

ELECTIONS BILL - AMENDMENT 1

New clause after Clause 11 insert

Voting and candidacy rights of foreign nationals

Voting and candidacy rights of foreign nationals

Schedule 7 makes provision about voting and candidacy rights of foreign nationals in relation to local elections in England and certain other elections.

In this Act, any substitution of “relevant citizen of the Union” with “a qualifying EU citizen or an EU citizen with retained rights” must be instead substituted with “a qualifying EU citizen, an EU citizen with retained rights, or a qualifying foreign national”.

Where other Acts are amended, any substitution of “relevant citizen of the Union” with “a qualifying EU citizen or an EU citizen with retained rights” must be instead substituted with “a qualifying EU citizen, an EU citizen with retained rights, or a qualifying foreign national”, and the definition of “qualifying foreign national” must be as defined in the Representation of the People Act 1983.

Schedule 7 Part 1 clause (10) insert after “*qualifying EU citizen*”

has the meaning given by section 203A;

“Qualifying foreign national” has the meaning given by section 203C;”

Schedule 7 Part 1 clause (11) insert after section ‘203B Meaning of “EU citizen with retained rights”’

203C Meaning of “qualifying foreign national”

(1) In this Act “qualifying foreign national” means a person who -

(a) is not a Commonwealth citizen, a citizen of the Republic of Ireland or an EU citizen with retained rights or a qualifying EU citizen, 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) who has, or is to be treated as having, any such leave under that Act

Explanation

This amendment gives electoral rights to all foreign nationals who are lawfully resident in the UK, in the following elections in England and Northern Ireland: Council elections (County, District, City, Borough, Town, Parish), Police and Crime Commissioners elections, Mayoral elections, London Assembly elections, Stormont Assembly elections.

ELECTIONS BILL - AMENDMENT 2

Schedule 7, Part 1, clause (12) after “Spain.” insert

5. Any other country which unilaterally grants local electoral rights to British citizens resident in that country

Explanation

This amendment ensures that citizens from countries which already unilaterally grant local electoral rights to British citizens resident there, are granted local electoral rights in England and Northern Ireland, regardless of whether the UK has negotiated a bilateral treaty with that country.

This is to remove the disparity that for example Luxembourg citizens resident in the UK can vote in England and Northern Ireland local elections, whereas Dutch citizens cannot - even though British citizens resident in both Luxembourg and The Netherlands have local electoral rights in those countries.

Since the Secretary of State already has the power to remove countries from the list where countries ceases to be a party to a relevant bilateral treaty, the Secretary of State similarly would have the power to remove countries from the list where the local electoral rights of British citizens in that country were unilaterally removed.