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The SNP versus the Law

The SNP is in trouble. They know it and we know it. It’s almost certain that Nicola Sturgeon will need to resign for lying to Holyrood

This explains the frantic calls for another referendum

Brexit is done and the sky didn’t fall in

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This removes their number one Bête Noire. A Disastrous hard Brexit

They were banking on that happening. There will be, and are, difficulties with the new trading arrangements but these will play out over years and will be sorted one way or another

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The Law

As it stands, the SNP cannot call another referendum without the permission of the UK Parliament

Some people dispute this, including many in the SNP

So. What’s the alternative?

The could call a non binding non legal referendum but what’s the point

Unionist will

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boycott it and non SNP councils will refuse to participate

Although that's their latest plan, it's a non starter

In the absence of a S30 order their only recourse is to test the competence to hold another referendum in the Supreme Court

This is fraught with dangers

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They have to balance the possibility of getting a positive SC judgement against getting a negative judgement

I'll start with the negative judgement first

Were the Scot Gov to go to the SC they would risk not one but two massively disastrous and fatal outcomes

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Were the SC to pass judgement that only Westminster can authorise another referendum, not only does that make it impossible for another referendum to be legally held but the Scot Gov would have explicitly accepted that the SC is the final arbiter of the Law in the UK

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There would be no route to another referendum. Not via the court and not via WM

That would then remove the very reason for the SNP's existence. For, if they cannot secure independence, what are they for?

You might think that that would be the worse possible outcome but no

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It's not. There's an even worse outcome for the SNP

They go to the SC and get a judgement that they can authorise and legally carry out another referendum

Although WM could legislate to over rule this judgement it's highly unlikely they would

How could it be worse then?

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Economics

Scotland’s economy is in its worse position (pre Covid) in our lifetimes. Our deficits have never ever been this high before and Covid is about to make it a lot worse

Here’s how it could get a lot worse

The SNP accept that Scotland would have to accept its share

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of the National debt but they’ve never explicitly laid that out. They keep clinging to the idea that Scotland has no debt

In the event of another referendum in which the SNP win a mandate for independence the Tories would need to go into all out attack mode

The pandering

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to Scotland that they’ve had to do for years and years would no longer be viable. The SNP is driven by two things. A desire for independence and a pathological hatred of all things Tory

The Tories could finally take the gloves off and show the Scots what real power is

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In the event of a bad breakup (it’s likely to be bad due to the SNP’s hatred of all things Tory) the SNP would threaten to renege on taking our share of the debt

Since that threat is real the Tories have numerous options

Their number one weapon is to tell the SNP that

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if Scotland votes for independence all financial support, via the fiscal transfer, would stop on the day of the vote, not the day of independence

In addition, all tax raising by the HMRC will immediately cease and all benefits will immediately cease on the day of the vote.

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There’s a very good reason to make this implicit threat if the SNP play hard ball

The Scottish Government doesn’t have the ability to either collect all taxes or pay all pensions and benefits. This in itself would need to be tackled. This would likely take a couple of years

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to put these systems into place and test them. That in itself would delay the vote for a couple of years

The Scot Gov would also have to go to the markets and try and borrow money to plus the massive hole that would be left on the day of the vote

That’s no easy task

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The UK would accept no liability for these loans and even if the vote was no the liability for these loans would fall squarely on the Scottish Government. That in itself is a legal minefield of who is liable fir this borrowing.

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So. You can already see that getting a legal sanction to carry out another ref is even worse than not getting this sanction

The English have had to put up with the Scots complaining for decades and decades. At some point they will just say enough

Even if the above was

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carried out, Scotland would still need to accept the liability for its share of the national debt. Scotland has run up more debt than it’s legal share so even just paying it’s share is a win win

The separatist Scots massively underestimate the disdain that the southern

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Tories have for them. They have had to bite their lips for years but in an all out economic conflict between the UK and Scotland there would only be one winner and it wouldn’t be us

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Some might see this as a brutal assault on Scottish democracy but since the SNP are constantly saying that we would be better off with independence then the UK refusing to collect taxes and issue benefits would be no problem for us. We could simply do it ourselves