



DEBATE PACK

Number CDP-0219, 10 November 2017

E-petitions relating to a referendum on Scottish independence

There will be a debate on the motion "That this House has considered e-petitions 180642 and 168781 relating to a referendum on Scottish independence". The debate will be led by Martyn Day MP and will take place in Westminster Hall on Monday 13 November 2017 at 4.30pm.

Summary

On 18 September 2014, a referendum was held on Scottish independence. Voters in Scotland voted by 55.3% to 44.7% to remain part of the United Kingdom. At the time it was seen by some as deciding the matter 'for a generation'.

In the 2016 referendum vote, by UK voters as a whole, to leave the European Union, the majority of Scottish voters wanted to remain in the EU. This triggered one of the Scottish National Party Government's manifesto commitments to seek a second referendum on independence for Scotland.

Petition [168781](#) calls for second referendum on Scottish independence to be held. Petition [180642](#) opposes a second referendum. Both petitions were closed before the June 2017 General Election.

The Government responses to both petitions make it clear that the "UK Government is clear that now is not the time for a second independence referendum".

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

Specialist:
Neil Johnston
Statistician:
Noel Dempsey

Contents

1.	Background	2
1.1	Legislative competence for a referendum on Scottish independence	4
2.	Parliamentary material	5
3.	Press Articles	7
4.	Commons and Lords Library briefings	9
5.	Further reading	10

1. Background

On 18 September 2014, a referendum was held on Scottish independence. The question asked was "Should Scotland be an independent country?".

There were 3,623,344 votes counted (representing 84.6% of the electorate). Of these 3,429 were rejected.

- 2,001,926 people voted No (55.3% of all voters)
- 1,617,989 people voted Yes (44.7% of all voters)

Alex Salmond, then First Minister of Scotland, conceded defeat in the early hours of Friday 19th September at a rally in Edinburgh and said:

We know that there's going to be a majority for the no campaign. And it is important to say that our referendum was an agreed and consented process and Scotland has, by a majority, decided not at this stage to become an independent country. And I accept that verdict of the people. And I call on all of Scotland to follow suit in accepting the democratic verdict of the people of Scotland.

<https://www.theguardian.com/politics/2014/sep/19/alex-salmond-accepts-scotland-independence-defeat-holyrood-powers>

The then Prime Minister, David Cameron, [made a statement](#) outside 10 Downing Street following the result.

I am a passionate believer in our United Kingdom – I wanted more than anything for our United Kingdom to stay together.

But I am also a democrat. And it was right that we respected the SNP's majority in Holyrood and gave the Scottish people their right to have their say.

Let us also remember why it was right to ask the definitive question, Yes or No. Because now the debate has been settled for a generation or as Alex Salmond has said, perhaps for a lifetime.

So there can be no disputes, no re-runs – we have heard the settled will of the Scottish people.

In the SNP's [2016 manifesto](#) for elections to the Scottish Parliament contained a commitment for a second referendum, if for example, Scotland were to be taken out of the EU against its will:

We believe that the Scottish Parliament should have the right to hold another referendum if there is clear and sustained evidence that independence has become the preferred option of a majority of the Scottish people – or if there is a significant and material change in the circumstances that prevailed in 2014, such as Scotland being taken out of the EU against our will.

In the next parliament, we will work hard to persuade a majority of the Scottish people that being an independent country is the

best option for our country. We will listen to the concerns of people who voted No in 2014 and seek to address them. The case we make will be relevant to the complex world we live in today.

In the Scottish Parliamentary elections of [May 2016](#) the SNP won the largest number of seats (63), but lost the majority they held in the preceding Parliament. The Conservative Party came second with 31 seats, their best performance at any Scottish Parliament elections. Turnout was 55.7%, an increase of 5.3% points from 2011.

In September 2016, following the UK's referendum vote to leave the EU, the Scottish Government consulted on draft legislation to allow for a second referendum on independence for Scotland. When [launching the consultation](#) the Scottish Government said:

The current Scottish Government was elected with a clear mandate that the Scottish Parliament should have the right to hold an independence referendum if there was clear and sustained evidence that independence had become the preferred option of a majority of the Scottish people – or if there was a significant and material change in the circumstances that prevailed in 2014, such as Scotland being taken out of the EU against our will.

