Cabinet Secretary for Constitution, Europe and External Affairs <CabSecCEAEA@gov.scot>

**Cc:** First Minister <firstminister@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Constitution and External Affairs <dgcea@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>; Troup C (Colin) (Dr) <Colin.Troup@gov.scot>; Legal Secretariat to the Lord Advocate <DLPCEALSLA@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Beattie A (Andy) <Andy.Beattie@gov.scot>; [redacted] ; Lloyd E (Elizabeth) <Elizabeth.Lloyd@gov.scot>; Crawford E (Ewan) <Ewan.Crawford@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Minister for Parliamentary Business and Veterans <MinisterPBV@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; [redacted]; [redacted]; Solicitor General <SolicitorGeneral@gov.scot>; [redacted]

**Subject:** RE: Referendum Bill- draft bill for publication

All

For information, publication will be at 1pm today.

Penny Curtis  
Deputy Director Elections and FOI  
Directorate for Constitution and Cabinet  
Scottish Government  
2W.02A | St Andrew's House | Regent Road | Edinburgh | EH1 3DG  
[redacted]

**Document 11**

**From:** [redacted] **On Behalf Of** Cabinet Secretary for Constitution, Europe and External Affairs

**Sent:** 22 March 2021 10:16

**To:** Curtis PS (Penelope) <Penelope.Curtis@gov.scot>; Cabinet Secretary for Constitution, Europe and External Affairs <CabSecCEAEA@gov.scot>

**Cc:** Crawford E (Ewan) <Ewan.Crawford@gov.scot>; [redacted]; [redacted]; [redacted]

**Subject:** RE: Immediate - draft independence referendum bill - updated letters for issue

Thanks Penelope

No problem I will just get them all ready to go and if you can confirm once it's been agreed on timings that would be great.

[redacted]

[redacted] | Deputy Private Secretary,  
Office of Michael Russell, Cabinet Secretary for Constitution, Europe and External Affairs

[redacted] | [cabsecCEAEA@gov.scot](mailto:cabsecCEAEA@gov.scot) | [www.gov.scot](http://www.gov.scot) |

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**From:** Curtis PS (Penelope)

**Sent:** 22 March 2021 10:14

**To:** Cabinet Secretary for Constitution, Europe and External Affairs

**Cc:** Crawford E (Ewan) ; [redacted]; [redacted]; [redacted]

**Subject:** RE: Immediate - draft independence referendum bill - updated letters for issue

Thanks [redacted], I think Ewan is discussing timing with FM and Mr Russell. We're trying to get everything lined up so we can publish at relatively short notice.

Penny Curtis  
Deputy Director Elections and FOI  
Directorate for Constitution and Cabinet  
Scottish Government  
2W.02A | St Andrew's House | Regent Road | Edinburgh | EH1 3DG

[redacted]

**From:** [redacted] **On Behalf Of** Cabinet Secretary for Constitution, Europe and External Affairs

**Sent:** 22 March 2021 10:13

**To:** Curtis PS (Penelope) <[Penelope.Curtis@gov.scot](mailto:Penelope.Curtis@gov.scot)>; Cabinet Secretary for Constitution, Europe and External Affairs <[CabSecCEAEA@gov.scot](mailto:CabSecCEAEA@gov.scot)>

**Cc:** Crawford E (Ewan) <[Ewan.Crawford@gov.scot](mailto:Ewan.Crawford@gov.scot)>; [redacted]; [redacted]; [redacted]

**Subject:** RE: Immediate - draft independence referendum bill - updated letters for issue

Hi Penelope

Mr Russell has cleared these drafts so I will prepare them so they are ready for issuing. Have you any indication when the publication will go out today?

[redacted]

[redacted] | Deputy Private Secretary,  
**Office of Michael Russell, Cabinet Secretary for Constitution, Europe and External Affairs**

[redacted] | [cabsecCEAEA@gov.scot](mailto:cabsecCEAEA@gov.scot) | [www.gov.scot](http://www.gov.scot) |

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## Document 12

**From:** [redacted] **On Behalf Of** Cabinet Secretary for Constitution, Europe and External Affairs  
**Sent:** 22 March 2021 12:33  
**To:** [redacted] ; Cabinet Secretary for Constitution, Europe and External Affairs  
<[CabSecCEAEA@gov.scot](mailto:CabSecCEAEA@gov.scot)>; Crawford E (Ewan) <[Ewan.Crawford@gov.scot](mailto:Ewan.Crawford@gov.scot)> **Cc:** [redacted]  
**Subject:** RE: CLEARANCE - draft news release - Indy Ref Bill

Mr Russell is happy with this. He's just arrived in Parliament.

