

Rt Hon Vaughan Gething MS
First Minister

16 May 2024

Dear Vaughan

Agreement between the UK and Denmark on the Participation in Certain Elections of Nationals of Each Country Resident in the Territory of the Other

At its meeting on 7 May 2024, my Committee considered the above mentioned international agreement, which was laid in the UK Parliament in February. You will likely be aware that the agreement secures the right for UK nationals in Denmark and Danish nationals in the UK to stand and vote in local elections.

We noted that no devolved legislation is required to implement the agreement in Wales, as all legally resident foreign nationals are able to stand and vote in Welsh local elections.

We also noted that in the fifth Senedd, the former First Minister brought the below issue to the attention of the Llywydd, following the conclusion of similar agreements between the UK and other EU nations:

"... in concluding agreements which bind all parts of the UK to extend the franchise to nationals of certain other countries the UK Government is effectively constraining both legislative and executive competence of the devolved institutions in future, since a future National Assembly with a different political outlook would be unable to legislate to remove the franchise from such citizens.

In the specific case of these agreements, there is a mechanism by which these reciprocal voting rights can be modified, and we have emphasised the need for a process to request the use of this mechanism to remove Wales from the agreement should a future Welsh Government or National Assembly adopt a different policy position from ours."

I would be grateful if you could confirm by Wednesday 29 May 2024:

- whether the issue raised by the former First Minister has been resolved;
- if the issue is unresolved, whether the Welsh Government has considered the use of any legislative means, such as the tabling of amendments to the Elections and Elected Bodies (Wales) Bill, to seek its resolution;
- whether the Welsh Government has considered the use of emergency legislation to reverse any potential legislative action by the UK Government to remove or limit the entitlement of nationals from a particular EU Member State to stand and vote in any UK local elections, so as to enable those citizens to continue to be enfranchised in devolved Welsh elections.

My Committee will lay its report on the agreement in due course.

I am copying this letter to the Llywydd, the Chair of the Equality and Social Justice Committee, and the Chair of the Local Government and Housing Committee.

Yours sincerely,

A handwritten signature in black ink that reads "S. Murphy". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Sarah Murphy
Chair