

A second referendum on Scottish independence



Why are people talking about a second Scottish independence referendum?

Scottish voters were first asked whether they wanted Scotland to become an independent country in a referendum in September 2014; the result was 55% to 45% against independence.

In May 2019, the Scottish Government published a referendum framework bill, called the Referendums (Scotland) Bill, which would provide the basis for holding a second independence referendum if the Scottish Government is empowered to do so by Westminster.

In its manifesto for the 2016 Scottish Parliament elections, the Scottish National Party (SNP) argued that “Scotland being taken out of the EU against our will” would justify a second vote on independence. Scotland voted by 62% to 38% in favour of Remain in the EU referendum in June 2016, and First Minister Nicola Sturgeon concluded that indyref2 “must be on the table”.

In March 2017, the day before Article 50 was triggered, Sturgeon formally requested the consent of Westminster to hold another referendum. But Prime Minister Theresa May declined, arguing that “now is not the time”. The First Minister renewed calls for a second vote in April 2019, announcing a new process for deciding Scotland’s constitutional future.

What is the the Scottish Government's plan for a second independence referendum?

The Scottish Government remains of the view that Scotland should be given a choice between Brexit and independence. In April 2019, Sturgeon said that voters should have the opportunity make a decision on Scotland’s future before the next Scottish parliamentary election in 2021, but after the “Brexit path has been determined”, to “allow an informed choice to be made”.

The Scottish Government also backs a second referendum on Brexit in which Remain was an option. However, the First Minister has suggested that a decision to remain in the EU would “not necessarily” remove the need for an independence vote.

In May 2019, the Scottish Government introduced the Referendums (Scotland) Bill, which would give Scottish ministers the power to hold any referendum within its competence, subject to parliamentary approval of the question and the date of the poll. This is unusual in the UK, as each individual referendum usually requires its own specific piece of primary legislation. The bill also sets out the rules for any future referendum.

The Scottish Government has also announced plans for two parallel processes: cross-party talks on “constitutional and procedural change”, and a citizens’ assembly which would be tasked with considering various issues including “[w]hat kind of country are we seeking to build?” Ministers hope to hold the first session of the citizens' assembly in the autumn.

How is the Scottish Government proposing a referendum would work?

The referendum framework bill broadly replicates the legal framework for referendums held by the UK Government, as set out in the Political Parties, Elections and Referendums Act 2000.

For referendums held by Westminster, the Electoral Commission would be given a statutory role, overseeing the conduct of the poll and the regulation of referendum campaigners, including designating lead referendum campaigners.

The bill also requires the Electoral Commission to test the “intelligibility” of a proposed referendum question. Unlike the UK precedent however, this requirement does not apply if the Electoral Commission has previously published a report on the same question, or if the Electoral Commission has recommended

the wording. This suggests that if the Scottish Government opts for the same question as 2014, further testing would not be required.

When could a second referendum on Scottish independence happen?

The Scottish Government intends to hold a second independence referendum before the end of the parliamentary term in 2021. However, Constitution Minister Michael Russell has said that, should circumstance change, “we would have the option of seeking Parliament’s agreement to proceed on an accelerated timetable.”

The bill would allow a referendum to be held relatively quickly, as the Scottish Parliament would not need to pass another piece of primary legislation. In addition, if a second independence referendum uses the same question as in 2014, time for testing the question would not be required.

The bill allows ministers to specify the length of the referendum period during which the campaign rules apply. Before this starts, there must also be a six-week period during which lead campaigners for each outcome are designated.

What is the position of the other parties on Scottish independence?

The only other pro-independence party in the Scottish Parliament is the Scottish Greens. Together with the SNP, these two parties hold 68 seats, a narrow majority for independence in the 129-seat legislature.

The leaders of the Scottish Conservative, Labour and Liberal Democrats have all reiterated their opposition to a second independence referendum since September 2018.

Does the Scottish Parliament have the power to hold another independence referendum?

Under the Scotland Act 1998, the Scottish Parliament is not allowed to pass legislation relating to matters “reserved” to Westminster, including “the Union of the Kingdoms of Scotland and England”. This is widely interpreted to mean that any referendum relating to Scottish independence would require Westminster approval. However, the matter has never been tested in court, so there remains some uncertainty about whether Holyrood could hold an advisory referendum without consent.

