

## Annex A

The following items are provided as extracts as they come from documents containing other information outwith the scope of your request.

### Item 1:

From: [Redacted]

Sent: 24 October 2025 10:46

To: Luke Mcbratney <Luke.Mcbratney@gov.scot>; Cabinet Secretary for Constitution, External Affairs and Culture 2024 [CabSecCEAC@gov.scot](mailto:CabSecCEAC@gov.scot)

Cc: [Redacted] Dominic Munro <Dominic.Munro@gov.scot>; [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] Brian Dornan <Brian.Dornan@gov.scot>; [Redacted] [Redacted] [Redacted] Christopher Mackie <Christopher.Mackie@gov.scot>; Communications Constitution, External Affairs and Culture

<CommunicationsConstitutionExternalAffairsAndCulture@gov.scot>; Spads Admin <Spads\_Admin@gov.scot>; Ewan Crawford <Ewan.Crawford@gov.scot>; [Redacted] [Redacted] Christopher Mackie <Christopher.Mackie@gov.scot>; DG Strategy and External Affairs <DGSEA@gov.scot>; Shona Riach <Shona.Riach@gov.scot>

Subject: RE: Intergovernmental relations inquiry/Independence ref inquiry - Cab Sec appearance 18th Dec

[Redacted]

Please find a proposed response on the legal mechanism for any independence referendum inquiry.

Please come back if you need anything further.

From: [Redacted] On Behalf Of Cabinet Secretary for Constitution, External Affairs and Culture 2024

Sent: 02 October 2025 14:43

To: [Redacted]>; Cabinet Secretary for Constitution, External Affairs and Culture 2024 <[CabSecCEAC@gov.scot](mailto:CabSecCEAC@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; Brian Dornan <[Brian.Dornan@gov.scot](mailto:Brian.Dornan@gov.scot)> [Redacted] [Redacted] [Redacted]>; Christopher Mackie <[Christopher.Mackie@gov.scot](mailto:Christopher.Mackie@gov.scot)>

Cc: Communications Constitution, External Affairs and Culture <[CommunicationsConstitutionExternalAffairsandCulture@gov.scot](mailto:CommunicationsConstitutionExternalAffairsandCulture@gov.scot)>; Spads Admin <[Spads\\_Admin@gov.scot](mailto:Spads_Admin@gov.scot)>; Ewan Crawford <[Ewan.Crawford@gov.scot](mailto:Ewan.Crawford@gov.scot)>; [Redacted] [Redacted] Christopher Mackie <[Christopher.Mackie@gov.scot](mailto:Christopher.Mackie@gov.scot)>; DG Strategy and External Affairs <[DGSEA@gov.scot](mailto:DGSEA@gov.scot)>; Shona Riach <[Shona.Riach@gov.scot](mailto:Shona.Riach@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>

Subject: RE: Intergovernmental relations inquiry/Independence ref inquiry - Cab Sec appearance 18th Dec

Hi Luke

In regards to the Cab Sec's appearance on the 18<sup>th</sup> Dec to give evidence on the legal mechanism for any independence referendum inquiry – the committee are now also seeking the views of both the UK Government and the Scottish Government and therefore have

asked for a written response from Cab Sec by 31 October (please see attached from committee clerk)

Grateful if you can provide a draft response for Cab Sec's clearance by 10am on 27<sup>th</sup> October if possible ?

Chris- in regards to appearance for IGR, the date may change again, I'm still waiting to hear back from committee and will confirm once I do

Many thanks,

[Redacted]

[Redacted]

Deputy Private Secretary to Cabinet Secretary for Constitution, External Affairs and Culture  
Angus Robertson MSP  
The Scottish Government  
St Andrew's House | Regent Road | Edinburgh | EH1 3DG  
Email: [CabSecCEAC@gov.scot](mailto:CabSecCEAC@gov.scot)

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## Item 1: Attachment

**Cabinet Secretary for Constitution, External  
Affairs and Culture**  
Angus Robertson MSP

T: [Redacted]  
E: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Claire Adamson MSP  
Convener Constitution, Europe, External Affairs  
and Culture Committee  
Scottish Parliament  
Edinburgh  
EH99 1SP

