SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM

European Union (Withdrawal) Bill

Introduction

1. On 12 September 2017 the First Minister, on behalf of the Scottish Government, lodged a legislative consent memorandum on the European Union (Withdrawal) Bill (“the Withdrawal Bill”) in accordance with Rule 9B.3.1(a) of the Parliament’s Standing Orders. The memorandum set out that the Scottish Government did not, at that stage, intend to lodge a legislative consent motion in relation to the Withdrawal Bill.

2. This supplementary legislative consent memorandum has been lodged by John Swinney, Deputy First Minister and Cabinet Secretary for Education and Skills and is supported by Michael Russell, Minister for UK Negotiations on Scotland’s Place in Europe. It sets out the proposals of the UK Government concerning the Withdrawal Bill’s approach to the devolution settlement and the Scottish Government’s view on those proposals. It also sets out relevant changes made to the Withdrawal Bill since the Scottish Government’s previous memorandum.

Recommendation and summary

3. The Scottish Government does not agree to the UK Government’s proposed amendments to the Withdrawal Bill on the competence of the Scottish Parliament and the Scottish Government (clause 11 and Schedule 3 of the Bill). As a result the Scottish Government is not able to recommend that the Scottish Parliament consent to the Withdrawal Bill on the basis of the UK Government’s proposals.

4. The Scottish Government believes there are straightforward changes that could still be made to the Bill’s approach to devolution which would meet these concerns. These are set out in this memorandum.

5. The Scottish Government’s preference remains for the UK Government to make its suggested amendments to the Withdrawal Bill. At this stage, the Government does not make a recommendation on the other options open to the Parliament for legislative consent.

6. If the Scottish Government’s suggested amendments are not made, there are options for how Parliament is to proceed. In March the Parliament passed the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill (“the Continuity Bill”). The Continuity Bill provides for the continuity of EU-derived law, insofar as within the Parliament’s legislative competence, and gives the Scottish Government powers to prepare the statute book for withdrawal from the EU. When it put forward the Continuity Bill, the Government proposed that the Parliament give

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1 The legislative consent memorandum can be found at http://www.parliament.scot/S5ChamberOffice/SPLCM-S05-10-2017.pdf
2 http://www.parliament.scot/parliamentarybusiness/Bills/107725.aspx
partial consent to limited elements of the Withdrawal Bill. The two Bills could then operate alongside each other, providing a flexible, robust, and practical approach to the necessary secondary legislation for withdrawal.

7. The options available to the Parliament are therefore refusing consent to the Bill as a whole, or providing partial consent.

The UK Government’s proposals


9. Under the proposals the UK Government would retain the power to restrict the competence of the Scottish Parliament and the Scottish Government without the agreement of the Parliament. These restrictions could then apply for up to seven years after the UK leaves the EU.

10. A restriction may be imposed even where the Scottish Parliament expressly votes against it. This is inconsistent with the principle that changes to competence should only be made with the explicit consent of the devolved legislature involved. This principle is a matter of constitutional convention and is reflected in provisions of the Scotland Act 1998 (in sections 30 and 63). Respect for this principle is essential to maintaining a meaningful devolution settlement in a constitutional system which claims unlimited parliamentary sovereignty for the UK Parliament. The principle has invariably been respected since 1999.

11. The proposals contain a political commitment to not normally impose restrictions without the consent of the Scottish Parliament. However, it will be for the UK Government, and ultimately the UK Parliament, to determine what is normal and what is not, and whether or not it considers that the Scottish Parliament is acting reasonably on any occasion on which it opts to withhold consent. Indeed, the terms of the amendments underlie the lack of substance to the commitment to seek consent: they provide only for regulations to proceed following a ‘consent decision’, regardless of what that decision is.

12. The proposals embody an imbalance and lack of trust between governments of the UK, given the proposal to place a legislative constraint on the devolved administrations but only a voluntary one on the UK Government.

