



Scotland Office

Oifis Na H-Albainn

Mr Iain Nisbet

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Dear Mr Nisbet,

Thank you for your email of 18th January to the Secretary of State for Scotland, I have been asked to send you an official response on behalf of the Secretary of State.

On 10 January the Government published a consultation paper *Scotland's constitutional future: A consultation on facilitating a legal, fair and decisive referendum*. The consultation sets out the Government's clear view that it is not within the powers of the Scottish Parliament to legislate for a referendum on independence. It is our view that any referendum on independence brought forward by the Scottish Government would be likely to be challenged in court and that the Scottish Government would lose.

The consultation document makes clear our view on the legal position. However, we are equally clear that we will honour our commitment not to stand in the way of a referendum. The document sets out the options for legislating on a referendum. We make clear that we are prepared to provide the Scottish Parliament with the powers to hold a referendum that is capable of inspiring the trust and confidence of people on either side of the independence debate.

Since the publication of the UK Government consultation paper, the Scottish Government have also published a consultation. We are pleased to find there are substantial areas of agreement. The UK Government will continue to work and consult to ensure that solutions are found to all the questions of process that are raised, so that the people of Scotland get a legal, fair and decisive referendum.

In regard to your query as to what effect independence would have on the constitutional position of the Church of Scotland, it is the Scottish Government that is proposing independence and it is therefore for the Scottish Government to set out what independence would look like and what its effects would be. The UK Government is not making plans for independence as we are confident that people in Scotland will continue to support the Union in any referendum.

The UK Government strongly believes in the United Kingdom and recognises the benefits it brings to all of its citizens. To read and respond to the consultation please see the Scotland Office website.

www.scotlandoffice.gov.uk

The consultation will run until Friday 9 March and the UK Government will announce how it intends to proceed after that.

Kind regards,

A handwritten signature in black ink, appearing to be 'Emma Wagner', with a long horizontal stroke extending to the right.

Emma Wagner

Scotland Office