

Submission from the Faculty of Advocates, European Charter of Local Self-Government (Incorporation) (Scotland) Bill (Reconsideration Stage), 18 February 2026

The Faculty is grateful for the opportunity to respond to the short notice consultation. We previously provided a response to the initial consultation when the bill was first proposed. A copy is attached.

We note that our principal concerns were then that there was no established body of interpretative caselaw and that made it likely that the courts would be unwilling to interfere in decisions that arguably engage the convention. The proposed narrower scope of the bill set out by the Minister's amendment does not address that concern. If the Parliament wishes to protect the power, status and autonomy of local government a more obviously effective way would be by primary legislation that increases the powers of local government - particularly in respect of finance, much as the Scotland Act 2016 increased the powers of the Scottish Parliament.

We append our previous response ([Faculty of Advocates response to The Local Government and Communities Committee in respect of European Charter of Local Self-Government \(Incorporation\) \(Scotland\) Bill, December 2020](#)).