13. The Scottish Government has committed to agreeing UK frameworks to replace EU equivalents where that is appropriate and in the interests of Scotland and the rest of the UK. However, such frameworks must be agreed, not imposed.\(^3\) The process of withdrawal from the EU will require many negotiations and agreements

between the governments of the UK. It is therefore vital for the future governance of the UK following withdrawal that the right tone and approach for inter-governmental relations and negotiations is established from the outset. The Withdrawal Bill, and all subsequent legislative and non-legislative arrangements, must embody respect for the roles and functions of the various parts of the UK’s institutional arrangements, follow the principles of the constitution, and must demonstrate proper levels of mutual trust and mutual respect between the governments and legislatures of the UK. The Scottish Government does not believe that the asymmetric arrangements proposed by the UK Government meet this fundamental test.

The Scottish Government’s suggested amendments

14. Annex C contains the Scottish Government’s suggested amendments to clause 11 and Schedule 3 of the Withdrawal Bill. There are two sets of amendments, both of which would address the Scottish Government’s concerns and be compatible with the principle that adjustments to devolved competence in Scotland require the consent of the Scottish Parliament. If either set of amendments were made, the Scottish Government would be prepared to recommend legislative consent to the Withdrawal Bill as a whole.

15. If either set of amendments were made, the Scottish Government would also be prepared to agree an associated Inter-governmental Agreement, based on the proposed agreement in Annex A and revised to take these changes into account, which committed the two governments to maintaining current EU law until frameworks were agreed in relevant areas.

16. The first approach would be to remove all restrictions on devolved competence from the Withdrawal Bill, in both clause 11 and Schedule 3. This approach would leave the legislatures and governments of the UK on a level playing field following withdrawal from the EU. The process of negotiating and securing satisfactory inter-governmental agreements would be made easier by preserving existing devolved competencies.

17. An alternative approach would be to provide for the explicit consent of the Scottish Parliament to any proposals to constrain competence. The amendments provide for this to be done by Order in Council, requiring a vote in both the UK and Scottish Parliaments. This is the existing mechanism which applies to changes to competence made under sections 30 and 63 of the Scotland Act. Under such an approach, while there would be an asymmetry of legislative constraints on the devolved institutions compared to the UK Government, the principles of the devolution settlement would be fully respected and the Parliament would have the final say on any changes in its powers, whether on a permanent or temporary basis. Were these amendments made, the Scottish Government would support the provisions in the proposed inter-governmental agreement not to withhold unreasonably a recommendation to the Parliament for consent in the areas identified for possible UK wide frameworks (see paragraph 6 of the agreement). The Scottish Government would also support the proposals in the agreement on developing UK frameworks.
Other options for the next steps

18. Since the introduction of the Withdrawal Bill in July 2017 the Scottish Government has consistently, if reluctantly, recognised the need for legislation which will enable it to make the necessary preparations for the UK’s withdrawal from the EU. The aim of the Scottish Government has been to secure legislation that would provide for the continuity of existing EU-derived law on withdrawal, and provide UK and Scottish Ministers with an appropriately targeted, but robust and flexible, set of powers to ensure that law will operate properly following withdrawal, whilst respecting both the devolution settlement and the role of the Scottish Parliament in scrutinising legislation.\(^4\) That outcome remains the Scottish Government’s objective.

19. The Scottish Government has consistently accepted that there would be advantages to being able to prepare for withdrawal from the EU across the UK’s legal jurisdictions using a single Act of the UK Parliament, but any such statute must be one which commands the consent of the Scottish Parliament.

20. As the Scottish Government cannot recommend to the Parliament agreement to the Withdrawal Bill as a whole, the Government believes the Parliament should now consider what other options would achieve its desired outcome. Broadly, the Parliament could either refuse to give consent to the Bill as a whole, or give partial consent to specific provisions in the Bill (for example, those allowing UK Ministers to use their powers to fix deficiencies in retained EU law in devolved areas). The Parliament could also consent to the Bill except for specific provisions (for example clause 11 and Schedule 3). Whichever approach the Parliament favours, under the convention on legislative consent, the UK Government should bring forward amendments to the Withdrawal Bill at Third Reading in the House of Lords to reflect the extent of the Parliament’s consent.

