

Annex B- Information for release

From: Sarah Masson <sarah.masson@snpmedia.net>

Sent: 23 November 2022 16:41

To: Mackintosh E (Emily) <Emily.Mackintosh@gov.scot>; Ingebrigtsen R (Ross) <Ross.Ingebrigtsen@gov.scot>; Nicolson S (Stuart) (Special Adviser) <Stuart.Nicolson@gov.scot>; Crawford E (Ewan) <Ewan.Crawford@gov.scot>

Subject: Fwd: SC 23 Nov 2022: Briefings for broadcast

Also adding a general Q&A briefing and transcript from Urgent Question.

----- Forwarded message -----

From: Sarah Masson <sarah.masson@snpmedia.net>

Date: Wed, 23 Nov 2022 at 16:07

Subject: Re: SC 23 Nov 2022: Briefings for broadcast

To: Emily Mackintosh <emily.mackintosh@gov.scot>, <Ross.Ingebrigtsen@gov.scot> <ross.ingebrigtsen@gov.scot>, Stuart Nicolson <Stuart.Nicolson@gov.scot>, <Ewan.Crawford@gov.scot> <Ewan.Crawford@gov.scot>, <John.MacInnes@gov.scot> <John.MacInnes@gov.scot>

Adding previous lines from opp supporting Scotland's right to have a say.

On Wed, 23 Nov 2022 at 16:05, Sarah Masson <sarah.masson@snpmedia.net> wrote:

Hi all,

There seems to be an appetite to collate briefings we can give to people doing broadcast just now.

Let me know if there's anything that would be helpful to add or anything you'd like removed.

Thanks,

Sarah

Sarah Masson

SNP Senior Communications Officer

@_sarahmasson

sarah.masson@snpmedia.net

[redacted]

INDYREF2: THEY SAID IT

ANTI-INDEPENDENCE POLITICIANS' ADMIT SCOTLAND HAS A RIGHT TO DECIDE ITS OWN FUTURE

Current Tory UK Prime Minister Rishi Sunak is [on record saying that an independence referendum should be held after Brexit.](#)

And listen to Baroness [Ruth Davidson and current Scottish Tory leader Douglas Ross define the mandate and what voting for the SNP would achieve](#)

Labour leader and Brexit backer Keir Starmer is [on record as saying an SNP win at the 2021 Scottish election would be a mandate for an independence referendum.](#)

The Welsh Labour First Minister told BBC Radio 4 [he backed an independence referendum](#) after the SNP won the last Scottish election.

Even Scottish Labour Leader Anas Sarwar [backed the right to choose.](#) "Mandates comes from the electorate in an election" he said, "it should be the people of Scotland that decide when the next referendum is."

Lines for the reaction to the UK Supreme Court judgment - post the judgment (at 0940) and pre the full response by the FM (expected at 12), assuming a negative verdict

We don't criticise the court. They were doing their job from a legal perspective.

We are committed to the rule of law. We always will be. We are also 100 per cent committed to ensuring people in Scotland can exercise their democratic rights.

People in Scotland have made their views clear – they have elected the biggest majority there has ever been in the history of the elected Scottish Parliament for a legal, constitutional referendum on Scotland's future.

The most fundamental point is therefore this – that democratic decision must be respected. The right of people to decide their future – whether or not they wish to be under Westminster control or to become an independent country – must be respected.

But the UK Government is blocking the democratic rights of the people of Scotland.

The UK Government also lost its argument that the case should be thrown out.

That is significant. They wanted it thrown out as they didn't want the substantive case to be heard because they didn't want the nature of the union to be exposed in this way. Such a ruling makes clear that – in the absence of a 2014 referendum-style process – the UK is not a voluntary union.

As such, their rhetoric about the UK being a partnership of equals now rings utterly hollow. And that could be a perilous moment for unionism in terms of where public opinion in Scotland goes now.

The question for the UK Government therefore is this: why are you denying democracy? Why are you tearing up the idea of the UK as a partnership and a voluntary union?

