Scotland in Union is a non-party political campaign, established in 2015, making the positive case for Scotland’s future in the United Kingdom. We have c.26,000 Registered Supporters and are active in every area of Scotland.

The view of Scotland in Union is that a further referendum with the aim of making Scotland a separate country from the United Kingdom would be unnecessary, divisive and in breach of repeated promises and commitments made by the Scottish Government.

The referendum held in September 2014 produced a decisive result in favour of Scotland remaining in the United Kingdom. Alex Salmond, as First Minister, and Nicola Sturgeon, then Deputy First Minister, signed an agreement with the UK Government that they would respect the result of that referendum. They have not. Both Mr Salmond and Ms Sturgeon promised during the referendum campaign that it would be a “once in a lifetime” or “once in a generation” event. Yet, the Scottish Government has been working towards having another referendum ever since. This proposed legislation is the latest action taken to that end.

The threat of a further referendum is already causing continuing uncertainty and is damaging to the Scottish and the wider British economy. In addition, the previous referendum unleashed a painful division in our society, between friends, family and colleagues that has yet to be healed. This is not something that we would want to go through again any time soon.

The SNP said in its manifesto that it would request a second referendum if there was “clear and sustained evidence that independence has become the preferred option of a majority of the Scottish people.” This has not happened; in fact there is clear polling evidence to show sustained support for Scotland remaining in the UK in 87% of polls taken since the referendum. The other reasoning given was “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,” yet it is clear that Scotland leaving the UK would have no impact on whether we leave the EU or not. We will leave if/when the rest of the UK leaves, and if we leave the UK after this, Scotland would face a lengthy and costly process to join the EU as a separate country, committing to joining the euro as well as other EU rules for new member states, with no guarantee of success.

In any case, it should be noted that the current Scottish Government does not hold a mandate for another Scottish independence referendum. The SNP lost its Parliamentary majority in the last Scottish Parliamentary elections. It is now dependent on Scottish Green votes; the Scottish Greens did not have a commitment to a second referendum in this parliamentary term in their manifesto (there is only a reference to any future referendum happening as a result of a public petition).

Scotland in Union also notes that a referendum on a constitutional matter such as breaking up the United Kingdom would require legislation made by the UK Government and approved by the UK Parliament to give the Scottish Parliament temporary legislative competence to pass a referendum Bill.

We believe the Scottish people would once again vote for unity, but we ask our politicians to consider the damage another referendum would do to the British economy, and the
unnecessary distress and division it would cause. Further, the UK’s strategic planning must involve a horizon of more than a generation - that important process should be allowed to continue without the constant threat of the country being broken up.

Overall policy objectives of the Bill

- The policy objective of the legislation is set out as to allow Scotland to be ready to hold any referendum (like PPERA does at a UK level), but it has been made clear in the announcement of the legislation that it is purely focussed on holding a second independence referendum. This has been clearly stated, and it was announced along with other projects that are aimed at this outcome.
- It should also be noted that there has been zero public discussion of any possible referendums on any other matters and no indication of any public appetite for referendums being used to decide future policy. Therefore, it must be concluded that this legislation is being created for the sole purpose of a future independence referendum.
- Despite this, this Bill does not mention independence at all. Subsequently it does not spell out that this legislation will not be used to hold any referendum on a matter that is reserved without a Section 30 order granted from the UK Government. If the Bill does go ahead, this must be explicitly stated in the legislation.
- Scotland in Union sees no reason for this Bill to enter legislation. The time spent on this Bill could be far better spent finding solutions to the issues Scotland is facing that truly matter to people and communities.

