

Y Gwir Anrh/ Rt Hon Vaughan Gething AS/MS
Prif Weinidog Cymru/First Minister of Wales



Llywodraeth Cymru
Welsh Government

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

13 June 2024

Dear Mike,

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

I am writing in response to your predecessor's letter of 16 May regarding the above Treaty ("the UK-Denmark Agreement").

Your predecessor's letter asked about an issue raised by the former First Minister, and whether the Senedd would have the power to remove the franchise from citizens of countries with reciprocal agreements should it wish to in future. Specifically, the letter asked:

- 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.

The situation is not fully resolved, however given current Welsh Government policy and cross-Senedd support for a wide franchise for Welsh elections, this is not a matter we have pursued with great urgency.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

If the potential situation were to arise where a future Welsh Government or Senedd wished to amend the franchise in a way that was more restrictive and therefore not compliant with any of these agreements, there are mechanisms in place allowing the UK Government to negotiate changes to the relevant international agreements on our behalf. If such an issue arose we would expect positive engagement between the Welsh Government and the UK government to reach an agreeable solution.

The UK-Denmark Agreement aligns fully with this Welsh Government's commitments to ensure that EU and Commonwealth citizens retain their rights to vote. As a matter of law, entering into international obligations which bind the UK is reserved. However, the observation and implementation of certain international obligations, are matters which are not reserved. We will therefore continue to emphasise to the UK Government that it is essential that the Welsh Government is fully engaged in the negotiation of such agreements, and to provide sufficient opportunity for the Welsh Government to engage with the Senedd in advance.

Given the ongoing Senedd support for the current franchise, we have not sought any legislative means to address these potential issues, but we would consider all viable options if a scenario arose like the one described above.

We have a good relationship with the UK Government in terms of discussing electoral issues. We have no reason to believe the UK Government would attempt to legislate to remove or limit the entitlement of EU citizens to vote in Welsh local elections. We would object to any such attempt and we would work with the Senedd to consider all viable options to deal with the situation.

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 "Vaughan Gething". The signature is written in a cursive, slightly slanted style.

VAUGHAN GETHING