



# Scottish Local Government Elections (Candidacy Rights of Foreign Nationals) Act 2022

2022 asp 4

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Explanatory Notes have been produced to assist in the  
understanding of this Act and are available separately

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# Scottish Local Government Elections (Candidacy Rights of Foreign Nationals) Act 2022 2022 asp 4

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 9th June 2022 and received Royal Assent on 19th July 2022**

An Act of the Scottish Parliament to give to certain foreign nationals the right to stand as candidates at local government elections in Scotland in accordance with international treaty agreements entered into by the United Kingdom.

## **1 Local government elections: candidacy rights of certain foreign nationals**

- (1) The Local Government (Scotland) Act 1973 is amended as follows.
- (2) In section 29 (qualifications for nomination, election and holding office as a member of a local authority)—
  - (a) in subsection (1), after “national” insert “or a schedule 6A national”,
  - (b) in subsection (5), at the end of paragraph (a) insert “or a schedule 6A national”,
  - (c) after subsection (7), insert—
    - “(8) For the purposes of this section, a “schedule 6A national” means a person who—
      - (a) is a national of a country for the time being listed in schedule 6A, and
      - (b) either—
        - (i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
        - (ii) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) any description of such leave.”.
- (3) After schedule 6, insert—

CANDIDACY RIGHTS OF FOREIGN NATIONALS

*List of countries for the purposes of section 29(8)*

- 1 This is the list of countries referred to in section 29(8)—  
Luxembourg  
Poland  
Portugal  
Spain.

*Amendment of list of countries*

- 2 The Scottish Ministers must by regulations add a country to the list in paragraph 1 where—  
(a) the United Kingdom and the country intend to become parties to a relevant treaty, and  
(b) section 20 of the Constitutional Reform and Governance Act 2010 (treaties to be laid before Parliament before ratification) applies in relation to the relevant treaty and the requirements of that section have been met such that the relevant treaty may be ratified.
- 3 The Scottish Ministers may by regulations remove a country for the time being listed in paragraph 1 where the country ceases to be a party to a relevant treaty to which the United Kingdom is also a party.
- 4 Regulations under paragraph 2 or 3—  
(a) may include incidental, supplementary, consequential, transitional, transitory or saving provision,  
(b) are subject to the negative procedure.
- 5 In this schedule—  
“ratification”, in relation to a treaty, is to be construed in accordance with section 25(3) of the Constitutional Reform and Governance Act 2010,  
“relevant treaty” means a treaty containing provision relating to eligibility to stand as a candidate at local government elections,  
“treaty” has the same meaning as in Part 2 of the Constitutional Reform and Governance Act 2010 (see section 25 of that Act).”.

**2 Ancillary provision**

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act.
- (2) Regulations under this section may—  
(a) make different provision for different purposes,  
(b) modify any enactment.

(3) Regulations under this section—

- (a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act,
- (b) otherwise are subject to the negative procedure.

### **3 Commencement**

This Act comes into force on the day after Royal Assent.

### **4 Short title**

The short title of this Act is the Scottish Local Government Elections (Candidacy Rights of Foreign Nationals) Act 2022.



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