[redacted] | Private Secretary to Michael Russell, Cabinet Secretary for Constitution, Europe and External Affairs | [redacted]  
[cabsecCEAEA@gov.scot](mailto:cabsecCEAEA@gov.scot)

## #SCOTLAND|SNOW



**From:** [redacted]  
**Sent:** 22 March 2021 12:29  
**To:** Cabinet Secretary for Constitution, Europe and External Affairs <[CabSecCEAEA@gov.scot](mailto:CabSecCEAEA@gov.scot)>;  
Crawford E (Ewan) <[Ewan.Crawford@gov.scot](mailto:Ewan.Crawford@gov.scot)>  
**Cc:** [redacted]

**Subject:** RE: CLEARANCE - draft news release - Indy Ref Bill

Thanks – will work to 1pm if everything goes to plan

**From:** [redacted] **On Behalf Of** Cabinet Secretary for Constitution, Europe and External Affairs  
**Sent:** 22 March 2021 12:20  
**To:** Crawford E (Ewan) <[Ewan.Crawford@gov.scot](mailto:Ewan.Crawford@gov.scot)>; Cabinet Secretary for Constitution, Europe and External Affairs <[CabSecCEAEA@gov.scot](mailto:CabSecCEAEA@gov.scot)>; [redacted]  
**Subject:** RE: CLEARANCE - draft news release - Indy Ref Bill

No problem. He has the release, but like you say I'm sure he will be happy with it.

[redacted]

[redacted] | Private Secretary to Michael Russell, Cabinet Secretary for Constitution, Europe and External Affairs | [redacted]  
[cabsecCEAEA@gov.scot](mailto:cabsecCEAEA@gov.scot)

## #SCOTLAND|SNOW



**From:** Crawford E (Ewan) <[Ewan.Crawford@gov.scot](mailto:Ewan.Crawford@gov.scot)>

**Sent:** 22 March 2021 12:18

**To:** Cabinet Secretary for Constitution, Europe and External Affairs <[CabSecCEAEA@gov.scot](mailto:CabSecCEAEA@gov.scot)>;

[redacted]

**Subject:** FW: CLEARANCE - draft news release - Indy Ref Bill

[redacted]

Just spoke to Mr Russell – he should be in Parliament shortly.

If we can just make sure Mr Russell is happy with the release (I'm sure he will be) we can then aim for publication at 1300 – [redacted]- I've just spoken to [redacted] about timings so she will give you a call then.

Ewan

Ewan Crawford

Senior Special Adviser to the First Minister,

EU affairs and the constitution.

[redacted]

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## Document 13

**From:** [redacted]

**Sent:** 22 March 2021 11:58

**To:** Lord Advocate <[LordAdvocate@gov.scot](mailto:LordAdvocate@gov.scot)>; First Minister <[firstminister@gov.scot](mailto:firstminister@gov.scot)>; Cabinet Secretary for Constitution, Europe and External Affairs <[CabSecCEAEA@gov.scot](mailto:CabSecCEAEA@gov.scot)>

**Cc:** Crawford E (Ewan) <[Ewan.Crawford@gov.scot](mailto:Ewan.Crawford@gov.scot)>; Lloyd E (Elizabeth) <[Elizabeth.Lloyd@gov.scot](mailto:Elizabeth.Lloyd@gov.scot)>; Nicolson S (Stuart) Special Adviser <[Stuart.Nicolson@gov.scot](mailto:Stuart.Nicolson@gov.scot)>; Curtis PS (Penelope) <[Penelope.Curtis@gov.scot](mailto:Penelope.Curtis@gov.scot)>; [redacted]; Rogers D (David) (Constitution and Cabinet Director) <[David.Rogers@gov.scot](mailto:David.Rogers@gov.scot)>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; Neilson M (Mike) <[Mike.Neilson@gov.scot](mailto:Mike.Neilson@gov.scot)>; Macniven R (Ruairaidh) <[Ruairaidh.Macniven@gov.scot](mailto:Ruairaidh.Macniven@gov.scot)>; [redacted]; [redacted]; [redacted]; [redacted]; <[CommunicationsBrexit&Constitution@gov.scot](mailto:CommunicationsBrexit&Constitution@gov.scot)>; [redacted]; [redacted]; [redacted]; Easton A (Aileen) <[Aileen.Easton@gov.scot](mailto:Aileen.Easton@gov.scot)>; [redacted]; Legal Secretariat to the Lord Advocate <[DLPCEALSLA@gov.scot](mailto:DLPCEALSLA@gov.scot)>; Solicitor General <[SolicitorGeneral@gov.scot](mailto:SolicitorGeneral@gov.scot)>

Communications Brexit & Constitution

**Subject:** RE: CLEARANCE - draft news release - Indy Ref Bill

[redacted]

### Scottish independence

Landmark draft Bill published for future referendum.

