



Delegated Powers and Law Reform Committee

Angus Robertson MSP
Cabinet Secretary for the Constitution,
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By email

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Dear Cabinet Secretary

Retained EU Law (Revocation and Reform) Bill

At its meeting yesterday, the Delegated Powers and Law Reform Committee considered the [Legislative Consent Memorandum](#) (“the LCM”) for the [Retained EU Law \(Revocation and Reform\) Bill](#) (“the Bill”).

The Committee is considering the delegated powers in the Bill under Rule 9B.3.6 of Standing Orders, which obliges it to consider and report on powers conferred on Scottish Ministers, and under its wider remit, in Rule 6.11.1(b) and (c), which includes considering and reporting on proposed powers to make subordinate legislation in particular bills “or other proposed legislation” and general questions relating to powers to make subordinate legislation.

Given the significance of the delegated powers in the Bill, which are conferred upon both UK Ministers and Scottish Ministers, the Committee agreed to hold an evidence session with academics and other experts at its meeting on 13 December. It also agreed to write to you and to the UK Government Minister responsible for the Bill with questions.

In order to assist the Committee in its consideration of the delegated powers in the Bill, the Committee would be grateful for an explanation as to:

- 1. What, if any, processes the Scottish Government has put in place, or intends to put in place, to identify all the devolved retained EU law (“REUL”) that would be subject to the sunset.**
- 2. What the Scottish Government’s intentions are, and what processes it will put in place in order to decide which pieces of REUL it wishes to preserve and which pieces it does not wish to preserve.**

3. **What are the timescales for decision-making by the Scottish Government regarding whether to let a piece of REUL fall away, or whether to preserve it.**
4. **How does the Scottish Government intend to use the powers in clauses 1, 12, 13 and 15.**
5. **In the absence of the Scottish Government having the power to extend the sunset, what the procedure would be for the Scottish Government to request that UK Government exercises this power to extend the sunset in relation to specified devolved legislation.**
6. **How the Scottish Government intends to facilitate scrutiny by the Scottish Parliament of Ministers' plans either to let REUL fall or to preserve it, given that there is no means for either the Scottish or UK Parliament to scrutinise a decision to do nothing and let REUL fall.**
7. **How the Scottish Government proposes to use the powers in the Bill to alter policy, given that the Bill effectively imposes a regulatory ceiling.**
8. **How the Scottish Government plans to keep stakeholders informed of regulatory changes which affect them.**
9. **What steps the Scottish Government is taking to mitigate against the risk of unintended or undesirable regulatory gaps emerging due to the blanket application of the sunset provision.**

I should be grateful if you would respond by **Tuesday, 13 December 2022** to allow time for the Committee to report its findings on the LCM prior to any final consideration by the Scottish Parliament.

I look forward to hearing from you.

Yours sincerely

Stuart McMillan MSP
Convener of the Delegated Powers and Law Reform Committee