Scotland is a country with the right to self-determination and our democratic decisions must matter.

So this is the time – now more than ever - to intensify the democratic campaign for both Scotland's independence and for the right of people in Scotland to decide their own future.

The First Minister will set out the way forward later today.

Sarah Montague: Lord Sumption, Jonathan Sumption was a Supreme Court justice between 2012 and 2018. I asked what he made of the judgement.

Lord Sumption: There's no surprise in this. The Scotland Act is absolutely clear, and the answer has always been obvious. A referendum has got to be authorised by some legislation by the Scottish Parliament for example. The Scottish Parliament has very limited powers in relation to the UK constitution and in it cannot deal with reserved matters, and those include matters relating to the union of England and Scotland. And to the status of the Westminster parliament in Scotland. It seems perfectly obvious that an act of the Scottish Parliament authorising a referendum on independence would relate to a union within the union of England and Scotland. It would extinguish it. It seems equally obvious that it would relate to the status of the Westminster parliament in Scotland.

SM: The Scottish Government argues that, indeed the two didn't really relate to these matters because it would only be advisory. It wouldn't have any direct legal effect on the Union. But the problem about that is that the Scotland Act requires the court to look at the practical effect, as well as the legal effect of a proposed Scottish bill. If it was so obvious, then why have we been through all this?

LS: Well, that's a good question. And Mrs. Sturgeon is a very shrewd politician. And this is a political manoeuvre. It enables her to blame everyone other than herself, for not having a referendum. She's had plenty of legal advice. It's obvious that her own Lord Advocate her top law officer had no confidence in her own argument. And I think the explanation is perfectly simple. She doesn't want to referendum at the moment, because she couldn't be sure of winning it. But she's under pressure from her less realistic followers, and she would prefer to be stopped from having her referendum by Westminster than by her own innate caution. I mean, what was actually particularly interesting was the rather unexpected, at least by me, was that the Supreme Court took some care to dismiss the arguments separately put by the Scottish National Party, that party about independence, because they had run a separate argument that the Scotland Act to be interpreted in a way consistent with the right of Scotland to self-determination in international law. And the Supreme Court responded that Scotland doesn't have a right of self-determination. At what point could the courts get involved and I'm thinking what we may now be in a [unknown word].

SM: We're in a situation where there's a general election, but the Scottish First Minister makes it a single issue vote on whether Scotland should be independent.

LS: Well, the trouble is, she can't do that. I mean, legally, she can, she can do it. But people vote in general elections for all sorts of different reasons. And Mrs. Sturgeon can't control the reasons for which people vote either for or against her party. Indeed, that's interesting. Legally, she can do it. There's nothing to stop her doing it. It's just whether people choose to do it or not. Yes, I mean, the trouble is general elections, big messes, they have a large number of issues. People voted for all sorts of different reasons. And to say this results means that people were in favour of that specific policy is always very difficult to do. If the Westminster Government is still holding out not holding a referendum, the Supreme Court will what still say, look, nothing's changed. But the Supreme Court is not a political court. It's not passing judgement on the rightness or wrongness of Westminster's refusal to allow a Scottish referendum. It's simply talking about the law. They could change their mind if the law changed if the Scotland Act was amended. But if in 10 years' time the Scotland Act says exactly the same as it does today. Then they get to say, but it means exactly the same. The Supreme Court like other courts, frequently has to make decisions which have political implications. That doesn't mean to say that those are political decisions.

[clip from PMQs]

SM: But let's consider what the SMP does next. Angus Robertson is the SNPS constitution Secretary, good afternoon to you.

Angus Robertson: Good afternoon - the Scottish Government's constitution secretary.

SM: Yes, indeed. Thank you. Can I start by asking you a point made by Lord Sumption, which was that he said the outcome of the supreme court judgement it was obvious it was going to happen and actually it suits Nicola Sturgeon because she doesn't want a referendum because she can't be sure of winning it and this way she can blame it on the Westminster Government. How do you respond to that?

