



## SELECT COMMITTEE ON THE CONSTITUTION

### Scottish independence: constitutional implications for the rest of the UK

#### CALL FOR EVIDENCE

The House of Lords Select Committee on the Constitution, chaired by Baroness Jay of Paddington, is beginning an inquiry into the constitutional implications for the remainder of the United Kingdom of the transition to independence for Scotland in the event of a “yes” vote in the referendum on 18 September 2014. The committee invites interested organisations and individuals to submit written evidence as part of the inquiry.

In November 2013 the Scottish Government published their white paper *Scotland's Future: Your Guide to an Independent Scotland*. This sets out a timetable, if there is a “yes” vote on 18 September 2014, for full independence for Scotland from 24 March 2016, ahead of the scheduled Scottish Parliament election in May 2016.

Independence for Scotland would have a significant constitutional impact on the remainder of the UK. The committee will be seeking to inform debate on these matters through its inquiry and report.

The committee is seeking written submissions on the following questions, which are predicated on there being a “yes” vote:

#### *Negotiations*

1. Is the timetable of independence by 24 March 2016 realistic?
2. Who would negotiate for the remainder of the UK? To whom would they be accountable?
3. What impact would the timing of the UK general election in May 2015 have on negotiations?
4. What happens if the two negotiating teams cannot reach agreement on an issue?

#### *Assets and liabilities, and shared services*

5. What legal principles should apply to negotiations on the apportionment of assets and liabilities that are currently UK-wide?
6. What are the constitutional implications of maintaining services shared between Scotland and the rest of the UK (for example, the Bank of England and those services listed on page 364 of the Scottish Government's white paper)?

#### *Parliament*

7. What would the position of MPs for Scottish constituencies be from May 2015 to March 2016?



# HOUSE OF LORDS

8. What impact would independence have on the House of Commons if the MPs for Scottish constituencies left it in March 2016?
9. What impact would independence have on the membership of the House of Lords?
10. What legislation (or other measures) would the Westminster Parliament have to pass in order for Scotland to become independent?

The committee's inquiry is focused. It will not cover the issue of an independent Scotland's membership of the European Union nor other aspects of its international relations. Nor will the committee examine the internal constitutional arrangements of an independent Scotland or the constitutional implications of a "no" vote (for example on devolution). The committee may turn to these or other related matters in due course.

The committee understands that under public international law institutions of the United Kingdom would, in the event of Scottish independence, become institutions of the remainder of the UK. The UK's assets and liabilities would fall to be apportioned equitably between Scotland and the remainder of the UK, subject to negotiations. An exception to the latter point is that Government assets fixed in Scotland would become assets of the new Scottish state. The committee invites those giving written evidence to comment on the above.

Written evidence is sought by 28 February 2014. Public hearings are expected to be held in March 2014. The committee aims to report to the House, with recommendations, around Easter 2014. The report will receive a response from the Government and is expected to be debated in the House of Lords.

You need not address all the questions. The committee would welcome other relevant views which you think the committee should be aware of.

Instructions regarding the Call for Evidence are attached at Annex I.

23 January 2014



## ANNEX I: GUIDANCE FOR SUBMISSIONS

Written evidence must be submitted online via the Committee's Scottish independence: constitutional implications for the rest of the UK inquiry page <http://www.parliament.uk/Scottish-independence>. Please do not submit PDFs (if you do not have access to Microsoft Word you may submit in another editable electronic form). If you cannot submit evidence online, please contact the Committee secretariat.

The deadline for written evidence is **Friday 28 February 2014**.

Short, concise submissions, of no more than 25MB/six pages are preferred. A submission longer than six pages should include a one-page summary. Paragraphs should be numbered. Submissions should be dated, with a note of the author's name, and of whether the author is acting on an individual or corporate basis. All submissions submitted online will be acknowledged automatically.

Personal contact details supplied to the Committee will be removed from submissions before publication but will be retained by the Committee staff for specific purposes relating to the Committee's work, such as seeking additional information.

Submissions become the property of the Committee which will decide whether to accept them as evidence. Evidence may be published by the Committee at any stage. It will appear on the Committee's website and will be deposited in the Parliamentary Archives. Once you have received acknowledgement that your submission has been accepted as evidence, you may publicise or publish it yourself, but in doing so you must indicate that it was prepared for the Committee. If you publish your evidence separately, you should be aware that you will be legally responsible for its content.

You should be careful not to comment on individual cases currently before a court of law, or matters in respect of which court proceedings are imminent. If you anticipate such issues arising, you should discuss with the Clerk of the Committee how this might affect your submission.

Certain individuals and organisations may be invited to appear in person before the Committee to give oral evidence. Oral evidence is usually given in public at Westminster and broadcast in audio and online. Persons invited to give oral evidence will be notified separately of the procedure to be followed and the topics likely to be discussed.

Substantive communications to the Committee about the inquiry should be addressed through the Clerk or the Chairman of the Committee, whether or not they are intended to constitute formal evidence to the Committee.

This is a public call for evidence. Please bring it to the attention of other groups and individuals who may not have received a copy direct.



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You may follow the progress of the inquiry at:

<http://www.parliament.uk/business/committees/committees-a-z/lords-select/constitution-committee/inquiries/>

To contact the Committee secretariat, e-mail [constitution@parliament.uk](mailto:constitution@parliament.uk)