A draft independence referendum Bill has been published to give people in Scotland the right to decide their future, once the current health crisis is over.

Constitution Secretary Michael Russell said the draft Bill is being brought forward to offer Scotland the choice of who is best placed to lead the country's post-pandemic recovery – the people who live here or a government based in Westminster.

The draft Scottish Independence Referendum Bill publication sets out a number of key issues for a vote including:

- the timing of a referendum should be a matter for the next Scottish Parliament to decide. Ministers have separately made clear it should take place once the public health crisis is over
- the question "Should Scotland be an independent country?" is the same one used during the 2014 referendum and it will be tested by the Electoral Commission
- voting eligibility will be extended to match the franchise at Scottish Parliament and local government elections

The draft Bill has been published on the Scottish Government's website. It will be for a future Scottish Government to consider whether it formally introduces a Bill in the Scottish Parliament.

Mr Russell said:

"Our top priority will continue to be dealing with the pandemic and keeping the country safe, but we are optimistic that because of the incredible efforts of people across Scotland better times lie ahead.

"The Scottish Government believes it should be the people living in Scotland who have the right to decide how we recover from the pandemic and what sort of country we wish to build after the crisis.

"If Westminster maintains its control, recent history shows what Scotland can expect: an economic recovery hindered by a hard Brexit that is already taking a significant toll and the continued, systematic undermining of devolution, which is weakening our parliament's powers to maintain food and environmental standards and protect the NHS from post-Brexit trade deals.

"Scotland's recovery should be made by the people who live here and who care most about Scotland. That is why Scotland's future should be Scotland's choice.

"It should be for the next Scottish Parliament to decide the timing of the referendum. So that the recovery from the pandemic can be made in Scotland, the Scottish Government believes it should be held in the first half of the new Parliamentary term.

"If there is a majority in the Scottish Parliament after the forthcoming election for an independence referendum there can be no democratic justification whatsoever for any Westminster government to seek to block a post-pandemic referendum."

## **Background**

Read the draft Scottish Independence Referendum Bill publication [link]

Last year, the Scottish Parliament passed the [Referendums \(Scotland\) Act 2020](#) which sets out detailed conduct and campaign rules that can be used for any referendum.

The Referendums (Scotland) Act incorporated the Scottish franchise, meaning 16-year-olds and foreign nationals with voting rights in devolved elections will be eligible to vote.

Questions used in referendums will be tested by the Electoral Commission to establish they are clear, transparent and neutral.

The [2020/21 Programme for Government](#) contained a promise to publish, before the end of this Parliament, a draft bill for an independence referendum.

[redacted]  
Senior Media Manager  
Scottish Government  
St Andrews House  
[redacted]

**From:** [redacted] **On Behalf Of** First Minister

**Sent:** 22 March 2021 10:28

**To:** [redacted]; First Minister <[firstminister@gov.scot](mailto:firstminister@gov.scot)>; Cabinet Secretary for Constitution, Europe and External Affairs <[CabSecCEAEA@gov.scot](mailto:CabSecCEAEA@gov.scot)>

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**Subject:** RE: CLEARANCE - draft news release - Indy Ref Bill

[redacted]

Thanks for this.

[redacted]

Many thanks  
[redacted]

[redacted]  
**PS/First Minister** | [redacted]

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

[redacted]

[redacted]  
Senior Media Manager  
Scottish Government  
St Andrews House  
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**From:** [redacted]

**Sent:** 22 March 2021 09:41

**To:** First Minister <[firstminister@gov.scot](mailto:firstminister@gov.scot)>; Cabinet Secretary for Constitution, Europe and External Affairs <[CabSecCEAEA@gov.scot](mailto:CabSecCEAEA@gov.scot)>

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**Subject:** RE: CLEARANCE - draft news release - Indy Ref Bill

FMPO/Private Office,

This is the draft news release for the publication of the Scottish Independence Referendum Bill, originally sent on Friday.

Spads have suggested an additional quote, highlighted.

Grateful for clearance to allow us to issue today.

[redacted]