



HOUSE OF LORDS

Common Frameworks Scrutiny Committee

House of Lords

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The Rt Hon Chloe Smith MP
Minister of State for the Constitution and Devolution
Cabinet Office
70 Whitehall
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Dear Chloe,

Thank you for your letter dated 23 December 2020, which provided detailed answers to many of our questions. In that letter, you also committed to update us on the frameworks that were provisionally confirmed at the end of last year. In anticipation of that update, we have some additional questions that arise in response to your letter, including on the important issue of future of intergovernmental relations.

Dunlop review and IGR

We were disappointed that the Dunlop review and the review of intergovernmental relations (IGR) were not published by the end of last year as expected. As you note, strong overarching intergovernmental structures will play an essential role in supporting common frameworks, facilitating consultation and collaboration between administrations, and resolving disputes. We hope to follow this up with Lord Dunlop. While you now aim to conclude the IGR review “at the earliest opportunity”, can you provide a more specific timeline on when this can be expected? As we asked in our previous letter, will the JMC(EN) continue to perform its current role with respect to common frameworks despite the end of the transition period, or will it be replaced by a new body?

Parliamentary scrutiny

We look forward to your update on which frameworks were provisionally agreed by the end of last year, which we expect to include information on how detailed these are compared to the Provisional Frameworks we have seen to date. We also welcome your department’s efforts to improve the quality of Framework Summaries, which are essential in helping us prepare for scrutiny, and that a template is being used to improve consistency among other departments. In order to help our assessment of future Framework Summaries from Government departments, we believe that this template should be shared with us, in confidence or otherwise.

In terms of future scrutiny arrangements, you note that these will need to be discussed with policy departments and the devolved administrations but that you are “continuing to give thought to how departments might facilitate robust scrutiny of their frameworks by relevant Parliamentary committees.” We believe that in order to conduct effective scrutiny of the

frameworks after they have been implemented, committees will need to receive information on the functioning of each individual framework. Can you confirm that this will form part of your consideration and that policy departments will be advised to publicly report on the functioning of each framework?

Northern Ireland

We welcome your commitment to improving the quality of the Provisional Frameworks and the information they provide on the Northern Ireland Protocol. You explain that your officials “are planning further stress testing of Protocol implementation consequences for frameworks in partnership with the NI Executive.” Can you tell us more about what this stress testing will consist of? When will this be taking place and how soon can we expect to see the outcomes of this work? Will you commit to keeping us informed on an ongoing basis of the interactions between common frameworks and the implementation of the Northern Ireland Protocol?

UK Internal Market Act

We welcome the amendments that were made to the UK Internal Market Bill that clarified the relationship between the common frameworks and the legislation. The recognition in the Act that the Secretary of State could use delegated powers to exclude divergence agreed through the common frameworks process from the operation of the market access principles is an important step in the right direction to ensuring that the common frameworks will not necessarily be undermined. How do you envisage that the Secretary of State will exercise this power and take account of agreements reached through the common frameworks process? Are you advising policy departments working on affected frameworks to amend their Provisional Frameworks to reflect this change?

We also welcome the amendment under Section 33 of the Act, which requires the Office for the Internal Market (OIM) to report once every five years on the intersect between the market access principles and agreements made under common frameworks. However, we do have concerns that this is too infrequent to provide useful information on the relationship between the frameworks and the market access principles. We believe that there should be a review every three years, so that the Government can be made aware sooner of any issues that may arise in this new area of policymaking.

We look forward to receiving your response and update within 10 working days.

Yours sincerely,

Baroness Andrews
Chair of the Common Frameworks Scrutiny Committee