

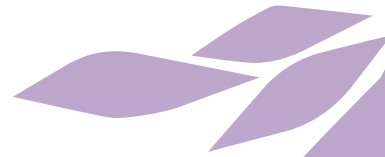


The Scottish Parliament
Pàrlamaid na h-Alba

Published 27 September 2019
SP Paper 588
43rd Report, 2019 (Session 5)

**Delegated Powers and Law Reform Committee
Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh
Lagh**

**Scottish Elections (Franchise and
Representation) Bill: Stage 1**



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Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/delegated-powers-committee.aspx>



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Introduction

1. At its meeting on 24 September 2019, the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Scottish Elections (Franchise and Representation) Bill ("the Bill") at Stage 1.ⁱ
2. The Committee submits this report to the lead Committee for the Bill (the Standards, Procedures and Public Appointments Committee) under Rule 9.6.2 of the Standing Orders.
3. The Scottish Government has provided the Parliament with a memorandum on the delegated powers provisions in the Bill.ⁱⁱ

ⁱ The Bill is available [here](#).

ⁱⁱ The Delegated Powers Memorandum is available [here](#).

Overview of the Bill

4. This Government Bill was introduced by the Deputy First Minister and Cabinet Secretary for Education and Skills, John Swinney MSP, on 20 June 2019.
5. The purpose of the Bill is to:
 - extend the franchise for Scottish Parliament and local government elections to cover all foreign nationals with a right to remain in Scotland and some prisoners;
 - confer on foreign nationals with a right to remain in Scotland, candidacy rights and the right to hold office following Scottish Parliamentary and local government elections.
6. The Bill is comprised of 10 sections and is divided into 3 parts: foreign nationals; prisoners etc. and; final provisions.

Delegated Powers Provisions

7. The Committee considered each of the delegated powers in the Bill. The Committee determined that it did not need to draw the attention of the Parliament to the delegated powers in the following provisions:
 - Section 8 - power to make ancillary provision
 - Section 9 - power to make commencement provision

Recommendation

8. The Committee therefore reports that it is content with the delegated powers provisions contained in the Bill.