October 2025

Dear

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

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

*Your Right to Decide* provides evidence of the consensus across the political spectrum on the voluntary nature of the Union before going into detail on the Scottish Government's view that the decision on whether a referendum should be held ought to be for the Scottish Parliament, empowered to make such decisions by the votes of people who live here. It further outlines the Scottish Government's position that the Scottish Government secures a democratic mandate to negotiate with the UK Government a transfer of power for a lawful referendum whenever the people of Scotland, following a party's clear manifesto commitment to the holding of a referendum, return a Scottish Parliament that supports the holding of a referendum and a Scottish Government committed to delivering one. The paper affirms that the precedent of 2011 demonstrates that it is for the people of Scotland to decide when a referendum is to be held, and that when they do it is for the governments of Scotland and the United Kingdom to take the steps required to facilitate that. I look forward to working with the Committee on this issue and providing more detail when we meet 18 December.

Yours sincerely

«Signature»

**ANGUS ROBERTSON**

**Item 2:**

### **Mandate/Democratic Case**

People in Scotland gave the Scottish Parliament a clear mandate to hold a referendum on independence. The Scottish Parliament elections in May 2021 resulted in 72 of the 129 MSPs elected on manifestos which commit them to a referendum on Scottish independence during this Parliament.

As you may also be aware, on 10 January 2023, a majority of members elected to the Scottish Parliament backed a motion calling on the UK Government to respect the right of people in Scotland to choose their constitutional future.

The Scottish Government has set out its views on the democratic case for a future referendum on independence in the publications [Scotland's right to choose](#) in 2019 and [Renewing Democracy through Independence](#) in 2022.

**Item 3:**

**From:** [Redacted]  
**Sent:** 24 October 2025 10:32  
**To:** Luke Mcbratney <Luke.Mcbratney@gov.scot>; [Redacted]  
**Cc:** [Redacted] Dominic Munro <Dominic.Munro@gov.scot>  
**Subject:** RE: Intergovernmental relations inquiry/Independence ref inquiry - Cab Sec appearance 18th Dec

Great  
Will send up.

**From:** Luke Mcbratney  
**Sent:** 24 October 2025 10:27  
**To:** [Redacted] [Redacted]  
**Cc:** [Redacted] ; Dominic Munro  
**Subject:** RE: Intergovernmental relations inquiry/Independence ref inquiry - Cab Sec appearance 18th Dec

That looks spot on to me, thanks, [Redacted]

---

**Luke McBratney** | Deputy Director, Elections and Constitutional Projects  
**Constitution Directorate | DG Strategy and External Affairs**  
**mob:** [Redacted] | **email:** [luke.mcbratney@gov.scot](mailto:luke.mcbratney@gov.scot)  
[Redacted]

**From** [Redacted]  
**Sent:** 24 October 2025 10:21  
**To:** Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Intergovernmental relations inquiry/Independence ref inquiry - Cab Sec appearance 18th Dec

Morning  
I think you were still thinking on this but the deadline for this is Monday at 10-00 am.

In case useful draft letter that largely just sums up YRTD arguments.

**From:** Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>  
**Sent:** 16 October 2025 14:32  
**To:** [Redacted] [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Intergovernmental relations inquiry/Independence ref inquiry - Cab Sec appearance 18th Dec

Leave this with me for now, I'll have a think if anything more's required – but if it isn't then yes, just pointing them to YRTD will do.

---

**Luke McBratney** | Deputy Director, Elections and Constitutional Projects  
**Constitution Directorate | DG Strategy and External Affairs**  
**mob:** [Redacted] | **email:** [luke.mcbratney@gov.scot](mailto:luke.mcbratney@gov.scot)  
[Redacted]

**From:** [Redacted]  
**Sent:** 16 October 2025 13:50  
**To:** [Redacted] Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>  
**Cc:** [Redacted]  
**Subject:** RE: Intergovernmental relations inquiry/Independence ref inquiry - Cab Sec appearance 18th Dec

Is the response largely the YRTD paper  
So maybe a letter  
And then pointing to the publication as the position?

Do you need me to do anything Luke?

