Parliamentary Bureau – Bill at Reconsideration Stage

European Charter of Local Self-Government (Incorporation) (Scotland) Bill

Introduction

1. At its meeting on 4 February 2026, the Parliament agreed to reconsider the European Charter of Local Self-Government (Incorporation) (Scotland) Bill ("the European Charter Bill").

2. Following that decision, on 5 February 2026 the Scottish Government lodged amendments[1] to the European Charter Bill with the intention of resolving the problem identified by the Supreme Court.

3. The Local Government, Housing and Planning Committee wrote to relevant stakeholders (including COSLA) seeking views on draft amendments provided by the Scottish Government[2]. The Committee has asked for responses by 18 February 2026. Responses will be published on the Bill's webpage[3] when received.

4. The Scottish Government will propose the date for Reconsideration Stage in the usual way in due course.

5. This paper provides information about the anticipated process for Reconsideration Stage.

Reconsideration stage procedure

6. Rule 9.9 of Standing Orders sets out the procedure for Reconsideration Stage.

7. Rule 9.9.3 provides that proceedings at Reconsideration Stage will be taken at a meeting of the Parliament. Section 36(5) of the Scotland Act 1998 requires that any Bill amended on reconsideration must be subject to a final stage at which it can be approved or rejected.

8. Reconsideration Stage of the European Charter Bill will therefore comprise two parts—
   - consideration of amendments, and
   - a debate on whether to approve the Bill.

9. Any member may lodge amendments for Reconsideration Stage. However, under Rule 9.9.4, (in addition to the normal rules of admissibility) amendments must be for the purpose of resolving the problem which is the subject of the Supreme Court decision. In the case of any dispute, it would be for the Presiding Officer to

[1] Daily List of amendments 5 February 2026: Daily List 5 February
[2] Letter from the Cabinet Secretary for Finance and Local Government to Mark Ruskell MSP, copying in the Local Government, Housing and Planning Committee, 15 January 2026: European Charter of Local Self-Government (Incorporation) (Scotland) Bill | Scottish Parliament Website
[3] European Charter of Local Self-Government (Incorporation) (Scotland) Bill | Scottish Parliament Website

decide on the admissibility of the amendment (Rule 9.10.4). Any amendments lodged will be published in a Daily List.

10. The deadline for lodging amendments will be 12 noon on the fourth sitting day before Reconsideration Stage proceedings are due to start (Rule 9.10.2). Following the deadline, the Marshalled List and Groupings of amendments will be circulated. There is no selection of amendments at Reconsideration Stage, so all admissible amendments lodged may be moved.

11. Consideration of amendments at Reconsideration Stage will be very similar to that of Stage 3 amendment proceedings (although there is no provision for timing lines to be set).

13. Following consideration of amendments, there will be debate on whether the Bill should be approved (again, similar to the process for Stage 3 proceedings).

14. Before the Parliament decides whether to approve the Bill, and after any amendments have been disposed of, the Presiding Officer must make a further statement on whether any of the provisions relate to protected subject-matter as set out in section 31(4) of the Scotland Act 1998 and Rule 9.8.5BA of the Standing Orders.

12. A Bill which has been approved at Reconsideration Stage is subject to a further four-week period during which the Law Officers or Secretary of State may make a legal challenge to the Bill under section 33 or section 35 of the Scotland Act 1998. If there is no legal challenge within the four-week period, the Bill may be submitted for Royal Assent by the Presiding Officer.

Recommendation

13. The Bureau is invited to note the information about Reconsideration Stage of the European Charter Bill.

Parliamentary Business Team
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