



HOUSE OF LORDS
Common Frameworks Scrutiny Committee

House of Lords
London
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2 November 2022

Dear Michael,

On behalf of the Common Frameworks Committee, may I offer my congratulations on your new appointment. We look forward to working with you on the common frameworks programme.

The Government response to our last report says that the Cabinet Office is the “ideal locus for coordination of the [common frameworks] programme from the centre of government” and accepts our recommendation that the Cabinet Office should “hold sole responsibility for the central coordination of common frameworks in order to maintain profile, credibility, and coherence across Government”. Paragraph 32 states that implementation of this recommendation is in progress, and that the government “retains a central team in the Cabinet Office working exclusively on common frameworks which provide the central coordination and direction for the programme”.

We understand that responsibility for common frameworks now lies in your portfolio at the Department for Levelling Up, Communities and Housing. However, we must reiterate our strong recommendation that sole responsibility for the central coordination of the common frameworks programme should lie with the Cabinet Office. We urge you not to roll back the progress which is already underway on the implementation of this goal. The coherence and consistency of the common frameworks project is of central importance, and we believe this can only be achieved through the central coordination at the Cabinet Office.

Please find attached a copy of a letter sent in reply to your predecessor’s response to our last report. We would be grateful if we could have your reply no later than 16 November.

Yours sincerely,

Baroness Andrews
Chair of the Common Frameworks Scrutiny Committee



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Rt Hon Oliver Dowden MP
Chancellor for the Duchy of Lancaster
Cabinet Office
70 Whitehall
London
SW1A 2AS

1 November 2022

Dear Oliver,

Government response to the Common Frameworks Scrutiny Committee report: ‘Common frameworks: An unfulfilled opportunity?’

On behalf of the Committee, may I offer our congratulations on your appointment as Chancellor of the Duchy of Lancaster. We look forward to working with you.

Many thanks to the Cabinet Office for its response to our report, although we note the delay in its receipt. We were pleased to see that 13 of our recommendations have been accepted, with a further five accepted partially or in principle, including our recommendation that relevant frameworks should be updated to include text referencing the exclusions process. Nonetheless, we have several outstanding concerns which we would be grateful if you could address.

- I. Paragraph 23 states that “the UK Government has committed to the proper use of common frameworks and will not seek to make changes to [retained EU law] (REUL) falling within them without following the ministerially agreed processes in each Framework.”
 - a. This paragraph implies that the REUL necessary to uphold common frameworks been identified. Please can you let us know which REULs, including those contained in devolved legislation, have been identified?
 - b. How is the Government’s commitment to retain REUL falling within common frameworks (subject to agreed processes) compatible with the Retained EU Law (Revocation and Reform) Bill’s power to grant delegated powers to UK ministers and devolved authorities to change REUL by statutory instrument?
 - c. The Committee is unclear about how the mechanisms included in the dispute resolution processes will be able to work effectively in this context. Can further detail be provided on how this process will work in practice? Have the devolved administrations been consulted on this and are they content with the mechanisms that are in place to address these matters?



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2. It is an area of particular concern for this committee and for colleagues in the devolved administrations that the Government does not have adequate insight into which instruments of REUL are in devolved areas.
 - a. What reassurances can you offer that the Government has improved its knowledge of which instruments of REUL are in devolved areas since June 2022, when Mick Antoniw MS expressed concerns that the Government's dashboard of REUL contained "no information" on this subject?¹
 - b. How do you respond to concerns from Dr Viviane Gravey and Professor Colin T. Reid that "the 2400 REUL list is just an estimate ... the different UK administrations will have to keep looking for unlisted instruments to ensure no instruments are 'sunsetted' by mistake"?²
3. Paragraph 25 states that it is "reasonable to expect that the impact of the Protocol on the functioning of common frameworks will be covered in existing reporting to legislatures".
 - a. How and when will the UK parliament and the devolved legislatures be updated on the impact of the Protocol on the function of the frameworks?
4. Paragraph 26 states that "BEIS has confirmed that all commitments required for the operation of the Protocol contained in REUL will be retained, along with those for other international obligations".
 - a. This paragraph implies that the REUL necessary to uphold the Protocol has been identified. Please can you let us know which instruments of REUL, including those contained in devolved areas, have been identified?
5. We welcome the government's acceptance of our recommendation that the Cabinet Office should hold sole responsibility for the central coordination of frameworks. However, paragraph 34 rejects our recommendation that the current process for reviewing frameworks be strengthened with explicit responsibility given to a team in the Cabinet Office for ensuring consistency across the programme.
 - a. What steps are being taken to increase consistency across the common frameworks programme? Are there, for example, any cabinet committees or IMGs in operation to assist with the coordination of the programme?

¹ <https://gov.wales/written-statement-retained-eu-law-interactive-dashboard>

² <https://www.brexitenvironment.co.uk/2022/10/10/reul-bill-devolution/>



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We would appreciate a response to this letter no later than 15 November.

I have copied this letter to the Rt Hon Dr Thérèse Coffey, the Rt Hon Grant Shapps, Mick Antoniw MS, Angus Robertson MSP, and Jayne Brady.

Yours sincerely,

Baroness Andrews

Chair of the Common Frameworks Scrutiny Committee