



Rt Hon Lord Frost CMG
Minister of State
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Baroness Taylor of Bolton
Chair, Lords Constitution Committee
House of Lords
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Our reference: MC2021/02855

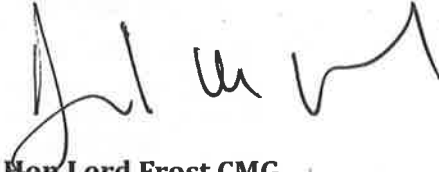
20 April 2021

Dear Baroness Taylor,

European Union (Future Relationship) Act 2020

1. Thank you for your letter of 10 February to Lord True. I am sorry that this reply has been delayed through the handover of responsibilities from Michael Gove to me. I set out answers to your specific questions below.
2. In response to point (i) - section 29 does not give "direct effect", which is an EU legal concept. The text of the Trade and Cooperation Agreement (TCA) and Security of Classified Information Agreement (SOIA) does not itself form part of domestic law by virtue of section 29. Instead it is the modifications that result from section 29 that have effect (albeit that the nature of those modifications results from the obligations under the Agreements). Section 29 is also limited in that it makes non-textual modifications to "existing domestic law" only and only insofar as the Agreements are not implemented by other enactments.
3. In that context, the Committee may also wish to note the TCA expressly states that any interpretation of the courts of either Party shall not be binding on the courts of the other Party (COMPROV.13). Furthermore, COMPROV.16 states that the TCA does not permit the Agreement to be directly invoked in the domestic legal systems of the Parties.
4. On points (ii) and (iii) - in short, yes. Section 29 will only make modifications to existing domestic law where other legislation does not already implement the Agreements. In such areas, regulations under section 31 could instead be made to implement the Agreements. Where no legislation does exist - under section 31 or otherwise - section 29 will operate to make modifications to domestic law to implement the TCA. Section 31, however, expressly enables regulations to "re-implement any aspect of" the Agreements. Section 31 regulations, therefore, may be made that supplement or supersede the modifications given effect by section 29 with alternative or more detailed and specific implementation.

With best wishes,

A handwritten signature in black ink, appearing to read 'J Frost', written in a cursive style.

Rt Hon Lord Frost CMG