

Rt Hon Angus Robertson MSP, Cabinet Secretary for Constitution, External Affairs and Culture – Written Evidence (GOU0011)

Dear Baroness Drake,

Thank you for your request to provide an updated list of breaches of the Sewel Convention.

I congratulate you on your reappointment as Chair of the Committee and look forward to working with you in the years ahead.

I attach an updated table detailing the occasions in which the Sewel Convention has been breached, including those Bills where the UK Government did not agree that a breach had occurred.

As you are aware, I provided the Committee with written evidence for this inquiry on 9 April 2024. Since then, there has of course been a change in UK Government. The Scottish Government welcomes the commitments by the new UK Government to strengthen the convention.

The Labour Party's Manifesto made the following commitment in relation to Sewel: "Labour will strengthen the Sewel Convention by setting out a new memorandum of understanding outlining how the nations will work together for the common good."

Whilst it is not yet clear what precise form this memorandum would take, the Scottish Government stands ready to work closely with the UK Government and other Devolved Governments to negotiate a memorandum.

Securing such an agreement would be a positive first step in the process of repairing the damage done to the Sewel Convention and broader intergovernmental relations by the approach of the previous UK Government – as would a commitment from the UK Government to respect the Sewel Convention in spirit and practice in the new legislative programme.

Longer term, the Scottish Government remains committed to ensuring that the Convention is strengthened to ensure that future legislative consent decisions by the Scottish Parliament are respected and implemented by the UK Government. I look forward to working with the UK Government on delivering those changes in the future.

Yours sincerely,

Angus Robertson MSP

ANNEX – TABLE OF BREACHES OF THE SEWEL CONVENTION

**UKG did not seek consent and was of the view that bill was reserved.

Name of Act	Date of Royal Assent	Did UKG request consent
European Union (Withdrawal) Act 2018	26/06/2018	Yes
EU (Withdrawal Agreement) Act 2020	23/01/2020	Yes
UK Internal Market Act 2020	17/12/2020	Yes
EU Withdrawal (Future Relationship) Act 2020	31/12/2020	Yes
**Elections Act 2022	28/04/2022	No
Professional Qualifications Act 2022	28/04/2022	Yes
**Nationality and Borders Act 2022	04/05/2022	No
Subsidy Control Act 2022	05/05/2022	Yes
Trade (Australia and New Zealand) Act 2023	22/03/2023	Yes
**Genetic Technology (Precision Breeding) Act 2023	23/03/2023	No
Retained EU Law (Revocation and Reform) Act 2023	29/06/2023	Yes
Northern Ireland Troubles (Legacy and Reconciliation) Act 2023	18/09/2023	Yes

21 August 2024