Given Scotland's strong and unequivocal vote to remain in the EU, Scotland is now faced with one of the specific scenarios in which this government pledged that the Scottish Parliament should have the right to hold an independence referendum.

The draft legislation set out the basis for a future referendum, including the need to seek a Section 30 Order from the UK Government to allow for the referendum to take place (see Section 1.1 below).

The consultation proposes that the regulation and monitoring of the referendum should be based on the 2014 referendum, but proposes some technical changes to take into account developments in electoral law since 2014.

A future referendum held under these conditions would again use the local government franchise and would be overseen by the Electoral Commission.

In March 2017, Scotland's First Minister, Nicola Sturgeon, [announced her Government's intention](#) to trigger a second independence referendum within two years.

However, following the UK General election of June 2017, where the SNP lost seats in Westminster, the First Minister [made a statement](#) to the Scottish Parliament, in which she said:

I have a duty to listen to those views and I intend to do so. The Scottish Government remains strongly committed to the principle of giving Scotland a choice at the end of the process. However, I reassure people that our proposal is not to have a referendum now or before there is sufficient clarity about the options, but rather to give them a choice at the end of the Brexit process when that clarity has emerged.

I am therefore confirming today that, having listened and reflected, the Scottish Government will reset the plan that I set out on 13 March. We will not seek to introduce the legislation for

an independence referendum immediately. Instead, we will, in good faith, redouble our efforts and put our shoulder to the wheel in seeking to influence the Brexit talks in a way that protects Scotland's interests. We will seek to build maximum support around the proposals that are set out in the paper that we published in December—"Scotland's Place in Europe"—to keep us in the single market, with substantial new powers for this Parliament. We will do everything that we can to influence the UK in that direction.

1.1 Legislative competence for a referendum on Scottish independence

On 15 October 2012 the UK and Scottish Governments [signed an agreement](#), known as the Edinburgh agreement, under which the Scottish Parliament could organise a referendum on independence for Scotland.

There were differences of view as to how a referendum could be organised lawfully, but agreement was reached that there would be secondary legislation under section 30 of the Scotland Act 1998 to devolve the power to hold a single-question referendum by the end of 2014.

The section 30 Order was subject to the affirmative procedure in both Houses of Parliament and in the Scottish Parliament. It was laid before the UK Parliament on 22 October 2012 and debated in the Commons on 15 January 2013 and in the Lords on 16 January 2013. The Scottish Parliament approved the Order on 5 December 2012.

The Agreement stated that the two governments have agreed to "work together" to ensure that the referendum can take place. They gave four criteria for the referendum. It should:

- have a clear legal base;
- be legislated for by the Scottish Parliament;
- be conducted so as to command the confidence of parliaments, governments and people; and
- deliver a fair test and a decisive expression of the views of people in Scotland and a result that everyone will respect.

The [2016 consultation](#) on the draft legislation for a second referendum again made clear that the Scottish Government would follow the same procedure:

If the Scottish Government decides to formally introduce the Bill to Parliament, it would be expected that a section 30 order would be sought and agreed, as in 2014.

2. Parliamentary material

Brexit: Scotland – Lords oral questions

[HL Deb 15 Sep 2017 c1567](#)

Lord Foulkes of Cumnock (Lab): My Lords, does the Minister agree that if the First Minister of Scotland accepts the Brexit referendum as binding, she should also accept the Scottish referendum as binding? Will the United Kingdom Government make it clear that we would not agree to another Scottish referendum in the foreseeable future?

Lord Dunlop: The noble Lord will know that the SNP has announced a listening exercise in Scotland—and if it were listening, I think the first thing that it would do would be to take “indyref 2”, as it is known in Scotland, off the table. It is absolutely clear from all the recent opinion polls that the majority of Scots do not want it. Just as important is that business does not want it either, because businesses can see that it is damaging to investment and the economy. So I totally agree that it should be taken off the table.

Prime Minister’s Questions

[HC Deb 13 Sep 2017 c839](#)

Ross Thomson (Aberdeen South) (Con): Following our successful Offshore Europe exhibition last week in Aberdeen, can the Prime Minister assure me and my constituents that support for the oil and gas industry will be at the heart of the industrial strategy so that we can maximise economic recovery in the North sea? Does she agree that the biggest threat to the industry would be the instability of a second, divisive independence referendum?

