



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

House of Lords Common Frameworks Scrutiny
Committee
House of Lords
London
SW1A 0PW

15th November 2022

Dear Baroness Andrews,

Thank you for your letter of 01 November regarding the Retained EU Law (Revocation and Reform) Bill. The Scottish Government shares the Committee's concerns in relation to REUL, which were highlighted in your letter to the Chancellor of the Duchy of Lancaster. I have made it clear in Ministerial meetings and most recently to the House of Commons Public Bill Committee on 08 November that the Scottish Government fundamentally opposes the aims of this Bill and would prefer to see it withdrawn completely.

In response to question 2 of your letter to the Chancellor of the Duchy of Lancaster, my officials are in regular contact with the UK Government Bill team. They have stressed that, this being a UK Government Bill, it is incumbent on UK Government to undertake work to identify what retained EU Law is devolved and what is reserved and to provide the Scottish Government with information about their proposals for preservation or change. I understand that this work is moving at different speeds within different Whitehall departments, however the public REUL Dashboard still does not reflect the devolved/reserved split and I remain unsatisfied that the UK Government has a coherent understanding of what REUL sits within devolved or reserved competence. We will clearly plan to do our own assessment alongside this to ensure accuracy,, but the UK Government doing that exercise is important in reaching a shared, centralised understanding of what the devolved governments should have full responsibility for.

I am in agreement with the experts quoted in the letter, Dr Viviane Gravey and Professor Colin T. Reid, that "the 2400 REUL list is just an estimate...". Indeed, the Financial Times reported on 08 November that the National Archives have unearthed another 1400 pieces of REUL at risk of the 2023 sunset date. It is clear that the Bill is being pursued at reckless speed, with an incomplete understanding of what legislation is actually in scope. Work has begun within the Scottish Government in relation to finding wholly devolved REUL.

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

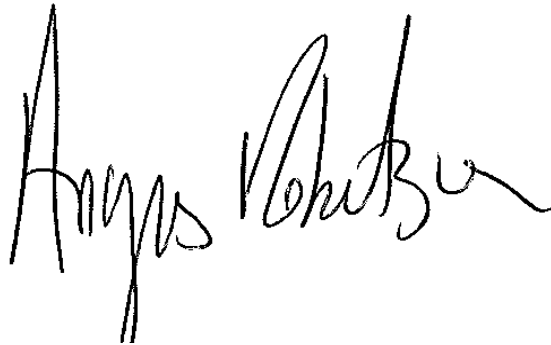


It is already clear to us that there are certain difficulties in finding all REUL and there is no easy or foolproof way of doing this.

In response to your question regarding whether the Scottish Government will submit to the UK Government's consultative process for the Bill, I refer to my aforementioned appearance at the House of Commons Public Bill Committee on 08 November. The Scottish Government has also set out our detailed position on the Bill in the Legislative Consent Memorandum we published on 08 November and which can be found at the [Scottish Parliament website](#). We will of course continue engaging to put forward the Scottish Government's position in the interests of the people of Scotland.

On the question of frameworks being updated to include text referencing the IMA exclusions process, the Scottish Government remains unconvinced of the value this would bring. We remain clear that the Internal Market Act, both in its policy effect and in the manner of its imposition without consent, runs counter to the principles and purpose of common frameworks. Explicit reference to the exclusions process in common frameworks could lead to a misconception that all parties are reconciled to the Act and see it as complementary to the operation of common frameworks. This is not the case. Nevertheless, we will consider the matter further in light of the Committee's interest and give thought to how the IMA exclusions process could be reflected in the body of common frameworks documents in a manner that reflects our very different positions on the Act and its effect.

Yours Sincerely,



ANGUS ROBERTSON

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

Accredited
Until 2020

