

[Redacted]

The First Minister's speech

The First Minister's speech set out two commitments relating to work to develop the case for a transfer of power to allow a lawful referendum to take place:

- To set out the terms we would seek in negotiations with the UK Government for Scotland to become an independent country;¹
- To consult on a draft interim constitution for an independent Scotland.²

[Redacted]

¹ "Firstly, we will set out in a detailed document the terms we would seek in discussions with the UK Government for Scotland becoming an independent country. It would be called "Withdrawal from Westminster – a New Partnership Agreement". This new partnership agreement between Scotland and our friends in the rest of the UK would include draft legal text on the transfer of powers from Westminster to the Scottish Parliament necessary to prepare for independence. It would set out the Scottish Government position on issues such as the division of assets. And it would detail future arrangements for continuing, indeed better, co-operation with the rest of the UK.

In place of the assertive 'Westminster knows best, know your place' doctrine, we can have a new and better relationship – one based on equal partnership and mutual respect."

² "Secondly, we will conduct a nationwide, open, and inclusive consultation on a draft interim constitution, the founding document of our newly-independent state. The process will include some fundamental principles and aims: To protect citizens' rights that are being eroded by Westminster, like the right for workers to strike. To give constitutional protection for our NHS, free at the point of use. To confer a duty on the Government of an independent Scotland to pursue nuclear disarmament. And, friends, the first line of the interim constitution will say the following: "Scotland is an independent country in which the people are sovereign." Friends, with independence, we will transfer sovereignty from Westminster to the people of Scotland."

REASONS FOR NOT PROVIDING INFORMATION

Section 29(1)(a) – Formulation or Development of Government Policy

An exemption under Section 29(1)(a) of FOISA (Formulation or Development of Government Policy) applies to some of the information requested because it relates to the formulation of the Scottish Government's policy on independence.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in high quality policy and decision-making, and in the properly considered implementation and development of policies and decisions. This means that Ministers and officials need to be able to consider all available options and to debate those rigorously, to fully understand their possible implications. Their candour in doing so will be affected by their assessment of whether the discussions on policy development for an independent Scotland will be disclosed in the near future, when it may undermine or constrain the Government's view on that policy while it is still under discussion and development.