**From:** [Redacted]  
**Sent:** 14 October 2025 09:49  
**To:** Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Intergovernmental relations inquiry/Independence ref inquiry - Cab Sec appearance 18th Dec

Just catching up on emails – has anyone picked this up?  
[Redacted]

**From:** [Redacted] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture 2024  
**Sent:** 02 October 2025 14:43  
**To:** [Redacted] Cabinet Secretary for Constitution, External Affairs and Culture 2024 <[CabSecCEAC@gov.scot](mailto:CabSecCEAC@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; Brian Dornan <[Brian.Dornan@gov.scot](mailto:Brian.Dornan@gov.scot)> [Redacted] [Redacted] [Redacted] [Redacted]; Christopher Mackie <[Christopher.Mackie@gov.scot](mailto:Christopher.Mackie@gov.scot)>  
**Cc:** Communications Constitution, External Affairs and Culture <[CommunicationsConstitutionExternalAffairsandCulture@gov.scot](mailto:CommunicationsConstitutionExternalAffairsandCulture@gov.scot)>; Spads Admin <[Spads\\_Admin@gov.scot](mailto:Spads_Admin@gov.scot)>; Ewan Crawford <[Ewan.Crawford@gov.scot](mailto:Ewan.Crawford@gov.scot)>; [Redacted] [Redacted]; Christopher Mackie <[Christopher.Mackie@gov.scot](mailto:Christopher.Mackie@gov.scot)>; DG Strategy and External Affairs <[DGSEA@gov.scot](mailto:DGSEA@gov.scot)>; Shona Riach <[Shona.Riach@gov.scot](mailto:Shona.Riach@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>  
**Subject:** RE: Intergovernmental relations inquiry/Independence ref inquiry - Cab Sec appearance 18th Dec

Hi Luke

In regards to the Cab Sec's appearance on the **18<sup>th</sup> Dec** to give evidence on the **legal mechanism for any independence referendum inquiry** – the committee are now also seeking the views of both the UK Government and the Scottish Government and therefore

have asked for a **written response from Cab Sec by 31 October** (please see attached from committee clerk)

Grateful if you can provide a draft response for Cab Sec's clearance by **10am on 27<sup>th</sup> October if possible ?**

**Chris-** in regards to appearance for **IGR**, the date may change again, I'm still waiting to hear back from committee and will confirm once I do

Many thanks,

[Redacted]

[Redacted]

**Deputy Private Secretary to Cabinet Secretary for Constitution, External Affairs and Culture Angus Robertson MSP**

**The Scottish Government**

St Andrew's House | Regent Road | Edinburgh | EH1 3DG

**Email: [CabSecCEAC@gov.scot](mailto:CabSecCEAC@gov.scot)**

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**Item 4:**

**Labour would take indyref plans 'seriously'**

The National - 23/10/2025

p4 News.

DOUGLAS Alexander has suggested Labour would allow a second Scottish independence referendum, stating that the UK Government would "take seriously" any SNP majority come next year's Holyrood election.

**Item 5:**

**Starmer attacks FM over independence**

The National - 21/10/2025

p8 News.

KEIR Starmer claimed John Swinney is "insulting the intelligence" of the Scottish people on independence. The First Minister's plans for breaking away from the UK were rubber-stamped by SNP members at conference last weekend, with a majority for the party being set as the bar for a referendum, as in 2011.

**Item 6:****Having to beg Farage for indyref would be absurd**

The National - 20/10/2025

p17 News.

Kenny MacAskill comments on a potential future referendum on Scottish independence.

**Item 7:****Tories urge Swinney to reveal his 'secret plan'**

The National - 16/10/2025

p5 News. FIONA BROWN .

THE Scottish Tories have asked John Swinney to reveal his "secret plan" in a bizarre letter. Swinney said during an address to SNP conference earlier this week that he had a back-up plan that would be deployed if the UK Government refused to negotiate a second independence referendum.

**Item 8:****SNP independence plan condemned by Greens**

The National - 15/10/2025

p4 News.

THE SNP are "putting their own party interests ahead of the independence cause", the Scottish Greens co-leader said. John Swinney's independence strategy, which requires the party to return a majority of MSPs at the Holyrood 2026 election, was backed by SNP members at the party's conference in Aberdeen at the weekend. The First Minister has said that only an SNP majority would be a mandate for an independence referendum.