AR: Well, clearly Lord Sumption is a legal expert but not a political expert because it doesn't reflect reality. What I was more struck by what he said was that and I quote from him directly from only a few minutes ago, "Scotland doesn't have a right to self-determination". An astonishing thing to say almost as astonishing that he wasn't even challenged when he said it. The United Kingdom is supposed to be a voluntary union. We came together as sovereign states. And Theresa May has repeated today what is often repeated by unionists suggesting that the UK is a family of nations. What kind of family is it that doesn't allow people to determine their own future? And what we have today is we have legal clarity, that the Scotland Act does not allow the Scottish parliament to pass legislation for a referendum, which puts the Scottish Government, which let's not forget, has been elected by the people of Scotland, in a bind about how we make democracy work in Scotland.

SM: Would you say that I suppose the argument is that Scotland did decide it just didn't decide in a way that you like?

AR: Well, I quite like winning the biggest ever majority and the Scottish Parliament election, which is what happened last year when Scotland was asked if it wanted to be independent

SM: it voted No

AR: indeed, that was 2014 Since which the SNP has won eight elections in a record we've had Brexit where 62% of people in Scotland voted to remain in the European Union. There's been a profound change of circumstances and last year, we saw more people elected to the Scottish Parliament as a majority that led to the referendum in in 2014 Divorce is not a moment in democracy. It's very important. Democracy is not a moment in time. People are allowed to choose and they're allowed to reconsider. It's exactly what happened with devolution for Scotland. We had a referendum in 1979. That result was denied. And then we had referendum we had devolution delivered finally to get the independence delivered that you want. Well, there's an alternative to democracy. I don't I don't know if there are any, if anybody is actually suggesting an alternative to using the democratic processes, we're a democratically elected government with a democratic mandate to hold the referendum. By the electorate in Scotland. We sought to do that with agreement with the European government, the UK.

[cross talk]

SM: I tell you why we've got limited time and I do want you to talk about that the SNP's plan to use the general election as a single issue vote.

AR: Yes, we're going to use the democratic process to try to deliver on the democratic mandate of the of the people that is what we intend to do. And First Minister Nicola Sturgeon announced that we will be holding a special conference in the new year to make the

necessary preparations for that to take place. But I appeal for the understanding of listeners elsewhere in the United Kingdom to recognise that today is a very important day. Because up until now, regardless of whether we're pro-independence supporters or not, we've been labouring under the misapprehension that the United Kingdom is a voluntary union today. It has been made loud and clear. It is not a voluntary union.

SM: on this question of using the general election, to recognise that there's a problem with that and and and the problem is this, that you talk about this situation being a denial of democracy, and many people will probably be very sympathetic with you on that. But then you propose in a way to deny democracy for all those people who want to vote on cost of living and NHS and and and schools, all the things that people usually vote on in a general election. Instead, you're going to turn it into a single issue question.

AR: So definitely what is the alternative in a democracy? I'm not sure what what others are suggesting needs to be done. We have won election after election after election, we have been elected with a mandate to do something were denied because of the legal framework of the United Kingdom. We have the United Kingdom Government not prepared to do what happened what it did in the run up to 2014, which is act like grown-ups that respect democratic election results. They are blocking democracy, and you're asking me to entertain options which do not conform with democratic norms and I'm not prepared to do that. We have to use democratic elections as the way to proceed. And frankly, we need UK decision makers, whether that's the Conservatives and government at the present time or the labour opposition, to be called to account to explain why it is that they are denying democracy in the United Kingdom. It cannot stand at what standards what of course happened previously with devolution, and see what that then led to led to a 75% vote in favour of devolution in 1997. And I think that the suppression of democracy in Scotland now will do nothing but strengthen the hand of those of us who believe that the only democratic future for Scotland is as an independent country.

SM: Angus Robertson, thank you very much.

