



Cabinet Office

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Our Ref: CDL/3413

Bruce Crawford MSP
Convener, Finance and Constitution Committee
The Scottish Parliament
Edinburgh, EH99 1SP

23 July 2019

Dear Bruce,

Thank you for your letter of 26 June, setting out the views of the Finance and Constitution Committee on future inter-governmental relations regarding EU Exit.

Legislation

I acknowledge the Scottish Parliament's role in scrutinising the Scottish Government's intention to give consent to SIs made under the EU (Withdrawal) Act 2018 that legislate on devolved matters. I note your suggestion that a similar protocol should be introduced for secondary legislation relating to devolved matters to be made under other EU Exit legislation. I also note your suggestion that the Scottish Parliament should be informed of, and perhaps have a role in resolving, disagreements between the UK Government and the Scottish Government over competence. Any new arrangements on future EU Exit secondary legislation would require detailed policy development before any formal commitment can be agreed. My officials will be in touch with the Scottish Government to seek further views on this.

This Government remains fully committed to the Sewel Convention and the associated practices and procedures. We have sought legislative consent for EU exit legislation where appropriate to do so and are upholding our commitment to devolution and the devolved settlements.

International Treaties

I agree that the scrutiny by the devolved legislatures of their respective governments is not a matter for the UK Government. Nonetheless UK Government Ministers remain keen to support the deliberations of the committees of the devolved legislatures wherever possible.

Significant work is underway between officials to ensure that the devolved administrations are appropriately engaged on international work that has consequences for areas of devolved policy, while recognising that international relations policy is reserved, and that developing and agreeing international treaties is the responsibility of UKG.

Work on the international engagement strand of the Inter-Governmental Relations Review and the ongoing close working between officials in the FCO, DIT, DExEU and the devolved administrations that underpins it, continues apace. This will ensure that the voices of the devolved administrations are given due consideration in the UK Government's approach to agreeing the UK's future relationship with the EU and negotiating FTAs with third countries. This will in turn ensure that the UK Government can pursue, negotiate and finalise agreements which fully and equitably benefit each nation within the Union.

You noted that the UK Government has committed to establishing a new Ministerial Forum to provide a formal mechanism for UK and devolved government ministers to discuss and provide input to future trade negotiations. DIT and devolved administration officials are due to meet in the coming weeks to agree on how to take this Forum forward so that it proves effective for all parties.

I will ensure my officials consider your more detailed proposals regarding effective intergovernmental working around international agreements in conversations with their colleagues in the Scottish Government.

Common Frameworks

I acknowledge the points made in relation to the role of the UK's legislatures in the formation of Common Frameworks.

The UK Government remains fully committed to transparency and scrutiny in relation to the formation of frameworks. Recent UK Government publications make clear our ongoing commitment to involving the UK's legislatures in the development of frameworks. The UK Government has this year alone published: an update on the progress of delivering Common Frameworks including an outline framework relating to Hazardous Substances, an update on the delivery process and how we will engage with stakeholders, legislatures and other interested parties; a revised frameworks analysis; and the second, third and fourth statutory EU (Withdrawal) Act and Common Frameworks reports. In my recent correspondence with the Inter Parliamentary Forum, I welcomed increased scrutiny from the legislatures as work on common frameworks progresses.

The UK Government and the devolved administrations are working together to establish how frameworks will interact with international treaties. I acknowledge that committees' scrutiny of SIs do not necessarily constitute approval for the establishment of common frameworks.

Finally, on the points raised by the PACAC and House of Lords Select Committee on the Constitution, the UK Government and the devolved administrations are guided by the agreed JMC(EN) principles on the development of common frameworks and the UK Government expects any governance and operational structures that result to be strong reflections of those starting principles.

I am copying this letter to the Secretary of State for Scotland and to Michael Russell MSP.

Yours Sincerely,

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

Rt Hon David Lidington CBE MP