**Item 9:**

**From:** [Redacted]> **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture 2024

**Sent:** 15 October 2025 16:00

**To:** [Redacted]>; Cabinet Secretary for Constitution, External Affairs and Culture 2024 <CabSecCEAC@gov.scot>

**Cc:** First Minister <FirstMinister@gov.scot>; Colin McAllister <Colin.McAllister@gov.scot>; Sean McGivern <Sean.McGivern@gov.scot>; Ewan Crawford <Ewan.Crawford@gov.scot>; Jack Middleton <Jack.Middleton@gov.scot>; Ross Ingebrigtsen <Ross.Ingebrigtsen@gov.scot>; Luke Mcbratney <Luke.Mcbratney@gov.scot>; [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] Communications Constitution, External Affairs and Culture <CommunicationsConstitutionExternalAffairsAndCulture@gov.scot>; Communications Finance and Local Government <CommunicationsFinanceandLocalGovernment@gov.scot>; [Redacted]

**Subject:** RE: TO CLEAR: 'Swinney urged to "come clean" on 'secret' independence plan' - by 5pm

Hi [Redacted]

Mr Robertson is content

Thanks

[Redacted]

**From:** [Redacted]

**Sent:** 15 October 2025 15:16

**To:** Cabinet Secretary for Constitution, External Affairs and Culture 2024

**Cc:** First Minister ; Colin McAllister ; Sean McGivern ; Ewan Crawford ; Jack Middleton ; Ross Ingebrigtsen ; Luke Mcbratney ; [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted]; Communications Constitution, External Affairs and Culture ; Communications Finance and Local Government ; Russell Fallis

**Subject:** TO CLEAR: 'Swinney urged to "come clean" on 'secret' independence plan' - by 5pm

Cab Sec / PO,

The Sun, the Daily Mail and the Express have approached us for comment off the back of the Scottish Conservatives writing to FM (below/attached) to request he reveal if taxpayers' money is being spent on any 'secret plans' to secure another referendum and whether civil servants are involved in planning of a strategy.

Grateful for Mr Robertson's consideration of our proposed response below, which has been agreed with SpAds, by 5pm if possible.

Thanks,  
[Redacted]

### **QUERY/LETTER**

- What are these 'tactics' that you will deploy if the SNP wins a majority of seats at Holyrood?
- Is taxpayer money being spent working up a 'secret plan' that aims to deliver another independence referendum?
- Have you ordered civil servants to work on the independence strategy that was agreed to at SNP conference?

### **LINE TO TAKE**

A Scottish Government spokesperson said:

"We are awaiting receipt of this letter and will respond in due course.

"The Scottish Government's policy is for Scotland to be independent and we will set out information and initiatives in the normal way as appropriate."

--

[Redacted]

**News | Communications Team Leader**

**Constitution, External Affairs and Culture**

The Scottish Government | St Andrew's House, Edinburgh

Mobile: [Redacted] | Portfolio Media inquiries: [Redacted]

[gov.scot/news](https://gov.scot/news)

**Item 10:**

**From:** [Redacted] > **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture 2024

**Sent:** 14 October 2025 17:59

**To:** Cabinet Secretary for Constitution, External Affairs and Culture 2024  
<CabSecCEAC@gov.scot>; [Redacted]>

**Cc:** Ewan Crawford <Ewan.Crawford@gov.scot>; Sean McGivern  
<Sean.McGivern@gov.scot>; Jack Middleton <Jack.Middleton@gov.scot>; Ross  
Ingebrigtsen <Ross.Ingebrigtsen@gov.scot>; Luke Mcbratney <Luke.Mcbratney@gov.scot>;  
[Redacted] [Redacted] Communications Constitution, External Affairs and Culture  
<CommunicationsConstitutionExternalAffairsAndCulture@gov.scot>; [Redacted]  
[Redacted]>

**Subject:** RE: TO CLEAR: Referendum precedent - Daily Mail

Hi [Redacted],

Mr Robertson is also content with the line below.

Best,  
[Redacted]

[Redacted]

**Private Secretary to the Cabinet Secretary for Constitution, External Affairs and  
Culture – Angus Robertson MSP**

The Scottish Government

St Andrew's House | Regent Road | Edinburgh | EH1 3DG

**Email:** [CabSecCEAC@gov.scot](mailto:CabSecCEAC@gov.scot)

**Phone:** [Redacted]

**From:** [Redacted] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and  
Culture 2024

**Sent:** 14 October 2025 17:08

**To:** [Redacted] ; Cabinet Secretary for Constitution, External Affairs and Culture 2024

**Cc:** Ewan Crawford ; Sean McGivern ; Jack Middleton ; Ross Ingebrigtsen ; Luke Mcbratney  
; [Redacted] [Redacted]; Communications Constitution, External Affairs and Culture ;  
[Redacted]

**Subject:** RE: TO CLEAR: Referendum precedent - Daily Mail

Hi [Redacted],

Thanks for flagging that. I will put this to CabSec, but if it is a direct quote from the Right to  
Decide then it has effectively already been cleared at the highest level as a public line, so  
fine to issue if he doesn't come back by 6pm.

