



The Scottish Parliament
Pàrlamaid na h-Alba

Patrick Harvie MSP,
Minister for Zero Carbon
Buildings, Active Travel
and Tenants' Rights
By email only

Local Government, Housing and Planning Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Email: localgov.committee@parliament.scot

30 June 2023

Dear Patrick,

Retained EU Law (Revocation and Reform) Bill Schedule 1

As you will be aware, the Scottish Government lodged a supplementary Legislative Consent Memorandum (LCM) on 24 May 2023. In the supplementary LCM the Scottish Government identifies Retained EU Law (REUL) listed on Schedule 1 which it believes to contain at least some devolved provision applicable in Scotland.

The schedule lists nine instruments which the Scottish Government is not satisfied are obsolete.

Of those instruments the Scottish Government considers not to be obsolete one falls within the remit of this Committee.

The relevant regulations are the Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014. The Regulations implement the 2012 Energy Efficiency Directive, which sets binding targets up to and including 2020.

The UK Government explains that it intends to revoke the regulations because the:

“...legislation is largely inoperable because it concerns targets that have expired, and otherwise includes duties that are being met elsewhere or where revocation would not otherwise lead to a change of policy.”

The Scottish Government explains, however, that it is yet to decide whether there is any continuing value in these regulations:

“This instrument provides for ongoing duties and further analysis is required before it can be concluded that this instrument can safely be sunset.”

Please could you provide the Committee with an update on your approach to these Regulations and why you consider there may be merit in retaining the Regulations.

I would be grateful of a response by 28 July.

Yours sincerely,

Ariane Burgess

Convener, Local Government, Housing and Planning Committee