



# HOUSE OF LORDS

Common Frameworks Scrutiny Committee

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17 March 2023

Lord Callanan  
Minister for Energy Efficiency and Green Finance  
Department for Energy Security and Net Zero  
1 Victoria Street  
London SW1E 5JD

Dear Lord Callanan,

## **Retained EU Law (Revocation and Reform) Bill and the Common Frameworks Programme**

I am writing to convey my disappointment and grave concern at the lack of adequate information that the Government has provided to the Common Frameworks Scrutiny Committee regarding the impact on the programme of the REUL Bill.

I note, in particular, the recent responses to the questions for written answer that I have tabled and the incomplete answers to matters for clarification raised by CFSC Committee members during the committee stage of the Bill. You have stated that the Government are “committed to respect[ing] the devolution settlements to safeguard the Union and to ensure that the provisions in the Bill work for all parts of the UK.” It is not possible to fulfil this objective without specifying how the Bill will affect the Common Frameworks.

I must ask, as a matter of urgency, that you provide full and sufficiently detailed answers to the Committee’s queries below.

I have copied this letter to the Leader of the House to bring to his attention the Committee’s requirements for information and the difficulties it has encountered in securing this.

## **Devolved Administrations**

1. How many retained EU Law statutory instruments are the responsibility of Scotland and Wales respectively?
  - a. What is the total number of consequential amendments that will have to be made to other SIs?
2. Are we correct in our understanding that the Dashboard does not contain, and is not designed to contain, any post-devolution Scottish, Welsh and Northern Ireland SIs?
3. Are we correct in our assumptions that the Devolved Administrations do not have resources to identify the impact of the REUL Bill on their legislation and therefore will be (a) unable to meet the sunset deadline (b) are at higher risk of having legislation accidentally revoked by the Bill?
4. In the event that the Devolved Administrations cannot lay their SIs by sunset deadline – what happens next? Is our assumption that ultimately, UK Ministers will have to make decisions in areas

of devolved competence in this event, as they are the only Ministers that have the power to extend the sunset clauses, correct? Given these facts, can you unequivocally say that the REUL Bill will not break the Sewel convention a multitude of times across numerous policy areas?

5. In recent correspondence to the Committee, Lord Benyon has stated that “Common Frameworks provide fora for intergovernmental discussions between the UK” and that “frameworks also provide mechanisms for jointly agreeing changes to legislation or where relevant, agreeing divergent approaches and managing the impacts of any such divergence.”<sup>1</sup> Can you specify how Common Frameworks are able to do this in reality, given that there is no mechanism for the devolved administrations to table amendments to the Bill?

## Methodology

6. What is the methodology used to decide on REUL that is being either retained, amended or revoked? Please note that we do not accept the statement included in the recent All Peers letter on this matter to be a sufficient answer and we require the Government to set out exactly what methodology is being used in each department whose policy areas overlap with the Common Framework to make these important decisions regarding the future of the UK’s statute book.<sup>2</sup>
  - a. Why has this methodology been so opaque?
7. What happens in the event that the UK Government’s methodology conflicts with the methodologies applied by the Devolved Administrations? For example, if the UK Government’s assumption is that revoking a piece of UK Wide REUL will result in economic benefits and the Scottish Administration concluded that revoking that piece of REUL would result in economic harm?<sup>3</sup>
8. When will the Government share a complete list of their categorisation of all REUL that falls within the scope of the Common Frameworks programme?
9. Is our assumption that departments aim to have categorised REUL, including pieces of REUL where there is disagreement with the devolved administrations, by mid-March correct?

## Impact statements

10. When will the UK Government publish their scenario planning for the impact of the Retained EU Law (Revocation and Reform) Bill (including, but not limited to, clauses 14, 15 and 16) on the operability of the Common Frameworks programme before the next stage of the Bill? The Committee must review these as a matter of urgency.
  - a. Why has this not yet been published?

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<sup>1</sup> Letter from Lord Benyon to Baroness Andrews regarding the PVS Common framework (25 January 2023): <https://committees.parliament.uk/publications/34377/documents/189351/default/>

<sup>2</sup> Baroness Neville- Rolfe stated that “However, the internal methodology for identifying such retained EU law was for each department to decide, given their expertise and institutional knowledge.” Letter from Baroness Neville-Rolfe, Minister of State, Cabinet Office to All Peers regarding the REUL Bill Committee Stage Day 4 (8 March 2023): [https://data.parliament.uk/DepositedPapers/Files/DEP2023-0224/Letter\\_from\\_Baroness\\_Neville\\_Rolfe\\_to\\_all\\_Peers.pdf](https://data.parliament.uk/DepositedPapers/Files/DEP2023-0224/Letter_from_Baroness_Neville_Rolfe_to_all_Peers.pdf)

<sup>3</sup> Baroness Bloomfield stated that “This Government’s mission is to deliver economic prosperity for citizens in every part of the UK, so that the whole of the UK can benefit from the ability to reform and amend their retained EU law.” HL Deb, 2 March 2023, [col 414](#) [Lords Chamber]

## **Windsor Framework**

11. When will the UK Government publish a list of the legislation that is disapplied by the Windsor Framework and is within the scope of the Common Frameworks programme?

Given the urgency of the parliamentary timetable, and our own work programme, we require a response to this letter by 5 April.

*I am copying this letter to Rt Hon Michael Gove MP, Minister for Intergovernmental Relations; Felicity Buchan MP, Parliamentary Undersecretary of State, Department for Levelling Up, Housing and Communities; Baroness Neville-Rolfe, Minister of State, Cabinet Office; Baroness Bloomfield, Baroness in Waiting; Lord True, Leader of the House of Lords and Lord Privy Seal; Baroness Smith of Basildon, Leader of the Opposition, House of Lords; Mick Antoniw MS, Counsel General and Minister for the Constitution, Welsh Government; Angus Robertson MSP, Cabinet Secretary for the Constitution, External Affairs, Scottish Government; and Jayne Brady, Head of the Civil Service of Northern Ireland.*

Yours sincerely,

Baroness Andrews  
Chair of the Common Frameworks Scrutiny Committee