Best,  
[Redacted]

[Redacted]

**Private Secretary to the Cabinet Secretary for Constitution, External Affairs and  
Culture – Angus Robertson MSP**

The Scottish Government

St Andrew's House | Regent Road | Edinburgh | EH1 3DG

**Email:** [CabSecCEAC@gov.scot](mailto:CabSecCEAC@gov.scot)

**Phone:** [Redacted]

**From:** [Redacted]  
**Sent:** 14 October 2025 17:05  
**To:** Cabinet Secretary for Constitution, External Affairs and Culture 2024  
<[CabSecCEAC@gov.scot](mailto:CabSecCEAC@gov.scot)>  
**Cc:** Ewan Crawford <[Ewan.Crawford@gov.scot](mailto:Ewan.Crawford@gov.scot)>; Sean McGivern <[Sean.McGivern@gov.scot](mailto:Sean.McGivern@gov.scot)>; Jack Middleton <[Jack.Middleton@gov.scot](mailto:Jack.Middleton@gov.scot)>; Ross Ingebrigtsen <[Ross.Ingebrigtsen@gov.scot](mailto:Ross.Ingebrigtsen@gov.scot)>; Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; [Redacted] [Redacted]; Communications Constitution, External Affairs and Culture <[CommunicationsConstitutionExternalAffairsandCulture@gov.scot](mailto:CommunicationsConstitutionExternalAffairsandCulture@gov.scot)>; [Redacted]  
**Subject:** TO CLEAR: Referendum precedent - Daily Mail

Cab Sec / PO,

The Daily Mail has asked about recent references to the 2011 precedent for securing an independence referendum, as below.

As our response is a direct quote from the Right to Decide paper, I'd be grateful for confirmation you are content for this to issue if Cab Sec is unable to review before 18:00.

Thanks,  
[Redacted]

### **LINE TO TAKE**

A Scottish Government spokesperson said:

“The Scottish Government’s position is that the decision on whether a referendum should be held ought to be for the Scottish Parliament, empowered to make such decisions by the votes of people who live here.”

Background:

[Your Right to Decide](#)

### **QUERY**

As discussed, there's a story on P13 of the Times Scotland today in which various experts trash the FM's conference claim that the SNP majority of 2011 is a precedent for securing a second referendum.

ie Another SNP majority would lead to another Indyref

The precedent argument is also made in this recent SG publication  
<https://www.gov.scot/publications/right-decide/documents/>

The criticisms basically say the precedent argument is a dud, as 2011 was a political decision by the PM of the day, and there is nothing legally which would compel another PM to grant a referendum.

--

[Redacted]

**News | Communications Team Leader**

**Constitution, External Affairs and Culture**

The Scottish Government | St Andrew's House, Edinburgh

Mobile: [Redacted] | Portfolio Media inquiries: [Redacted]

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

**Item 11:**

**From:** Luke Mcbratney <Luke.Mcbratney@gov.scot>

**Sent:** 14 October 2025 16:34

**To:** [Redacted] [Redacted]

**Cc:** [Redacted] Communications Constitution, External Affairs and Culture  
<CommunicationsConstitutionExternalAffairsAndCulture@gov.scot>

**Subject:** RE: Precedent for Indyref2 - Daily Mail

Happy to re-state. [Redacted - S.30(b)(i) - Free and frank advice]

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—  
**Luke McBratney** | Deputy Director, Elections and Constitutional Projects

**Constitution Directorate | DG Strategy and External Affairs**

**mob:** [Redacted] | **email:** [luke.mcbratney@gov.scot](mailto:luke.mcbratney@gov.scot)

[Redacted]

**From:** [Redacted]

**Sent:** 14 October 2025 16:03

**To:** Luke Mcbratney ; [Redacted]

**Cc:** [Redacted] ; Communications Constitution, External Affairs and Culture

**Subject:** FW: Precedent for Indyref2 - Daily Mail

Hi both – to see below.

Suggest we re-state the position as set out in in the paper if you're content with that?

Thanks,

[Redacted]

**LINE TO TAKE**

A Scottish Government spokesperson said:

“The Scottish Government’s position is that the decision on whether a referendum should be held ought to be for the Scottish Parliament, empowered to make such decisions by the votes of people who live here.”