Regulation-Making Powers

- As the stated objective of this proposed Bill is to legislate for possible referendums in general and cannot specifically legislate for an independence referendum, many of the decisions about important details, including the date of the referendum, the wording of the question and the referendum period, would be decided by secondary legislation. This is of great concern.
- This process would concentrate a great deal of power in the hands of Scottish Ministers on the design of a referendum. Whilst it is noted that the Electoral Commission would still be consulted, the process and the timeframe greatly reduce the scope for scrutiny of the regulations, and for input from experts and the public. This is inevitable when the aim of the current Bill appears to be to speed the process up in the event that the Scottish Government obtains a Section 30 order from the UK Government. This is not acceptable.
- We remain specifically concerned about the wording of the question in any future independence referendum. The Bill currently allows for the Scottish Government not to consult with the Electoral Commission on the wording of the question if it decides to use the same wording as was used in 2014. This is confirmed in the briefing that has been published to accompany the Bill and was also confirmed by the Scottish Government’s Deputy Director of Elections at a hearing of your Committee.
- Since 2014, we have experienced the referendum of the UK’s membership of the European Union. During the lead up to this referendum, the Electoral Commission, as one might expect, was asked to assess the proposed referendum question. The result was that the Electoral Commission recommended that the ‘yes/no’ style question be dropped in favour of a ‘non-yes/no’ question after considering the evidence and concluding that it was both easier to understand and a more balanced question. It has said that this change from its advice in
October 2013 is the result of having more time to examine further evidence than was possible previously.

- In light of this, should we ever be in the situation where Scotland’s place in the UK is subject to another referendum, it is the case that to ensure that it is carried out fairly and the result is respected by all, the wording of the question must be looked at again by the Electoral Commission in all circumstances, including if the Scottish Government proposes to use a question that has been previously used.

- The Commission must be given the appropriate amount of time and resources to carry out a thorough assessment.

### Citizen-Initiative Referendums

- There is no current mandate for the Scottish Parliament to legislate for Citizen Initiative Referendums, nor has there been any significant public consultation on this specific suggestion, so we do not believe there is reason to include this in the Bill.

### Franchise

- It is unclear why this new legislation is being proposed without again looking at the franchise. The decisions made around the franchise ahead of the 2014 referendum proved to be contentious. If legislation is to go ahead then the franchise must be fully re-examined.

- There is no clarity as to why the local government franchise is favoured over the parliamentary constituency franchise. This creates an anomaly whereby some voters are eligible to vote for a Member of Parliament but not for the future of Scotland in the UK.

- It excludes Scottish people living in the rest of the UK and overseas who can vote in other elections, and those from Scotland serving our country in the military who are not currently registered to vote in Scotland due to where they are based.

- It is the view of Scotland in Union that the make-up of the franchise would benefit from full public and parliamentary debate. We are not proposing a specific franchise but suggest a review to confirm the fairest option and explain rationale for the decision.

### Fairness of Campaigns

#### Ensuring a truly informed debate

- Scotland in Union notes that many voters in the Scottish and European referendums felt they did not have all of the information needed when they came to decide on our future. The rise of ‘post-truth’ politics has led to the public having to decide on competing ‘facts’ and contradictory information offered by both campaigns. The consequence has been accusations of bad faith and this has contributed to an inability to accept the result by some people.
• In 2014, in key areas such as the currency, the future of the NHS, North Sea oil projections and basic economics, the public were let down by some politicians and campaign groups who indulged in ‘post-truth politics.’ Many of these are still disputed.

• A solution to this does not appear to have been considered in the drafting of this Bill, and we would suggest that it is considered before it progresses any further. How can the public be provided with indisputable, unvarnished facts?

• One solution might be for both campaigns to agree to an independent and qualified ‘Truth Commission’ to act as an unimpeachable fact-checker to review and arbitrate on areas of dispute. This independent panel of experts could be agreed by both sides to adjudicate on behalf of the Scottish people.

• Voters should be able to go to the polls informed and confident in their decision, not having to decide which politician is the most convincing. We cannot afford to take such a momentous decision with a ‘post-truth’ referendum. An independent and trusted fact-checker which both sides agree to respect would arm voters with the information they need to make a considered decision and help any division to heal after the referendum.

Tackling Harassment

• One serious situation, which became apparent over the campaign leading up to the 2014 referendum, was the harassment and intimidation of campaigners, and of members of the public who had made their view on independence known. This led to a toxic atmosphere from which we have not recovered. This is likely to be repeated if another referendum takes place in the foreseeable future.

• It is unfortunate that this does not appear to have been considered in the drafting of this legislation. With regard to the management of any referendum, steps must be taken to reduce the possibility of intimidation and harassment. The Scottish Government must consider the implications for policing during the referendum campaign and on polling day. Specifically, there should be provision for Police Scotland to record whether any criminal activity reported to them is related to the referendum, and they must be given the resources required for the additional work during this period.