SUPREME COURT JUDGMENT GENERAL BRIEFING

General lines

- We accept and respect the Supreme Court's judgment; it doesn't make law, only interprets it.
- The Supreme Court was not asked to decide, and cannot decide, whether the Scottish Parliament should have the power to hold an independence referendum. All it was asked to rule on was the law relating to one route to a referendum: legislation in the Scottish Parliament.
- Responsibility for this outcome lies with Westminster legislation and the design of the devolution settlement, not with the Supreme Court.
- This case has demonstrated the weakness of the UK's constitution. No matter how the people of Scotland vote, or how often they elect parliaments that support a referendum and support independence, they can be told 'no' by the UK Prime Minister. This cannot be right, and there are few stronger or more powerful arguments for independence than that.
- A law that doesn't allow Scotland to choose our own future without Westminster consent exposes as myth any notion of the UK as a voluntary partnership.. In a voluntary union, one part doesn't have to rely on the agreement of another before it is allowed to think about leaving.
- This judgment confirms that promises before the 2014 referendum that the United Kingdom would operate as a 'partnership of equals' haven't been fulfilled. There can be no equal relationship where one part refuses to accept or even acknowledge the decisions made by other parts.
- People in Scotland gave the Scottish Parliament a clear mandate to hold a referendum on independence. In repeated elections both to the Scottish Parliament and to Westminster – in 2016, 2017, 2019 and most recently in May 2021 – people in Scotland have elected majorities of MSPs and MPs that support a referendum. In May last year, 72 of the 129 MSPs were elected on manifestos that commit them to a referendum on Scottish independence during this Parliament.
- As the First Minister has made clear we stand ready to engage at any point with the UK Government to begin talks about the change to the Scottish Parliament's powers to allow the Scottish people to choose their future.
- Should the UK Government continue to deny the Scottish people their right to choose, people in Scotland will have their say on independence at the next UK general election.

- The judgment makes clear how the UK constitution denies the people their right to choose:
 - The Supreme Court said: “(para 81) A clear outcome, whichever way the question was answered, would possess the authority, in a constitution and political culture founded upon democracy, of a democratic expression of the view of the Scottish electorate.”
 - That is what these constitutional arrangements deny us—a democratic expression of the view of the Scottish electorate
 - Why does this matter? The Supreme Court tells us: “(para 77) The purpose of the Bill is to hold a lawful referendum on the question whether Scotland should become an independent country. That question evidently encompasses the question whether the Union between Scotland and England should be terminated, and the question whether Scotland should cease to be subject to the sovereignty of the Parliament of the United Kingdom.”
 - And “(para 82) It is equally plain that a Bill which makes provision for a referendum on independence – on ending the sovereignty of the Parliament of the United Kingdom over Scotland - has more than a loose or consequential connection with the sovereignty of that Parliament.
 - So the reason that the Scottish electorate does not get its chance to offer “a democratic expression” is because it would impinge on Westminster sovereignty if their views were known.

Would you consider a “wildcat” referendum?

- No. We have always said that we are only interested in a lawful referendum, the result of which will be accepted at home and abroad.
- But if the Scottish Parliament’s mandate to hold a referendum continues to be ignored by the UK Government, another way of giving people in Scotland a choice about their constitutional future must be found.
- So if people in Scotland go into an election knowing that the independence of this country is on the ballot paper, and they vote for that proposition, then that will be a mandate for this government to begin negotiations to secure independence for Scotland.

But if the Scottish Parliament never had the power to hold a referendum, how can elections to it give the Parliament or Government a mandate?

- The UK Government has already accepted that a mandate for an independence referendum can be given to the Scottish Parliament. It

accepted that in 2011 and agreed the process that led to the 2014 Referendum.

- If people in Scotland's right to choose is to mean anything, it must allow the people of Scotland, as an electorate, to decide to have a referendum.
- In any event, whichever Parliament has the power to hold a referendum, a majority of either MSPs or Scottish MPs have been elected on a manifesto pledge to hold an independence referendum.

What are your next steps?

- People in Scotland have made their decision, to be offered the choice of independence, clear. We call on the UK Government to respect that decision, and to open discussions with us on a change to the Scottish Parliament's powers so that it can give effect to the mandate the people in Scotland have given the Scottish Parliament.
- If the UK Government again refuse to engage on this the people of Scotland will still get their choice, in the next General Election.
- In the meantime, the Scottish Government will continue to set out in full, in the Building a New Scotland series, what could be done with the full powers of independence, to build a fairer, wealthier, greener and happier Scotland.