21. If the Scottish Parliament refuses consent to the Bill as a whole, the Continuity Bill would provide the legislative framework for continuity of EU retained law in devolved areas, and the powers for Scottish Ministers to ensure it operates effectively. The Scottish Government and Parliament would be responsible for making all secondary legislation to ensure that retained EU law in devolved areas remains effective on withdrawal, without relying on the UK Government. This would be the clearest position the Parliament could take although (as set out in the policy memorandum for the Continuity Bill) it presents a number of practical issues, arising both from the volume of statutory instruments required and the potential interaction, depending on the particular subject-matter, with reserved matters and/or with equivalent provision for other parts of the UK.\(^5\)

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\(^4\) Officials from the Scottish Government and Parliament have worked jointly on protocols to underpin Scottish Parliamentary scrutiny of the necessary secondary legislation. These protocols will be sent to both the Delegated Powers and Law Reform Committee and the Finance and Constitution Committee for their consideration alongside this memorandum.

\(^5\) See paragraph 20 of the Policy Memorandum to the Continuity Bill.
22. The Policy Memorandum for the Continuity Bill also set out an approach to partial consent to the Withdrawal Bill to allow the two Bills to operate in tandem\(^6\), providing a flexible approach to ensuring the effective continuity of law on EU withdrawal, albeit more complex that relying on a single set of provisions in the Withdrawal Bill. The Scottish Government is clear that close working between administrations will be required for successful delivery of a functioning legal system following withdrawal, whatever the underlying primary legislation, so legislative consent could be given to the Bill to allow UK Ministers to use their powers to fix deficiencies in the Bill in devolved areas. Under the terms of the Continuity Bill these powers could only be used in devolved areas with the express consent of Scottish Ministers. The Scottish Government and Scottish Parliament have been working closely together on a protocol to govern the procedure for the Parliament to consider proposals for UK Ministers to make orders in devolved areas. The Parliament should note that the UK Government has not identified the main relevant provision, clause 7, as requiring legislative consent in its supporting documents to the Withdrawal Bill. It is not clear on what basis the UK Government has reached this view, and the Scottish Government is clear these provisions do require legislative consent as they enable UK Ministers to exercise powers in relation to matters within the legislative competence of the Parliament.

23. In this scenario, the Continuity Bill would provide for the continuity of EU derived law within the legislative competence of the Scottish Parliament; and give Scottish Ministers powers to fix deficiencies in retained EU law. In this event, the UK Government should introduce amendments to the Withdrawal Bill to reflect the fact that the Continuity Bill will provide for legal continuity and for “fixing” powers in relation to matters within the legislative competence of the Scottish Parliament.

24. The Parliament could also consider giving a wider partial consent to the Withdrawal Bill. Changes to the Bill have been made or are planned that would address some concerns the Scottish Government set out in its legislative consent memorandum\(^7\) and the reports of the Finance and Constitution Committee\(^8\) and the Delegated Powers and Law Reform Committee\(^9\) (see Annex D). Provided the necessary amendments are made to the Withdrawal Bill in the House of Lords, the Parliament could consider giving legislative consent to parts of the Withdrawal Bill other than the mechanisms to constrain competence in clause 11 and Schedule 3.

25. Adopting this approach would mean that the Withdrawal Bill would provide for the continuity of law in Scotland on withdrawal and would provide the necessary powers for Scottish Ministers to ensure that this law operates effectively. There would, if the Parliament were to decide to give consent on this basis, be a duplication of provisions in these areas between the Withdrawal Bill and the Continuity Bill, which would need to be addressed by the Scottish Parliament. However, there are

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\(^6\) See paragraphs 12 – 20: [http://www.parliament.scot/UK%20Withdrawal%20from%20the%20European%20Union%20(Legal%20Continuity)%20(Scotland)%20Bill/SPBill28PMS052018.pdf](http://www.parliament.scot/UK%20Withdrawal%20from%20the%20European%20Union%20(Legal%20Continuity)%20(Scotland)%20Bill/SPBill28PMS052018.pdf)

