Draft Independence Referendum Bill

August 2026

Scottish Government
Riaghaltas na h-Alba

Scottish Independence Referendum Bill

[DRAFT FOR PUBLICATION]

An Act of the Scottish Parliament to make provision for the holding of a referendum in Scotland on a question about the independence of Scotland.

Referendum

1 Referendum on Scottish independence

(1) A referendum is to be held in Scotland on a question about the independence of Scotland.

(2) The question is—

"Should Scotland be an independent country?".

(3) The ballot paper to be used for the purpose of the referendum is to be printed—

(a) in the form set out in Parts 1 and 2 of the schedule, and

(b) according to the directions set out in Part 3 of the schedule.

(4) The date on which the poll at the referendum is to be held is [*date to be decided by the Scottish Parliament*], unless before then regulations are made under subsection (6) or (8).

(5) Subsection (6) applies if the Scottish Ministers consider—

(a) that it is impossible or impracticable for the poll at the referendum to be held on [*date to be decided by the Scottish Parliament*], or

(b) that it cannot be conducted properly if held on that date.

(6) The Scottish Ministers may by regulations appoint a later date as the date on which the poll at the referendum is to be held.

(7) Subsection (8) applies if a date has been appointed by regulations under subsection (6) and the Scottish Ministers consider—

(a) that it is impossible or impracticable for the poll at the referendum to be held on the date appointed by the regulations, or

(b) that it cannot be conducted properly if held on that date.

(8) The Scottish Ministers may by regulations appoint a later date than the date appointed by the regulations as the date on which the poll at the referendum is to be held.

(9) Regulations under subsection (6) or (8)—

(a) may include incidental, supplementary or consequential provision,

(b) may modify any enactment (including this Act), and

(c) are subject to the affirmative procedure.

Franchise

2 Entitlement to vote at the referendum: qualifying foreign nationals

(1) The Referendums (Scotland) Act 2020 applies for the purposes of determining entitlement to vote at the referendum, subject to the following modifications.

(2) Section 4(d) (those who are entitled to vote) has effect as if for "relevant citizen of the European Union" there were substituted "qualifying foreign national".

(3) Schedule 7 (interpretation) has effect as if—

(a) after the definition of "qualifying address" there were inserted—

""qualifying foreign national" has the meaning given in section 202(1) of the 1983 Act,",

(b) the definition of "relevant citizen of the European Union" were repealed.

Further provision about conduct of referendum etc.

3 Application of the Referendums (Scotland) Act 2020 to the referendum

(1) The Referendums (Scotland) Act 2020 applies for the purposes of the referendum.

(2) That is subject to [*exceptions and modifications*].

Final provisions

4 Interpretation

(1) References in this Act to "the referendum" are to the referendum to be held under section 1.

(2) Any other word or expression used in this Act which is also used in the Referendums (Scotland) Act 2020 has the same meaning as in that Act.

(3) Subsection (2) does not apply where the context requires otherwise.

5 Ancillary provision

(1) The Scottish Ministers may by regulations make any incidental, supplementary or consequential provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act.

(2) Regulations under subsection (1) may—

(a) modify any enactment (including this Act),

(b) apply for the purposes of the referendum any provision of any enactment (either with or without modifications),

(c) include incidental, supplementary, consequential, transitional, transitory or saving provision.

(3) Regulations under subsection (1)—

(a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act, but

(b) otherwise are subject to the negative procedure.

6 Commencement

This Act comes into force on the day after Royal Assent.

7 Short title

The short title of this Act is the Scottish Independence Referendum Act.

SCHEDULE
(introduced by section 1(3))

FORM OF BALLOT PAPER

PART 1

FRONT OF BALLOT PAPER

PART 2

BACK OF BALLOT PAPER

[*Unique identifying number*]

Area of [*insert council name*].

Referendum on [*date to be decided by the Scottish Parliament*]

PART 3

DIRECTIONS AS TO PRINTING THE BALLOT PAPER

1 Nothing is to be printed on the ballot paper except as set out in this schedule.

2 So far as practicable, the instructions specified in paragraphs 3 to 6 must be observed in printing the ballot paper.

3 Words printed on the ballot paper must be printed—

(a) in a sans serif font (for example, Arial), and

(b) in characters of at least 14 point size.

4 The direction to "**VOTE (X) ONLY ONCE**" and the "**YES**" and "**NO**" options must be printed in bold capital letters.

5 The ballot paper must be at least 180mm wide.

6 The voting boxes where the vote is to be marked must each be 21mm square.

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Any enquiries regarding this publication should be sent to us at

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Edinburgh
EH1 3DG

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