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Bruce Crawford MSP
Convener
Finance and Constitution Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Our ref: A26370595
21 November 2019

Dear Bruce

REFERENDUMS (SCOTLAND) BILL – STAGE 1 REPORT – SECTION 3

Following the recommendation in your Stage 1 report, I met the Electoral Commission on Tuesday 19th November and had what we both agreed was a constructive discussion on the Committee's recommendation on the use of previously used referendum questions.

I have sought to find a position that is firmly based on principles and can command the widest support: this must recognise that the Electoral Commission should report on the intelligibility of any and every referendum question; that questions do not remain current indefinitely; and that the Parliament should have the Commission's views on which to base its decision.

This amendment would mean that a referendum question on which the Commission has previously reported should be available for use in a Bill at any point during the term of Parliament that the Electoral Commission reported and, with the agreement and a vote of the Parliament, during the following term. This extension to question use would be initiated by the Scottish Ministers lodging a motion to extend the validity of the question. At the same time as lodging the motion, Ministers must give details of the consultation with the Electoral Commission and set out why they think the extended validity period should apply. The Parliament, not Ministers, would make a decision about extension.

In light of the discussion, I have lodged amendments at Stage 2 to this effect, in respect of the current provision at section 3(7) of the Bill. This would limit the use of any previously tested question to the lifetime of the Parliament which approved it and would also allow for the Parliament and not Government to decide, with the benefit of the outcome of consultation with the Electoral Commission, whether a previous question could be used again in a second (and final) Parliamentary session without further testing.

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The Commission is aware of that intention.

A handwritten signature in black ink, appearing to read 'Michael Russell', written in a cursive style.

MICHAEL RUSSELL

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