\(^7\) See paragraph 14, and 26 – 32.


differences between the provisions in the Withdrawal Bill and those in the Continuity Bill, including as regards the scope of retained EU law and the scrutiny of instruments by the Parliament. Amendments have been passed in the House of Lords (for example, in relation to the Charter of Fundamental Rights) which have reduced the scope of those differences, but it is unknown whether those amendments will be accepted in the House of Commons. The Scottish Government would therefore intend, in this scenario, to consider the Withdrawal Bill in its final form, and report to Parliament on how to handle the Continuity Bill, for example whether aspects of the Continuity Bill should be repealed, but other provisions, which are not provided for in the Withdrawal Bill (such as a “keeping pace” power) should be re-enacted.

Draft Legislative Consent Motion

26. Under Rule 9B.3.3(d) of the Parliament’s Standing Orders, if a member of the Scottish Government does not propose to include a draft motion, the memorandum must explain why not. Paragraphs 8 – 13 above set out the Government’s reasons for not including a draft motion in this memorandum. The alternative approaches set out in paragraphs 18 – 25 above would require different legislative consent motions. The Government intends to decide the terms of any such motion following consideration by the Parliament of the options, if the UK Government does not respond positively to its further proposals to amend the Withdrawal Bill.

Conclusion

27. The Scottish Government’s preferred outcome remains, as it has been throughout this process, acceptable changes to the Withdrawal Bill which would allow it to recommend consent to the Bill as a whole to the Parliament. The Government has made further proposals to allow it to come to such an agreement and looks to the UK Government to respond positively.

28. In the absence of further changes from the UK Government, the Scottish Government is clear that it cannot recommend that the Parliament consents to the aspects of the proposed inter-governmental agreement and associated amendments that provide a mechanism to constrain the competence of the Parliament and Government without explicit consent. There are alternative approaches to legislative consent the Parliament should now consider.

29. In these circumstances, the Scottish Government now invites the Parliament and its Committees to scrutinise and consider the proposals of the UK Government, and these alternative approaches to legislative consent. The Government will decide which of these approaches to recommend to the Parliament in the light of those deliberations.

Scottish Government
April 2018
ANNEX A

TEXT OF THE PROPOSED INTER-GOVERNMENTAL AGREEMENT ON THE EUROPEAN UNION (WITHDRAWAL) BILL AND THE ESTABLISHMENT OF COMMON FRAMEWORKS AND ASSOCIATED AMENDMENTS

Intergovernmental Agreement on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks

(As of 24 April 2018, the UK Government and the Welsh Government have agreed to the terms of this IGA and Memorandum. The IGA and Memorandum remain open to the Scottish Government and a future Northern Ireland Executive.)

1. The UK Government and the Devolved Administrations (‘the governments’) will work together to ensure that the European Union (Withdrawal) Bill (‘the Withdrawal Bill’) and associated secondary legislation creates a fully functioning statute book across the UK on exit from the European Union. Building on the principles on the establishment of common frameworks (‘the principles’) agreed by the Joint Ministerial Committee (EU Negotiations) (JMC(EN)) in October 2017, the governments will also continue to work together to create future common frameworks where they are necessary.

2. This agreement and attached supplementary ‘Memorandum on the EU (Withdrawal) Bill and the Establishment of Common Frameworks’ (‘the Memorandum’), together with agreed proposed amendments to the Withdrawal Bill, form the basis of an agreed approach between the governments. If the UK Parliament makes the amendments, the evolved Administrations will recommend that the Devolved Legislatures give legislative consent to the Withdrawal Bill.

3. This agreement is without prejudice to the UK’s Withdrawal Agreement (including any Implementation Period) and future relationship with the EU. It is also without prejudice to the Devolved Administrations’ policy positions in relation to the UK’s withdrawal from the EU.

4. This agreement respects established constitutional conventions and practices. Consistent with those, the governments reaffirm their commitment to seek to proceed by agreement.

