

T: 0300 244 4000
E: scottish.ministers@gov.scot

John-Paul Flaherty
Clerk, Levelling Up, Housing and
Communities Committee
House of Commons,
Palace of Westminster,
London SW1A 0AA

2 September 2022

Dear Mr Flaherty,

DRAFT STRATEGY AND POLICY STATEMENT FOR THE ELECTORAL COMMISSION

Thank you for your invitation of 9 August 2022 on behalf of the Levelling Up, Housing and Communities Committee to give oral evidence in relation to the UK Government's draft strategy and policy statement for the Electoral Commission ("the draft SPS").

I note that the UK Government's consultation on the draft SPS has now begun and that it is focused narrowly on the statutory consultees set out under the Elections Act 2022 (the Commission itself, the Speaker's Committee on the Electoral Commission and the Levelling Up, Housing and Communities Committee).

During the passage of the Elections Bill I argued that the Scottish and Welsh Parliaments should also be statutory consultees. Although the SPS does not apply in relation to the Commission's devolved functions, there is clearly a risk that the impact of the SPS on reserved elections could read across to devolved elections.

I would therefore like to record my thanks to the Committee for extending an invitation to offer comments as a part of its consideration. I very much hope that the Committee and any successors will again consult the devolved governments on any future draft SPS.

I welcome the recognition in the draft SPS that it does not apply to the Commission's devolved Welsh or Scottish functions. But I continue to view the SPS as an unwelcome and unnecessary interference with the independence of the Electoral Commission. Much of the current draft SPS, as published on 22 August 2022, represents a general summary of the Commission's role. As such, I do not think that on this occasion there would be much to discuss if I were to attend the Committee's session in person. Indeed, I would anticipate that my principal contribution would simply be to repeat the question as to what purpose is served by the SPS. I therefore respectfully decline the Committee's invitation to give oral evidence in relation to this particular draft SPS.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I have though noted with some concern the reference in the preamble that the SPS “*does not suggest that the Commission should cease to carry out any of its other statutory duties*”. This appears to raise the alarming prospect that such a suggestion might feature in future versions of the SPS. Surely the law would need to change for any statutory duties not to be carried out.

I hope that this response is helpful to the Committee in its deliberations. Thank you once again for the invitation. I have copied this letter to the Convener of the Standards, Procedures, and Public Appointments Committee of the Scottish Parliament.

Yours sincerely,



GEORGE ADAM

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

The Scottish Parliament, Edinburgh EH99 1SP
www.gov.scot

INVESTORS IN PEOPLE™
We invest in people Silver

