



## Delegated Powers and Law Reform Committee

George Adam MSP  
Minister for Parliamentary Business  
*Via email*

T1.01  
Chamber Office  
EDINBURGH  
EH99 1SP

Direct Tel: 0131-348-5212  
(RNID Typetalk calls welcome)  
(Central) Textphone: 0131-348-5415  
DPLR.Committee@parliament.scot

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Dear George

The Delegated Powers and Law Reform Committee today considered the delegated powers in the Scottish Local Government Elections (Candidacy Rights of Foreign Nationals) Bill.

The Committee noted that the purpose of the Bill is to ensure compliance with treaty obligations in relation to candidacy for Scottish local government elections. It will amend Scottish electoral law to implement treaties which the UK Government has agreed that confer reciprocal voting and candidacy rights in relation to local elections.

As you know, section 1(3) of the Bill inserts a new schedule 6A to the Local Government (Scotland) Act 1973. Paragraph 2 of that new schedule provides Scottish Ministers with a duty to add a country to the list of countries referred to in the definition of “schedule 6A national”.

Similarly, paragraph 3 of new schedule 6A gives Scottish Ministers the power to remove a country from the list of countries referred to in the definition of “schedule 6A national” where the country and the United Kingdom cease to be party to a treaty containing provision relating to eligibility to stand as a candidate at local government elections.

Does the Scottish Government agree that rather than being a duty, the discretion provided in the power for the Scottish Ministers to remove countries from the list could present a policy choice as to whether a country should remain on the list where this is no longer required under an international obligation? If so, is this the intention of the power in paragraph 3 of new schedule 6A? Or, does the Scottish Government consider that it is still required to “respond promptly to and ensure compliance with any change under an international treaty”, where countries are removed from the list?

Given the tight Stage 1 timetable for the Bill, I would be grateful for a response by **midday on Wednesday 8 March 2022**. I understand you are also giving evidence to the Standards, Procedures and Public Appointments (SPPA) Committee on the Bill at its meeting on Thursday 3 March. I am therefore copying this letter to its Convener of the SPPA Committee for its interest ahead of that session.

Yours sincerely

Stuart McMillan MSP  
Convener of the Delegated Powers and Law Reform Committee