



European Statutory Instruments Committee

House of Commons SW1A 0AA

Tel 020 7219 7599 Email esic@parliament.uk Website www.parliament.uk/esic

Rt Hon Jacob Rees-Mogg MP
Lord President of the Council
Leader of the House of Commons
70 Whitehall
SW1A 2AS

Cc: Rt Hon. the Baroness Evans of Bowes Park, Leader of the House of Lords and Lord Privy Seal; Rt Hon Michael Gove MP, Duchy of Lancaster and Minister for the Cabinet Office; Lord Hodgson of Astley Abbots, Chair of the Secondary Legislation Scrutiny Committee; Rt Hon. Karen Bradley, Chair of the Procedure Committee.

19 January 2021

Sifting provisions in the EU (Future Relationship) Act 2020 and the flow of proposed negative instruments in 2021

In order to assist the Committee in planning the resources required to support its sifting work, I would be grateful if you could clarify the Government's position on the following points.

Firstly, whether it is the Government's intention that the European Statutory Instruments Committee will undertake the sifting function set out in schedule 5 to the EU (Future Relationship) Act 2020. The committee noted with interest the wording of the sifting function within the new Act, which is almost identical to the sifting function under the EU (Withdrawal Act) 2018, and indicates an analogous process to the one currently carried out by this committee.

Secondly, why the sifting function set out in paragraph 8, schedule 5 to the EU (Future Relationship) Act 2020 is limited to two years while the power to make regulations under section 31 has no sunset. In contrast, the sifting functions under section 8 and section 23 of the EU (Withdrawal) Act 2018 are directly linked to the powers to make regulations. The sifting and regulation-making powers sunset at the same time.

Finally, if you could provide an initial estimate of the expected flow and volume of secondary legislation under the EU (Withdrawal) Act 2018 and the EU (Future Relationship) Act 2020 up to the end of the year.

Yours sincerely,

Andrew Jones MP

Chair