The Prime Minister: My hon. Friend is absolutely right. We have already given significant support to the oil and gas industry. I was pleased, some months ago, to visit Aberdeen and to visit the technology centre for the oil and gas industry. It is doing really interesting work looking not just at existing fields but at decommissioning work and how it can export its knowledge and expertise across the world. He is absolutely right that what people and businesses want is the certainty of knowing that Scotland will remain in the United Kingdom and that there will not be a second independence referendum.

Scottish Independence Referendum – Private Notice Question

[HL Deb 14 Mar 2017 c1749-50](#)

Lord West of Spithead: To ask Her Majesty’s Government what response has been given to the Scottish First Minister in response to her request for a further referendum on Scottish independence.

The Parliamentary Under-Secretary of State, Northern Ireland Office and Scotland Office (Lord Dunlop) (Con): My Lords, a little over two years ago people in Scotland voted decisively to remain part of our United Kingdom in a referendum. The UK Government remain of the view that there should not be a further referendum on independence. Even at this late hour we call on the Scottish Government to take it off the table. Another referendum would be divisive and cause huge economic uncertainty at the worst possible time.

Claim of Right for Scotland – Westminster Hall debate

HC Deb 6 Sep 2016

Patrick Grady (Glasgow North) (SNP): [...] Disappointed though many of us were by the result of the referendum, we accept that Scotland voted to remain in the Union. However, voters were told repeatedly during the referendum that a no vote was not a vote for the status quo, and that choosing to stay in the Union would bring about a new relationship in which Scotland would lead the UK, not leave it. A vow was made to deliver something as near to federalism as possible, and a guarantee was given that Scotland would remain a member of the European Union.

As we approach the second anniversary of the referendum, none of those promises have been kept. There might have been a new status quo on the morning of 19 September 2014, but there was also one on the morning of 24 June 2016, when the Union for which people in Scotland voted came to an end. That United Kingdom—a United Kingdom that would remain part of the European Union, guaranteeing people in Scotland freedom of movement for themselves and their goods, capital and services across a continent to which we have always looked and of which we have always seen ourselves as a part—no longer exists.

Michael Gove (Surrey Heath) (Con): But now the SNP is claiming in this debate that the long-held constitutional principle that the Scottish people are sovereign means that the Scottish people should be independent. But either the Scottish people decide their own constitutional fate, in which case we should respect the decision taken in that referendum, or they are perpetually wrong because they do not agree with the SNP. I also point out that since that referendum we have seen the SNP move from being a majority Government in Holyrood to a minority Government, and we have seen that support for Scotland's position within the Union has remained resolutely at the same level as in the referendum. We have also seen Ruth Davidson, the leader of the Scottish Conservatives, become the single most impressive and popular politician in Scotland.

3. Press Articles

Please note: the Library is not responsible for either the views or accuracy of external content.

Westminster is forced to debate second Scottish independence referendum

Andrew Learmonth, The National

12 Oct 2017

MPs are to debate a second referendum on Scottish independence next month, after a demand from tens of thousands of voters.

Nicola Sturgeon suggests second Scottish independence referendum could be held in next four years

Lynsey Bews, Independent

9 Oct 2017

The SNP still has a mandate to hold a second independence referendum before the next Holyrood elections in 2021, Nicola Sturgeon has said.

Nicola Sturgeon admits she does not know when second Scottish independence referendum will take place

David Hughes, Independent

20 Sep 2017

Nicola Sturgeon has admitted she does not know when she will call another referendum on Scottish independence.

Nicola Sturgeon shelves second Scottish independence referendum

Severin Carrell, Guardian

27 Jun 2017

First minister accepts there is no popular support for another vote and will not introduce bill until autumn 2018 at earliest

Scottish Government formally request a second independence referendum

Nicole Morley, Metro

31 Mar 2017

A letter from Nicola Sturgeon formally requesting transfer of powers to hold a second Scottish independence referendum has been delivered to Downing Street.

