

Referendum BILL makes progress



Parliamentary committee endorses Referendum Bill

The Scottish Independence Referendum Bill has cleared its first parliamentary hurdle following the endorsement of the general principles of the Bill by a leading Holyrood committee.

In its Stage 1 Report published today, the Referendum (Scotland) Bill Committee concluded it is confident the Bill should provide a suitable framework for next year's referendum.

Referendum Bill Committee Convener Bruce Crawford MSP said:- "The Committee took evidence from a wide range of witnesses, and considered many specific aspects of this detailed and important legislation.

"While we identified some issues that require clarification or amendment, the whole Committee was able to agree that the Bill provides an appropriate foundation for next year's referendum.

Indeed, the Electoral Commission told us it was "a strong piece of legislation" able to deliver a referendum "that truly puts the voter first".

"Although Committee members clearly differ on what the outcome of the referendum should be, there was a high degree of consensus on how it should be conducted – and I am pleased that almost all the report's conclusions were unanimous."

The report includes the following findings:

On campaign spending limits – The Committee recognises that any approach to spending limits needs to meet the test set out

in the Edinburgh Agreement of securing “rules that are fair and provide a level playing field”, while at the same time protects free speech and encourages wide participation in the debate. The Committee concludes that the Electoral Commission recommendations (reflected in the Bill) achieve as good an overall outcome as is likely to be possible, and that a combination of public scrutiny and the oversight of the Electoral Commission should be capable of preventing spending power alone, on either side, unfairly affecting the outcome.

On ‘purdah’ (restrictions on publications in the final 28 days before the referendum) – The Committee accepts the Deputy First Minister’s view that there is no reason to doubt the good faith of the UK Government’s commitment (under the Edinburgh Agreement) to observe purdah restrictions equivalent to those imposed on the Scottish Government in the Bill.

Nevertheless, there is an asymmetry, and we invite the UK Government to indicate whether it would be prepared to put the purdah restrictions to which it is committed on a statutory footing (Note: four Members dissented from this last sentence).

On the implications of ‘purdah’ for the Parliament – The purdah period is to begin on Thursday 21 August 2014. The Parliament has now agreed recess dates that include a period of recess from 28 June to 3 August 2014 (inclusive) and another from 23 August to 21 September 2014 (inclusive). As a result, there will be a 2-day overlap between the purdah period and a period of Parliamentary business. The Committee draws this to the attention of the Parliamentary authorities.

On information from both Governments post-referendum – The Committee acknowledges the Electoral Commission’s recommendation about providing voters with general information about the process that would be followed post-referendum, either in the event of a Yes vote or a No vote. The Committee is encouraged to hear that the Scottish Government and the UK Government are discussing these matters, and would welcome

further information about the nature of those discussions, and regular updates on progress.

On 'Declaration of results' – the Committee endorses the approach taken in the Bill, which allows local results to be made before the national result, and gives discretion on exact timings to the Chief Counting Officer. Nevertheless, we would expect the Chief Counting Officer, in practice, to authorise counting officers to announce local results without any unnecessary delay, and we would welcome further clarification from the Electoral Management Board as to how these decisions are likely to be made in practice.

On donations – The Committee is generally satisfied with the rules on donations. However, it invites the Scottish Government to consider further whether a lower threshold for reporting donations would be merited, and whether there should be greater public access to information about donations during the referendum campaign, in the interests of transparency.

The Committee would also welcome further clarification on how, in practice, permitted participants are to check donors' eligibility by reference to electoral registers other than the one register to which they are to be guaranteed access.