[redacted]

From: FOI
Sent: 15 November 2022 09:24
To: [redacted]
Subject: FOI 083-22 - Response

Dear [redacted],

Our Ref: FOI-083-22

Thank you for your request for information, sent to the Chief Executive on 27 October 2022.

The Commission aims to respond to requests for information promptly and has done so within the statutory timeframe of twenty working days.

Your request is shown below followed by our response.

I would be grateful if you could let me know the specific legal basis upon which the above [the Scottish independence referendum - 2014] *was held.*

If the Electoral Commission obtained a Counsel's opinion on this issue, would it be possible for such details to be shared with the public?

Our response is as follows:

We hold some of the information you have requested.

Legal basis – Scottish independence referendum:

The information that you have requested is exempt from disclosure under section 21 of the Freedom of Information Act 2000. Section 21 provides for an exemption where the information requested is reasonably accessible to the applicant by other means. In this case the legislation is publicly available.

The "Edinburgh Agreement" was signed between the Scottish and UK Governments on 15 October 2012. Under the Agreement, the respective Governments agreed to work together to ensure that a referendum on independence for Scotland would take place.

An Order was subsequently made in both the Scottish and UK Parliaments under Section 30 of the Scotland Act 1998, enabling the Scottish Parliament to legislate for the referendum.

The Scottish Parliament passed the Scottish Independence Referendum Act 2013 which set out the rules under which the referendum would be conducted.

Counsel's opinion:

The Electoral Commission did not seek Counsel's opinion therefore we do not hold this information.

The Commission strives to be an open, transparent authority and I trust that this information satisfies your request.

If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at: https://www.electoralcommission.org.uk/freedom-information/make-a-freedom-information-request.

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the Information Commissioner. Details of this procedure can be found on the ICO website: https://ico.org.uk/.

Yours sincerely

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The Electoral Commission
electoralcommission.org.uk