Scottish parliament votes for second independence referendum

Severin Carrell, Guardian

28 Mar 2017

MSPs pass motion to give Nicola Sturgeon the authority to begin negotiations with UK parliament on breakaway vote

Theresa May's Government warned against 'defying democracy' over second Scottish independence referendum

Scottish Herald

16 Mar 2017

Blocking a second referendum on Scottish independence would act as the "biggest recruiting sergeant possible" for the cause, the SNP has warned the Government.

SNP offers to abandon independence referendum if Theresa May lets Scotland stay in the European single market

Charlotte England, Independent

15 Mar 2017

Nicola Sturgeon is reportedly abandoning her policy of rejoining the EU immediately after a vote for independence

Petition against second Scottish independence referendum reaches 113,000 signatures

Helena Horton, The Telegraph

15 Mar 2017

A petition saying a second Scottish Independence referendum "should not be allowed to happen" has reached 113,000 signatures.

Who decides the date of a Scottish independence referendum?

Henry Mance, Financial Times

14 Mar 2017

Nicola Sturgeon says timing should be determined by Holyrood, not 'Downing St diktat'

4. Commons and Lords Library briefings

Scottish Independence Referendum Procedure: Section 30 Orders

This House of Lords Library briefing provides information on the call for a second Scottish independence referendum and the section 30 order proposed by the Scottish Government as the means to hold one.

06 Apr 2017 | Lords In Focus - Topical | LIF-2017-0036

Scottish Independence Referendum 2014

In the Scottish Independence Referendum held on the 18th September 2014, the proposition 'Should Scotland be an independent country?' was rejected by a margin of 10.6 percentage points. The turnout at the referendum was 84.6% including rejected papers (84.5% based on valid votes). This is the highest turnout at a nationwide referendum or parliamentary election in Scotland since the franchise was extended to women in 1918.

30 Sep 2014 | Commons Briefing papers | RP14-50

Polling Data on the Scottish Independence Referendum

This Library Note—an update to a previous Note published on 23 June 2014—focuses on public opinion polling data in relation to the Scottish independence referendum.

08 Aug 2014 | Lords Library notes - Debates | LLN-2014-027

Referendum on Scottish Independence

This Library Note updates a previous Library Note, published on 27 January 2014, on the subject of the possible consequences of a 'Yes' vote. The Note aims to provide broad discussion of some of the main issues raised in connection with the subject, and lists possible sources for further reading.

19 Jun 2014 | Lords Library notes - Debates | LLN-2014-020

Scottish referendum- the campaign rules

General background on the process leading to the referendum in Scotland to be held on 18 September 2014 is covered in Library Standard Note 6578 Referendum on independence for Scotland. This Note covers the campaign rules which operate for the referendum, as set out in the Scottish Parliament legislation, the Scottish Independence Referendum Act 2013.

13 May 2014 | Commons Briefing papers | SN06604

5. Further reading

Scottish independence and the law

Full Fact

21 Mar 2017

Theresa May says that “now is not the time” for a Scottish independence referendum. Who gets to decide when the right time for a vote is?

The UK government thinks that the UK parliament has to pass a law before a referendum can legally be held. That’s because the Scottish parliament’s powers to pass laws are limited when it comes to, among other things, “the Union of the Kingdoms of Scotland and England”.

This has been disputed by some legal academics, who argue that the Scottish parliament might have the power to call a referendum. The Scottish government also argued as much in 2012.

Only the courts can ultimately decide who’s right, as the House of Lords Constitution Committee noted in 2012 (although it agreed with the UK government).

The courts didn’t need to get involved last time around, because the UK and Scottish governments agreed to put the legal situation beyond doubt. This was achieved by a ‘section 30 order’ (referring to section 30 of the Scotland Act 1998) that temporarily lifted any restriction on the Scottish parliament’s power to arrange a referendum.

That order was approved by both the UK and Scottish parliaments.

Nicola Sturgeon, in her speech on 13 March calling for a second independence referendum, proposed another section 30 order. As that seems to have been ruled out for now by the Prime Minister, we may see a fresh legal debate about the Scottish parliament’s power to proceed without Westminster’s go-ahead. [...]

Stephen Tierney: A Second Independence Referendum in Scotland: The Legal Issues

UK Constitutional Law Association

13 Mar 2017

Scottish Independence

YouGov.ukYouGov.uk

About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publically available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email hcinfo@parliament.uk.

Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).