**QUERY**

As discussed, there’s a story on P13 of the Times Scotland today in which various experts trash the FM’s conference claim that the SNP majority of 2011 is a precedent for securing a second referendum.

le Another SNP majority would lead to another Indyref

The precedent argument is also made in this recent SG publication  
<https://www.gov.scot/publications/right-decide/documents/>

The criticisms basically say the precedent argument is a dud, as 2011 was a political decision by the PM of the day, and there is nothing legally which would compel another PM to grant a referendum.

**From:** [Redacted]  
**Sent:** 14 October 2025 15:56  
**To:** [Redacted]  
**Subject:** Precedent for Indyref2

As discussed, there's a story on P13 of the Times Scotland today in which various experts trash the FM's conference claim that the SNP majority of 2011 is a precedent for securing a second referendum.

le Another SNP majority would lead to another Indyref

The precedent argument is also made in this recent SG publication  
<https://www.gov.scot/publications/right-decide/documents/>

The criticisms basically say the precedent argument is a dud, as 2011 was a political decision by the PM of the day, and there is nothing legally which would compel another PM to grant a referendum.

Thanks

[Redacted]

[Redacted]  
Deputy Scottish Political Editor  
Scottish Daily Mail  
Media Tower  
Scottish Parliament  
Edinburgh  
EH99 1 SP

[Redacted]

**Item 12:**

**Sturgeon convinced Swinney has 'secret plan' to force referendum**

Daily Telegraph - 13/10/2025

p4 News, Scottish. Simon Johnson and Jacob Freedland.

NICOLA STURGEON has said she believes John Swinney's claim that he has a secret plan to achieve independence but warned he faces an "exceptionally hard task". The former first minister said she had "confidence" in Mr Swinney's ability to deliver his plan to override Sir Keir Starmer's opposition to another referendum, even though he has failed to say what it is.

**Item 13:**

Sunday Express (Scotland) 1,4,5 **SNP CIVIL WAR AS SWINNEY SURVIVES INDY VOTE ..**  
His plan for breaking up the UK is to win at least 65 MSPs in the Scottish Parliament elections, putting pressure on the UK Government to grant another referendum. ..

**Item 14:**

Daily Record 8 **SNP must appeal to all of Scotland ..** position on the issue since a court ruled Holyrood could not organise IndyRef2. John Swinney's plan to use an outright SNP majority as the basis for talks on a referendum ..

**Item 15:**

**SNP autumn conference this weekend** SNP autumn conference gets underway in Aberdeen this weekend, where the First Minister will set out his plans to try to secure a new independence referendum. John Swinney has signalled he'll pursue a new vote if his party wins a majority in May's election, pointing to the 2011 landslide that led to the poll in 2014.  
GMS0736 *Interview* Fergus Mutch (Former SNP Head of Communications)  
*Interview* Stuart Nicolson (Former spokesperson for Nicola Sturgeon)

**Item 16:**

Holyrood. [After years of false promises, the SNP still have no route to a referendum.](#)  
Commentary from Prof James Mitchell. 9 Oct

**Item 17:**

- [Holyrood on X: "John Swinney's plans to secure an independence referendum are "taking us nowhere", @KennyMacAskill has said. https://t.co/JkZcdaPPhw" / X](#)

**Item 18:**

The Herald 6,7 **'Howl of frustration' FM faces showdown on indy at conference** SNP deputy leader Keith Brown and First Minister John Swinney have proposed that the next Holyrood election focuses on a "clear platform of national independence". They aim to replicate the SNP's 2011 success by securing at least 65 seats, which they argue is essential for a new referendum on Scotland's independence. Various amendments have been tabled, including proposals for a de facto referendum based on popular vote, a commitment to EU membership, and strategies to unite the independence movement. Toni Giugliano emphasised the need to exceed 50% support for independence to ensure its viability.

