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Baroness Hayter  
Chair, International Agreements Committee  
House of Lords  
London  
SW1A 0AA

8 March 2022

Dear Baroness Hayter,

Thank you for your letter to the Foreign Secretary of 8 February relating to your Committee's Working Practices Report: one year on, and the Government's response to the report. I am replying as the Minister responsible for treaty policy.

I am sorry that the Committee is disappointed with the Government's response, and I hope this letter addresses the Committee's concerns.

I understand that you met privately with Lord Grimstone of Boscobel on 20 January, and I have had sight of your letter to him of 24 January and his reply of 31 January, both of which are available on the Committee's website. I confirm that Lord Grimstone's letter reflects the Government's position. I hope this allays the Committee's concerns but, for the avoidance of doubt, I reiterate that the Government stands behind the commitments made by Lord Grimstone in the House of Lords, in the following terms:

*"If the International Agreements Committee should publish a report on those objectives, I can confirm that the Government will gladly consider that report with interest and, should it be requested, facilitate a debate on the objectives, subject to the parliamentary time available"*<sup>1</sup>

*"I would like to state from the Dispatch Box that I cannot envisage a new FTA proceeding to ratification without a debate first having taken place on it, should one have been requested in a timely fashion by the Committee."*<sup>2</sup>

Turning to your comment that the Government response failed to restate some of the undertakings made by the Foreign Secretary when she was Secretary of State for International Trade, the Government notes that your report did not request a response restating this information. As Lord Grimstone set out in his letter of 31 January, "given how seriously the Government takes the commitments it has made to Parliament it was felt unnecessary to repeat assurances that had already been given." Accordingly, we reject the inference that there has been a failure by the Government in this regard.

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<sup>1</sup> Hansard, Volume 810, Column 724, 23/02/2021

<sup>2</sup> Hansard, Volume 810, Column 724, 23/02/2021

Nevertheless, in the interests of clarity and with the aim of ensuring a continued constructive working relationship with your Committee, I would like to confirm that the Government is willing to record its commitments on the subject of trade agreements in an exchange of letters as you suggest in your letter. I trust this reassures the Committee and underlines the importance that the Government places on parliamentary scrutiny of our FTA programme.

Regarding the publication and scrutiny of non-legally binding arrangements the Government's position remains as stated in our response of 17 December 2021. We do not dispute that the Parliamentary Under-Secretary of State for Foreign Affairs in 1924 made the statement referred to in your letter, but we respectfully disagree that this statement reflects a constitutional convention or a practice that has been followed by successive governments over the last 98 years. In light of this, the Government's position is reasonable, pragmatic, and we are satisfied that it respects the United Kingdom's constitutional settlement.

Turning to treaty amendments, we continue to consider the existing treaty scrutiny framework and methods of publication sufficient. These apply to treaty amendments as they do to the underlying treaties. It is of course open to Parliament to scrutinise any treaty amendments as they see fit.

Finally, I would like to clarify the situation regarding advance notice of forthcoming treaties. I am aware of regular communications between clerks from your Committee and the House of Commons' International Trade Committee and officials in the Foreign, Commonwealth and Development Office and the Department for International Trade. The Government welcomes these communications, established over recent years, and I encourage my officials to continue to deploy this channel to provide, where possible, advance notice of forthcoming treaties to be laid under Part 2 of the Constitutional Reform and Governance Act 2010. This system has worked well to date, and I expect it to continue to do so. The Government does not consider it necessary or appropriate to make this a ministerial commitment.

I have asked my officials to meet with the Committee secretariat to discuss the preparation of the proposed exchange of letters referred to above.

I am copying this letter to Lord Grimstone of Boscobel, Minister for Investment, Angus Brendan MacNeil MP, Chair of the International Trade Committee and Baroness Drake, Chair of the Constitution Committee.

Yours sincerely,

A handwritten signature in black ink, consisting of a stylized initial 'A' followed by a long, horizontal, slightly wavy line that tapers to the right.

**Rt Hon Amanda Milling MP**  
**Minister of State for Asia and the Middle East**