General lines for all scenarios:

How much has this cost the Scottish Government?

- We published costs incurred on the reference to the Supreme Court on 22 September 2022.
- We will be publish an update on these costs and a breakdown of them in December.

[redacted] The figure published in September covered external legal costs and totalled £113,955.10. There was also £350 for filing fees for the Supreme Court. [redacted]

The 2014 referendum was described as “once in a generation”. Why are you now pushing to hold a second referendum?

- The people of Scotland have elected a Scottish Parliament with a clear, unambiguous majority for independence and an independence referendum – the biggest independence majority in the history of devolution.
- In 2014 people in Scotland were told that the only way to maintain their place in the EU was to reject independence. But the UK Government has now imposed a hard, damaging Brexit.
- This is just the latest example of UK Governments taking Scotland in the wrong direction without the consent of the people of the people who live here. People in Scotland have the right to determine their own future.

Lines on resourcing:

- On 7 September 2021, the Scottish Government published the 2021/22 Programme for Government which set out that the Scottish Government will start work on a detailed prospectus for an independent Scotland.
- A core group of civil servants is currently engaged in co-ordinating this work but activity in advance of the referendum, including delivering the PfG commitment to prepare a prospectus for an independent Scotland, will be carried out in a range of portfolios. In most cases this is just one part of an individual's role.

Lines on the role of the Civil Service:

- It is the role of the Civil Service to support the elected government of the day in developing and implementing its policies. That is the case for work on independence as it is for the rest of the government's work.

What will now happen to the £20 million set aside in next year's budget for a referendum?

- The 2023-24 Scottish Budget will be published on 15 December 2022, and will set out the Scottish Government's spending plans for 2023-4.

Is there a possibility of a Member's Bill?

- The introduction of a Member's Bill is a matter for individual Members.
- However, the Supreme Court judgment was clear that the Scottish Parliament does not have jurisdiction to hold a referendum, and a Member's Bill attempting to do so would not be likely to be supported.

Next steps for prospectus papers?

- The Scottish Government will continue to make the case for independence and for the Scottish people to have their say.
- Further prospectus papers in the Building a New Scotland series will be published in the coming months. Papers to come later in the series will cover matters including pensions and social security, EU membership, energy, and defence and security.

From: [redacted]@snpmedia.net
Sent: 26 October 2022 13:27
To: Mackintosh E (Emily) <Emily.Mackintosh@gov.scot>; Ingebrigtsen R (Ross) <Ross.Ingebrigtsen@gov.scot>; Nicolson S (Stuart) (Special Adviser) <Stuart.Nicolson@gov.scot>
Cc: Crawford E (Ewan) <Ewan.Crawford@gov.scot>; Erik Geddes <Erik.Geddes@snp.org>;
Subject: Fwd: Comment request: BBC suggestion UK Gov could legislate against referendum

Don't see any need to engage in this. Correspondent raises hypothetical is hardly news

----- Forwarded message -----

From: SNP Media <snpmedia@snpmedia.net>
Date: Wed, 26 Oct 2022 at 12:58
Subject: Fwd: Comment request: BBC suggestion UK Gov could legislate against referendum
To: [redacted]@snpmedia.net

----- Forwarded message -----

From: [redacted]:thenational.scot
Date: Wed, Oct 26, 2022 at 12:33 PM
Subject: Comment request: BBC suggestion UK Gov could legislate against referendum
To: SNP Media <snpmedia@snpmedia.net>

Good afternoon,

I've spotted this kicking around from GMS this morning with a BBC journalist claiming that one of the options for the UK Gov following a Supreme Court victory for ScotGov re the referendum bill would be to legislate against Holyrood being able to hold one.

We've previously reported an analysis from Anthony Salmone which said such a move might be "socially disapproved or politically unwise", adding: "It would be perfectly possible nonetheless."

