



Justice Committee

House of Commons London SW1A 0AA
Tel 020 7219 8196/8198 Email justicecom@parliament.uk
Website www.parliament.uk/justicecttee

Rt Hon Suella Braverman MP
Attorney General
Attorney General's Office
102 Petty France
London SW1 9EA

17 November 2020

Dear Attorney General

I write on the Committee's behalf to thank you for your letter dated 10 September 2020 on the Government's legal position on the Internal Market Bill, shortly to return to the House of Commons for further consideration.

Your publication of the Government's legal position was designed to assist parliamentary scrutiny of a matter of the utmost constitutional significance, and was, in that respect, a welcome intervention on your part.

We do not seek to raise the merits or otherwise of the clauses in Part 5 of the Bill, as introduced in the House of Commons, noting that there will inevitably be further debate on this when the Bill returns to us, given the removal of those clauses by the House of Lords and the Government's stated intention to seek to reinstate them in our House.

We are concerned that the statement of the government's legal position on the Bill, published on 10 September, and based, as we understand, upon an opinion provided by yourself, does not give sufficient detail as to the legal basis underpinning the Government's view that a breach of certain of the UK's obligations under international law may be justified in 'specific and limited circumstances'. Whilst your publication of that statement in advance of the Bill's Second Reading was welcome, given the constitutional importance of such a matter, and what is generally agreed to an exceptional course of action, we believe that the House would benefit from further elucidation of this point.

We recognise and accept the convention that advice from the Law Officers to Government is normally confidential. Equally, you will be aware that there is precedent for that precedent being waived in exceptional circumstances. We invite you to consider the proposition that this is one such circumstance. We also invite you to consider the broader proposition that, when a question of legal interpretation may become fundamental to the progress of a Bill through Parliament, it is in the interests of proper debate and scrutiny that the Government make the full extent of its legal reasoning available for consideration by Members.

We therefore request that you provide to the House a full, detailed analysis of the Government's position on Part 5 of the Bill before it returns to our House.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Neill', with a large loop at the start and a long horizontal stroke at the end.

Sir Robert Neill MP
Chair
Justice Committee