In 2012, the UK and Scottish Governments signed the Edinburgh Agreement, which temporarily empowered the Scottish Parliament to hold the first independence referendum. This power was transferred using a so-called ‘Section 30 order’, which “put beyond doubt” the legality of that referendum.

The Scottish Government did not explicitly concede that a referendum could never be held without Westminster authorisation. But its preference is to proceed with agreement, since any unauthorised referendum could be blocked in the Supreme Court or simply boycotted by unionist parties.

The framework bill has been certified as within the competence of the Scottish Parliament by the Presiding Officer. However, Sturgeon has said that a Section 30 order would be necessary “to put beyond doubt or challenge our ability to apply the bill to an independence referendum.”

Is Westminster likely to approve another independence referendum?

The UK Government has repeatedly ruled out the possibility of authorising a second independence referendum. The Cabinet Office Minister, David Lidington, has said that the UK Government would not grant a Section 30 order, as there was “no evidence” that support for a referendum had increased.

In September 2018, Jeremy Corbyn, stated that he would “not [rule] out” giving consent to another independence referendum if he becomes Prime Minister. However, in March 2019, Scottish Labour Leader, Richard Leonard claimed that a future UK Labour government would not agree to a second vote.

Does the Scottish public support a second independence referendum?

Polling suggests that the majority of Scottish public think that there should be a second independence referendum at some point, but only a small minority think it should be held in the near future. A 2019 Survation poll found that only 34% of Scots thought there should never be an indyref2, but just 21% thought that there should be a referendum in the next two years.

Immediately after the EU referendum, the polls suggested a swing towards support for independence should a second referendum occur. However, this support was not sustained, and most polls since 2016 indicate that a narrow but clear majority would vote against independence.

There is some evidence that the outcome of Brexit could affect support for independence. An April 2019

Panelbase survey found that there was 53–47% lead for No in voting intention for a second referendum (excluding ‘don’t knows’). However, the same survey found that in the event of a no deal Brexit, enough voters said they would change their vote that Yes had a hypothetical 52–48% lead.

Who would be eligible to vote in a Scottish independence referendum?

The franchise proposed by the referendum framework bill is the same as the 2014 independence referendum. Any UK, Irish, Commonwealth or relevant EU citizen aged 16 and over and on the Scottish local government electoral register would be entitled to vote.

The franchise is intended to mirror future changes to the local government and Scottish Parliament elections. The Scottish Government has announced plans to extend the franchise of those elections to all people legally resident in Scotland regardless of nationality.

If Scotland voted Yes to independence, what would happen next?

A Yes vote would be followed by negotiations between the UK and Scottish governments on the terms of independence, including how to divide the assets and liabilities of the UK state and on the future relationship between the two new countries.

One big question is whether an independent Scotland would reapply to be part of the EU. If Scotland voted for independence, it would most likely be considered a third country and would need to apply to join under Article 49 of the Treaty on the European Union. Re-entry would require accession negotiations and the consent of all 27 EU member states.

There is no guarantee that an independent Scotland would gain new EU membership on the same terms as the UK’s membership. For example, Scotland may not be able to opt out of the requirement to adopt the Euro once certain criteria were met.

If it did not join the Euro, an independent Scotland would also have to decide which currency to use. In May 2018, the SNP Sustainable Growth Commission recommended that an independent Scotland should continue to use Sterling (without a formal monetary union) for a “possibly extended” transition period before introducing its own currency.

An independent Scotland might also face difficult choices about spending priorities. Public spending per person (including a share of UK-wide spending on things like defence) was 13% higher in Scotland than the rest of the UK in 2016/17, while estimated tax revenue was around 4% lower than the UK average, according to the Office for National Statistics.

Update date:

Thursday, May 30, 2019

Copyright 2019 Institute for Government | [Home](#) | [Privacy](#) | [Accessibility](#) | [Site map](#) | [Contact](#) | [Work for us](#)

The Institute is a company limited by guarantee registered in England and Wales No. 6480524 Registered Charity No. 1123926