5. The governments agree that EU law should be temporarily preserved where it is envisaged that future common frameworks with a legislative underpinning may be necessary. The governments agree that this is likely, in whole or in part, in 24 areas. For the devolved institutions, temporary preservation will be given effect through regulations made under the provisions in clause 11 of and Schedule 3 to the Withdrawal Bill (‘clause 11 regulations’). For England, temporary preservation will be given effect by the UK Government committing not to bring forward legislation that would alter areas of policy in so far as the devolved legislatures are prevented from doing so by virtue of clause 11 regulations, for as long as those regulations are in force. It is possible that some additional areas that the UK Government believes are reserved, but are subject to ongoing discussions between the governments, will also be subject to clause 11 regulations.
6. The implementation of this agreement will result in the UK Parliament not normally being asked to approve clause 11 regulations without the consent of the devolved legislatures. The UK Government commits to make regulations through a collaborative process and in accordance with this agreement and the Devolved Administrations commit not to unreasonably withhold recommendations of consent. In the absence of the consent of the devolved legislatures, UK Ministers will be required to make an explanatory written statement to the UK Parliament if a decision is taken to proceed. This will be accompanied by any statement from the relevant devolved Ministers on why, in their view, the consent of their legislature has not been provided.

7. The power to make clause 11 regulations will expire 2 years after exit day (if not repealed earlier) in line with other powers in the Withdrawal Bill, while the temporary clause 11 regulations themselves will last for a maximum of five years after they come into force.

8. Under this agreement, the UK Government has committed to ensure that clause 11 regulations will not affect the operation of the Sewel convention and that related practices and conventions in relation to future primary legislation, including legislation giving effect to common frameworks, will continue to apply. Accordingly, those established practices and conventions will operate as if clause 11 regulations had not been made.

9. In the interests of transparency and accountability, the Withdrawal Bill will contain a duty on UK Ministers regularly to report to the UK Parliament on progress on implementing common frameworks and removing temporary clause 11 regulations and powers. UK Ministers will formally send any such report to the devolved administrations. Ministers in the devolved administrations will share this report with their own legislatures as part of the reporting arrangements agreed between them.

10. As part of the implementation of this agreement, the governments agree that steps will be initiated to secure the repeal of Bills passed by the devolved legislatures as possible alternatives to the Withdrawal Bill, before the Withdrawal Bill receives Royal Assent. The governments will also ask their principal legal officers to make or support applications to the Supreme Court by consent to withdraw the references made to that Court in respect of such Bills.
Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks

1. This memorandum between the governments provides further detail on how the Agreement on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks will be put into operation by the governments.

Common frameworks

2. At the meeting of the Joint Ministerial Committee (EU Negotiations) on 16 October 2017, the governments agreed a set of principles that would determine the creation of common frameworks. Using these principles, the governments have made a joint initial assessment of the 153 areas of EU law that intersect with devolved competence in one or more settlement, assessing the impact that future divergence would have on the following criteria:

   a. the functioning of the UK internal market, while acknowledging policy divergence;
   b. compliance with international obligations;
   c. the UK’s ability to negotiate, enter into and implement new trade agreements and international treaties;
   d. management of common resources;
   e. the administration of and provision of access to justice in cases with a cross-border element; and
   f. the security of the UK.

3. The UK Government published its analysis of the 153 areas, based on joint work between the governments, on 9 March 2018. This includes 24 policy areas where frameworks may require to be underpinned through subsequent primary legislation in whole or in part; 82 areas where non-legislative frameworks are being explored; and 49 areas where no further action is thought to be necessary. Also included in the analysis are 12 areas that the UK Government believes are reserved, subject to ongoing discussions between the governments.

4. ‘Deep Dive’ sessions between the governments, held without prejudice to the views of Ministers in each administration, have been used to begin to test and refine the analysis. These sessions indicate that legislative frameworks may not be necessary in all of the 24 areas identified, and that only specific elements of some areas will require legislation, with the remainder of the framework being established in a memorandum of understanding or other non-legislative approach. Deep dive sessions have also begun to explore areas where non-legislative frameworks are envisaged and cross-cutting issues, and the DAs role in them, including the governance of frameworks, the functioning of the UK internal market, and trade agreements.
5. Further discussions between the governments are now required to define the precise scope and form of future common frameworks. Deep dives in May and June 2018 will refine policy thinking on legislative frameworks and cross-cutting issues in conjunction with a broader review of intergovernmental relations. Discussions on non-legislative frameworks are underway, but will be the focus on deep dive discussions from June onwards. The Joint Ministerial Committee (EU Negotiations) will retain oversight of the frameworks programme and will review the outcome of deep dive discussions periodically.