Is this a wild claim for a BBC journalist to make as if it is a legitimate option?

Transcript from Glen Campbell:

"But that doesn't mean that somehow he's going to give ground on the question of independence and another referendum. I think that was reflected in the answers that Cleverly gave to Martin. They want to see what will happen in the UK Supreme Court, they feel confident that it will not allow the Scottish Government to go ahead with a referendum without UK Government approval but if that case went the other way they would have to think very carefully about what to do then, whether to allow the vote or to take direct action perhaps to legislate, clarify, the position and to make sure that Holyrood could not proceed on its own."

One of the clips kicking about on

Twitter: <https://twitter.com/RobDunsmore/status/1585186341108727808>

Do the SNP have any view on this, and if so, could you provide a comment please?

Kind Regards,

[redacted]

Multimedia Political Reporter

The National and Sunday National

[redacted]

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[redacted]

Communications Manager

SNP Holyrood Group

[redacted]

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From: Nicolson S (Stuart) (Special Adviser) <Stuart.Nicolson@gov.scot>
Sent: 23 November 2022 15:36
To: [redacted]@snpmmedia.net; Ingebrigtsen R (Ross) <Ross.Ingebrigtsen@gov.scot>; Crawford E (Ewan) <Ewan.Crawford@gov.scot>
Subject: RE: for sign off - Oped for record deadline 3pm

Sorry – had to send quickly as was running in to a meeting.

If needed and if still time, could cut slightly as below to meet 350 word count.

Yesterday’s ruling from the Supreme Court may have been disappointing but it is one we will respect.

The Court and its judges have done their job in applying and interpreting the law – they do not make the law.

However, we should reflect also on what the judgment exposes about the reality of the union.

The UK Government tried to get this case thrown out – and it lost that argument.

Tory ministers wanted the case dismissed because they did not want the Court to reveal the true nature of the UK and the so-called “partnership of equals” they like to claim it is.

Instead, the ruling makes clear that that – in the absence of a 2014 referendum-style process – the UK is not a voluntary union.

And that means all the Tory and Labour rhetoric about the UK being a partnership of equals now rings utterly hollow.

The mandate and parliamentary majority for a referendum is undeniable.

The people of Scotland made their views clear when they elected the biggest pro-independence majority in Holyrood’s history last year.

The Tories’ democracy-denying stance – disgracefully backed to the hilt by Labour – is ultimately unsustainable.

With each day that passes, Scotland is paying a heavy, heavy price for Westminster control.

We are tied to a chaotic Westminster system that has imposed the catastrophe of Brexit upon us against our will – again something backed fully by Labour – while people worry about a spiralling cost of living crisis that is posing one of the biggest challenges in generations.

That crisis – and the shameful situation that sees people forced to choose between heating and eating – isn't divorced from or separate to the independence debate.

It is absolutely part of that debate, because only independence gives us the chance to escape the chaos, decline and austerity of Westminster control .

Yesterday's ruling may have cheered opponents of independence

But they would be wise to temper any triumphalism, which is likely to be short-lived and premature.

Because the case for independence is stronger and more urgent than ever – and democracy cannot ultimately be denied.

ENDS

From: Nicolson S (Stuart) (Special Adviser)
Sent: 23 November 2022 14:56
To: [redacted]@snpmmedia.net; Ingebrigtsen R (Ross) <Ross.Ingebrigtsen@gov.scot>; Crawford E (Ewan) <Ewan.Crawford@gov.scot>
Subject: RE: for sign off - Oped for record deadline 3pm

Amended a bit.

S

From: [redacted]@snpmmedia.net
Sent: 23 November 2022 13:37
To: Nicolson S (Stuart) (Special Adviser) <Stuart.Nicolson@gov.scot>; Ingebrigtsen R (Ross) <Ross.Ingebrigtsen@gov.scot>; Crawford E (Ewan) <Ewan.Crawford@gov.scot>
Subject: for sign off - Oped for record deadline 3pm

Hi all, happy with the below from Kirsten O.. Its 339 and word count is 350

Kirsten Oswald MP, the SNP's Westminster Deputy leader:

Yesterday's ruling from the Supreme Court may have been disappointing but it is one we will respect.

