



The Scottish Parliament
Pàrlamaid na h-Alba

Delegated Powers and Law Reform Committee

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Dear Graeme

At its meeting on Tuesday 26 March the Committee agreed that I would write to you on a number of points stemming from the Scottish Government's current work.

Historic commitments

Firstly, during the meeting the Committee considered a report on the instruments it had scrutinised during the [third quarter of the parliamentary year 2018-19](#). The Committee was pleased to learn that five instruments to correct errors identified and reported were laid during this period. You have previously said that the Scottish Government's intention is to fulfil all the current commitments by the end of this parliamentary session and to fulfil as many new commitments as possible. The Committee was therefore very encouraged by the progress which is being made and noted that there are only 11 historic commitments remaining. It therefore wished to thank you for your considerable efforts in this important area.

Invitation to appear before the Committee

Since you were appointed as Minister for Parliamentary Business and Veterans you have kindly given evidence to the Committee on two separate occasions to update the Committee on the Scottish Government's legislative programme, particularly in relation to the UK's withdrawal from the EU. As we're coming to the end of the essential activity required to ensure the integrity of the statute book in respect of devolved matters ahead of exit day, the Committee believes this is a useful juncture to hear from you on the Scottish Government's work in this area as well as its future plans. We would envisage this session taking place in late April or early May this year. I will ask the Committee clerks to liaise with your officials to finalise a date.

SI notifications

As you are aware, under the SI notification protocol, lead committees have been considering whether they are content for Scottish Ministers to consent to the correction of deficiencies in devolved areas by UK statutory instrument, rather than through provision made in a Scottish statutory instrument.

Lead committees had at 20 March approved the Scottish Ministers' consent to the correction of deficiencies in around 129 UK statutory instruments.

The Committee understands however that not all the UK statutory instruments consented to by the Scottish Ministers have completed their passage through the UK Parliament.

For example, of the 46 negative SIs laid in draft for sifting under paragraph 3 of Schedule 7 to the European Union (Withdrawal) Act 2018, only 44 appear to have been made by the UK Government¹.

And of the 82 affirmative SIs, we understand that as at 27 March 2019, only 30 have been made. 40 have been approved in both Houses of Parliament but 12 are still to complete their parliamentary stages. In addition, one draft affirmative appears to have been withdrawn from both Houses of Parliament on 20 March 2019².

In light of that and as we approach exit day, the Committee seeks assurance from you that all that is required to make our domestic legislation function correctly in the event of a no-deal exit from the European Union has in fact been done on time. I would be grateful if you were able to provide this assurance by Wednesday 17 April.

I look forward to hearing from you.

Yours,



Convener of the Delegated Powers and Law Reform Committee

¹ The draft Intelligent Transport Systems (EU Exit) Regulations 2018 (sift completed 11 December 2018). Not made as at 27 March 2019.

The draft Regulation (EC) No 1370/2007 (Public Service Obligations) (Amendment) (EU Exit) Regulations 2019 (sift completed 12 February 2019). Not made as at 27 March 2019.

² The draft Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc) (EU Exit) Regulations 2019. Withdrawn from House of Commons and House of Lords, 20 March 2019