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Convener of Constitution, External Affairs
and Culture Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Copied to UKSIs@parliament.scot

7 September 2023

Dear Convener,

**THE PROPOSED RETAINED EU LAW (REVOCATION AND REFORM) ACT
(CONSEQUENTIAL AMENDMENT) REGULATIONS 2023
EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT**

I am writing in relation to the protocol on obtaining the approval of the Scottish Parliament to proposals by the Scottish Ministers to consent to the making of UK secondary legislation affecting devolved areas arising from EU Exit.

That protocol, as agreed between the Scottish Government and the Parliament, accompanied the letter from the then Cabinet Secretary for Government Business and Constitutional Relations, Michael Russell MSP, to the Conveners of the Finance & Constitution and Delegated Powers and Law Reform Committees on 4 November 2020 and replaced the previous protocol that was put in place in 2018.

I attach a Type 1 notification which sets out the details of the SI which the UK Government propose to make and the reasons why I am content that Scottish devolved matters are to be included in this SI. Please note, the draft SI is not available in the public domain at this stage. We will, in accordance with the protocol, advise you when the final SI is laid and advise you as to whether the final SI is in keeping with the terms of this notification.

Amongst other things the notification highlights that, unusually, no UK Government Minister has written to any Scottish Minister seeking their agreement to proceed on the SI despite this standard letter having been sought. For reasons set out in more detail in the notification I consider it in the interests of parliamentary scrutiny to send the notification to standard scrutiny timescales now, without waiting to see if a Ministerial request letter is sent. I will be writing to UK Ministers to communicate my displeasure about this development and other problematic approaches being taken to implementation of the Retained EU Law (Revocation and Reform) Act 2023 that, as here, do not demonstrate appropriate respect for devolution.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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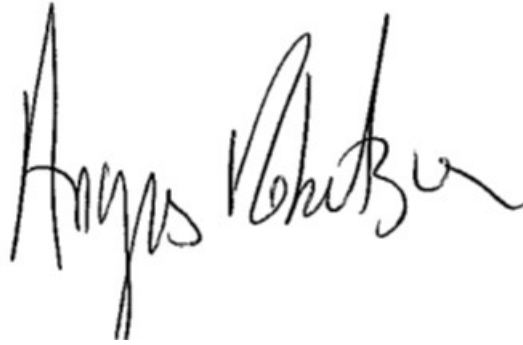
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I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

I look forward to hearing from you by Friday 6 October 2023.

Yours sincerely

A handwritten signature in black ink that reads "Angus Robertson". The signature is written in a cursive style with a large initial 'A' and 'R'.

ANGUS ROBERTSON

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