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Committee  
Scottish Parliament  
Edinburgh  
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Dear Graham

Thank you for your letter of 29 March following the Committee's meeting on 26 March. This reply covers the issues raised in your letter.

### Historic commitments

I am pleased that the Committee has recognised the positive progress made by the Government in reducing the number of historical commitments. As I have previously indicated to the Committee I would like to reduce this number even further. My intention is to fulfil, where possible, all the current commitments by the end of this parliamentary session, and to fulfil as many new commitments as possible.

### Invitation to appear before the Committee

I look forward to meeting the Committee again on 7 May to provide an update on the Scottish Government's legislative programme including the legislation required in relation to the UK's withdrawal from the EU.

### SI notifications

As of 15 April, lead committees have approved the Scottish Ministers' consent to the correction of deficiencies in all 130 UK statutory instruments. I am conscious that this has involved a lot of work from a number of Committees to deliver this programme in line with the SI protocol and, on a number of occasions, to tight deadlines.

Since your letter, of the 128 SIs due by exit day, 116 SIs have completed their parliamentary passage at Westminster, of which 114 SIs have been made.

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We continue to work closely with the UK Government to develop a full understanding of its SI programme. Whilst the bulk of the SIs for a no deal scenario have now been notified to the Scottish Parliament, SIs may emerge before the summer recess.

To ensure that the necessary SIs were going to be in place for a potential no deal scenario, the Scottish Government conducted a risk assessment of the remaining SIs that had not yet completed their passage at Westminster. The high-risk category is defined as there being a high likelihood of severe impacts e.g. risks to human health, the environment, the economy or business if the SI is not in place. None of the SIs not yet completed their passage at Westminster are considered to fall within the high-risk category. We continue to monitor progress of all EU exit SIs.

### Specific SI notifications

It might be helpful if I provide an up-date on the SIs that were addressed in your letter:

- The draft Intelligent Transport Systems (EU Exit) Regulations 2018 SI. It has been confirmed by the UK Government that this SI was deprioritised as it was not necessary for a no deal scenario. We will update the Committee when the laying date is confirmed.
- The draft Regulation (EC) No 1370/2007 (Public Service Obligations) (Amendment) (EU Exit) Regulations 2019 SI. This SI is dependent on another SI relating to State Aid. This SI will not be laid until after the related State Aid SI is complete. We will update the Committee when the laying date is confirmed.
- The draft Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc) (EU Exit) Regulations 2019 SI, was re-laid on 20 March. It has now completed its parliamentary passage and will be made in due course.

I hope this is helpful and I would like to take this opportunity to reiterate my appreciation of the role the Committee fulfils in scrutinising the new and existing delegated powers. In particular, the work involved in scrutiny of EU Exit SSIs to date, including the additional requirements of the SSI protocol.



**GRAEME DEY**

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