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Sent by email: [megan@cosla.gov.uk](mailto:megan@cosla.gov.uk)

CC: Mark Ruskell MSP  
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20 February 2023

Dear Steven,

Thank you for the productive tripartite meeting we had with Mark Ruskell MSP on the European Charter of Local Self-Government (Incorporation) (Scotland) Bill (the “ECLSG Bill”) at the end of last year.

I have sympathy with your position and share your frustration that we have not been able to start the parliamentary process of reconsidering the Bill. However, as I said both at the meeting and in previous correspondence, the Scottish Government remains absolutely committed to supporting the ECLSG Bill so it can be incorporated into domestic legislation as soon as practicable.

As you are aware, the Scottish Government’s position is that reconsideration of the ECLSG Bill should take place after the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill (the “UNCRC Bill”) has been reconsidered. Mark Ruskell MSP – the member in charge of the Bill – is also in agreement with this approach. We are engaging with the UK Government about the amendments to the UNCRC Bill to establish if they are broadly content that the amendments bring the Bill within legislative competence and to reduce the risk of another referral to the Supreme Court. This engagement has and continues to be constructive. There was a members’ business [debate](#) in the name of Martin Whitfield MSP on 7 February 2023 where you can find further information on the latest position of the UNCRC Bill and discussions with the UK Government. I know COSLA are also members of a steering group on the UNCRC Bill where you will also continue to be kept up to date on developments.

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I agreed at our meeting to provide you with an indicative timetable for progressing the ECLSG Bill. I have attached the various stages and milestones associated with this as an Annex to this letter. However, at this juncture, I am unable to provide you with the speculative dates for taking forward the various steps. We cannot pre-empt the timetable for the UNCRC Bill or undermine any discussions with the Scottish Parliament, who decide on the timetabling for each Bill.

You also raised the possibility of, in the interim, issuing a joint statement or enacting a 'de-facto' European Charter of Local Self-Government until the ECLSG Bill receives Royal Assent. I have considered this proposal but believe this is unnecessary. I say this for two substantive reasons. Firstly, the Scottish Government is already bound to the Charter by UK ratification in 1998. Secondly, we are also jointly committed to delivering a New Deal for Local Government, which will include an outcomes focused Partnership Agreement. The Partnership Agreement with Local Government will make clear the outcomes we are jointly focussing on, and how we will work together to oversee those outcomes, and ensure clear mutual lines of accountability for achieving them.

I have copied this letter to Mark Ruskell MSP for information, and Scottish Ministers look forward to continuing to work with you both on this important issue.

Best regards,



**BEN MACPHERSON**

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<b>Steps to be taken towards Reconsideration</b>	<b>Points to note/estimated time required</b>
Finalise draft amendments following outcome of UNCRC discussions.	No agreed timeline for this due to ongoing discussions with UKG.
Share draft amendments with UKG for views on compatibility and impact on SC judgment.	We have no control over when UKG might respond but we'd hope the earlier work on UNCRC will be helpful.
Following discussion/agreement with UKG, share amendments with Mark Ruskell MSP.	
Mark Ruskell to consider amendments with NGBU and seek feedback from Brodies – who originally drafted the Bill for Andy Wightman.	We have no control over this but potentially around four weeks.
Ongoing engagement with COSLA – tripartite ministerial meeting.	To be agreed with COSLA.
Parliamentary Admissibility and Parliamentary timetabling.	Engagement with Parliamentary clerks on admissibility and timetabling.
Motion lodged in Parliament seeking parliamentary agreement to Reconsider the Bill.	
Motion debated.	Approximately one week after motion lodged.
Sharing amendments with Committee.	Day following motion is debated.
Parliamentary Committee scrutiny.	The LG Committee may or may not wish to schedule time to consider.
Reconsideration Stage.	Formal consideration of amendments and debate on whether to approve the Bill.
Period for challenge pending Royal Assent.	4 weeks.
Royal Assent.	5.5 weeks after reconsideration.
Commencement.	6 months after Royal Assent.

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