**Item 19 :**

**From:** [Redacted] > **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture 2024

**Sent:** 02 October 2025 14:16

**To:** Dominic Munro <Dominic.Munro@gov.scot>; Cabinet Secretary for Constitution, External Affairs and Culture 2024 <CabSecCEAC@gov.scot>

**Cc:** Christopher Mackie <Christopher.Mackie@gov.scot>; Luke Mcbratney <Luke.Mcbratney@gov.scot>; [Redacted]

**Subject:** RE: Intergovernmental relations inquiry/Independence ref inquiry - Cab Sec appearance 18th Dec

Hi Luke

For awareness - the letter to UKG was published yesterday: [Letter to Minister for the Constitution and European Union Relations - Options for a legal mechanism for triggering any independence referendum](#)

Thanks,

[Redacted]

**Item 20:**

**From:** [Redacted]

**Sent:** 02 October 2025 14:16

**To:** Ross Ingebrigtsen <Ross.Ingebrigtsen@gov.scot>; Sean McGivern <Sean.McGivern@gov.scot>; Jack Middleton <Jack.Middleton@gov.scot>; Ewan Crawford <Ewan.Crawford@gov.scot>

**Cc:** Communications Constitution, External Affairs and Culture <CommunicationsConstitutionExternalAffairsAndCulture@gov.scot>; [Redacted] [Redacted] Luke Mcbratney <Luke.Mcbratney@gov.scot>; [Redacted] [Redacted]

**Subject:** RE: SPAD VIEW: Indy paper - Daily Express

Thanks Ross – will send on now.

[Redacted]

**From:** Ross Ingebrigtsen

**Sent:** 02 October 2025 14:15

**To:** [Redacted] ; Sean McGivern ; Jack Middleton ; Ewan Crawford

**Cc:** Communications Constitution, External Affairs and Culture ; [Redacted] [Redacted]; Luke Mcbratney ; [Redacted] [Redacted]

**Subject:** RE: SPAD VIEW: Indy paper - Daily Express

Fine by me to reissue thanks

Thanks

Ross

*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](http://www.lobbying.scot) for information.*

**From:** [Redacted]

**Sent:** 02 October 2025 14:10

**To:** Sean McGivern <[Sean.McGivern@gov.scot](mailto:Sean.McGivern@gov.scot)>; Ross Ingebrigtsen <[Ross.Ingebrigtsen@gov.scot](mailto:Ross.Ingebrigtsen@gov.scot)>; Jack Middleton <[Jack.Middleton@gov.scot](mailto:Jack.Middleton@gov.scot)>; Ewan Crawford <[Ewan.Crawford@gov.scot](mailto:Ewan.Crawford@gov.scot)>

**Cc:** Communications Constitution, External Affairs and Culture <[CommunicationsConstitutionExternalAffairsandCulture@gov.scot](mailto:CommunicationsConstitutionExternalAffairsandCulture@gov.scot)>; [Redacted] [Redacted]; Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; [Redacted] [Redacted]

**Subject:** SPAD VIEW: Indy paper - Daily Express

Good afternoon Spads

The Daily Express is seeking a response to criticisms of SG for “wasting money” on the Right to Decide paper.

I suggest a reissue of the line below. Policy colleagues are content.

Grateful for your view ASAP, and if content to reissue on SpAd clearance?

Regards

[Redacted]

**A Scottish Government spokesperson said:**

“The Scottish Government’s policy is for an independent Scotland. In light of majority support within the Parliament for a referendum, there is a clear mandate to provide the people of Scotland with the information they need to make an informed choice about their future.”

**QUERY**

The government has been criticised for refusing to reveal costs and workforce information regarding its Right to Decide paper, published last month:

**Scottish Conservative MSP Craig Hoy said:** “It’s shameful that shady SNP politicians are covering up how much public money they are squandering on their independence obsession.

“The Supreme Court ruled the nationalists didn’t have the legal power to hold another referendum, yet civil servants are still being used to plot the break-up of the United Kingdom.

“Instead of wasting public money on pointless independence papers, SNP ministers should move on and focus on the issues Scots really care about, such as reducing NHS waiting times, bringing down bills and restoring standards in our schools.”

[Redacted]

**News | Senior Media Manager**

**Constitution, External Affairs and Culture Communications**

The Scottish Government, St Andrew’s House, Edinburgh

Mobile: [Redacted] | Portfolio Media inquiries: [Redacted]

## **Annex B**

### **Section 30(b)(i) – free and frank provision of advice**

An exemption under section s.30(b)(i) (free and frank provision of advice) of FOISA applies to all of the information you have requested. This exemption applies because disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice. This exemption recognises the need for officials to have a private space within which to provide free and frank advice to other officials.

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 allowing a private space within which officials can provide full and frank advice to other officials, as part of the process of briefing Ministers on a variety of constitution related matters