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Your Ref: Retained EU Law (Revocation and Reform) Bill
Our Ref: 202300343847

10 March 2023

Dear Convener,

Thank you for your letter of 15 February 2023. I am pleased that the Parliament has accepted the Constitution, Europe, External Affairs and Culture Committee's recommendation to withhold legislative consent for the Bill. The only way to eradicate the dangers posed by this Bill is for it to be scrapped. The amendments to the Bill that the Scottish Government have proposed to the Secretary of State for Business and Trade would ensure that the Parliament is given its proper scrutinising role, and we continue to urge her to consider these amendments.

In answer to your specific questions:

1. I wrote to the Delegated Powers on 13 December 2022 confirming that, if the Bill is passed in its current form in breach of the legislative consent convention, the Scottish Government intends to use the power in clause 1 of the Bill to stop essential laws from being lost. It is too early to say how many Scottish Statutory Instruments this might result in.
2. It is likely that preservation SSIs would be laid after the summer recess.
3. A highly regrettable feature of the Bill as it stands is that only UK Ministers have the power to extend the "sunset" date, including for devolved laws. The UK Government has not yet indicated that it will exercise its proposed powers to delay the sunset date.

Yours sincerely,

Angus Robertson
Cabinet Secretary for Constitution, External Affairs and Culture

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