The Court and its judges have done their job in applying and interpreting the law – they do not make the law.

However, we should reflect also on what the judgment exposes about the reality of the union.

The UK Government tried to get this case thrown out – and it lost that argument.

Tory ministers wanted the case dismissed because they did not want the Court to reveal the true nature of the UK and the so-called “partnership of equals” they like to claim it is.

Instead, the ruling makes clear that that – in the absence of a 2014 referendum-style process – the UK is not a voluntary union.

And that means all the Tory and Labour rhetoric about the UK being a partnership of equals now rings utterly hollow.

The Court was not asked to decide if there is a democratic mandate for a referendum – the mandate and parliamentary majority for a referendum is undeniable.

The people of Scotland made their views clear when they voted for a referendum, electing the biggest pro-independence majority in Holyrood’s history last year.

The Tories’ democracy-denying stance – disgracefully backed to the hilt by Labour – is ultimately unsustainable.

Those who oppose independence have every right to do so – what they cannot do is justify Scotland not being given a choice that it has already voted for.

With each day that passes, Scotland is paying a heavy, heavy price for Westminster control.

We are tied to a chaotic Westminster system that has imposed the catastrophe of Brexit upon us against our will – again something backed fully by Labour – while people worry about a spiralling cost of living crisis that is posing one of the biggest challenges in generations.

That crisis – and the shameful situation that sees people forced to choose between heating and eating – isn’t divorced from or separate to the independence debate.

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From: Crawford E (Ewan) <Ewan.Crawford@gov.scot>

Sent: 23 November 2022 10:23

To: DL SPADS <DLSPADS@gov.scot>; tom.french@snpmedia.net; Murray Foote <murray.foote@snpmedia.net>; [redacted]@parliament.uk; [redacted]@snpmedia.net Sarah Masson <sarah.masson@snpmedia.net>

Subject: UKSC holding lines

Hi,

For anyone doing broadcast, FM has tweeted.

In addition attached are some lines in a similar vein.

Ewan

Ewan Crawford
Senior Special Adviser to the First Minister,
EU affairs and the constitution.
Tel: 0131 244 [redacted]
Mobile [redacted]

Please note Scottish Ministers, Special advisers and the Permanent Secretary to the Scottish Government are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot for information.

Lines for the reaction to the UK Supreme Court judgment - post the judgment (at 0940) and pre the full response by the FM (expected at 12), assuming a negative verdict

We don't criticise the court. They were doing their job from a legal perspective.

We are committed to the rule of law. We always will be. We are also 100 per cent committed to ensuring people in Scotland can exercise their democratic rights.

People in Scotland have made their views clear – they have elected the biggest majority there has ever been in the history of the elected Scottish Parliament for a legal, constitutional referendum on Scotland's future.

The most fundamental point is therefore this – that democratic decision must be respected. The right of people to decide their future – whether or not they wish to be under Westminster control or to become an independent country – must be respected.

But the UK Government is blocking the democratic rights of the people of Scotland.

The UK Government also lost its argument that the case should be thrown out.

That is significant. They wanted it thrown out as they didn't want the substantive case to be heard because they didn't want the nature of the union to be exposed in this way. Such a ruling makes clear that – in the absence of a 2014 referendum-style process – the UK is not a voluntary union.

As such, their rhetoric about the UK being a partnership of equals now rings utterly hollow. And that could be a perilous moment for unionism in terms of where public opinion in Scotland goes now.

The question for the UK Government therefore is this: why are you denying democracy? Why are you tearing up the idea of the UK as a partnership and a voluntary union?

Scotland is a country with the right to self-determination and our democratic decisions must matter.

So this is the time – now more than ever - to intensify the democratic campaign for both Scotland's independence and for the right of people in Scotland to decide their own future.

The First Minister will set out the way forward later today.