6. As these discussions proceed, it is anticipated that regulations made under clause 11 and related provisions will be made for all or part of the 24 areas where legislation may be required, and in such other relevant areas as the governments seek to agree to be appropriate, as set out in Annex A.

**Clause 11 Regulations**

7. Clause 11 regulations will be made in accordance with the following process, underpinned by provisions in the Withdrawal Bill:

   a. Building on the ‘Deep Dive’ process, which has been a collaborative effort between the governments, discussions will take place between the governments to seek to agree the scope and content of regulations. This process will continue to report into JMC(EN).

   b. Following those discussions between the governments, a UK Minister will formally send draft clause 11 regulations to the relevant devolved administration(s), notifying the relevant Presiding Officer(s) of the relevant devolved legislature(s) that the regulations have been sent.

   c. Where the draft regulations have been developed in line with this agreement, the relevant devolved administration(s) will lay them before their legislature(s) and will not unreasonably withhold an accompanying recommendation to their respective legislature(s) to provide consent.

   d. If the consent of a devolved legislature is not provided within 40 days of the draft regulations being sent to the relevant devolved administration, the UK Minister may decide either not to proceed with the regulations or to ask the UK Parliament to approve the regulations. If a UK Minister decides to proceed with the regulations, the Minister must provide a written statement to the UK Parliament indicating the reasons why, in the Minister’s view, the devolved legislature did not provide consent.

   e. The relevant devolved administration(s) will also provide a written a statement to the UK Parliament setting out why, in their view, the consent of their legislature has not been provided.

   f. In these circumstances, the UK Minister may make the regulations where they are approved by the UK Parliament.
Use of Concurrent Powers in the Withdrawal Bill

8. The UK Government will be able to use powers under clauses 7, 8 and 9 to amend domestic legislation in devolved areas but, as part of this agreement, reiterates the commitment it has previously given that it will not normally do so without the agreement of the devolved administrations. In any event, the powers will not be used to enact new policy in devolved areas; the primary purpose of using such powers will be administrative efficiency.

9. The UK Government will bring forward amendments to Schedule 2 to the Withdrawal Bill to enable the devolved administrations to amend retained directly applicable EU law which relates to areas that are otherwise devolved except where clause 11 regulations have been made. While the UK Government will also be able to use the powers in clause 7, 8 and 9 to amend this retained directly applicable EU law, as part of this agreement it commits it will not normally do so without the agreement of the devolved administrations. Where the UK Government is proposing to amend retained directly applicable EU law which relates to areas that are otherwise devolved, but which cannot be amended by the devolved administrations because clause 11 regulations have been made, the UK Government commits that it will first consult the relevant devolved administration(s).
Annex A: policy areas that are likely to be subject to clause 11 regulations

The governments are exploring the extent to which legislation could be required, in whole or in part, in 24 policy areas; these areas are likely to be subject, in whole or in part, to regulations made under the provisions in clause 11 of and Schedule 3 to the Withdrawal Bill (‘clause 11 regulations’) and are detailed below. It is possible that other areas that continue to be discussed by the governments will also be subject to clause 11 regulations – examples are provided below.

24 areas where legislation could be required, in whole or in part:

1. Agricultural support
2. Agriculture - fertiliser regulations
3. Agriculture - GMO marketing and cultivation
4. Agriculture - organic farming
5. Agriculture - zootech
6. Animal health and traceability
7. Animal welfare
8. Chemicals regulation (including pesticides)
9. Elements of reciprocal healthcare
10. Environmental quality - chemicals
11. Environmental quality - ozone depleting substances and F-gases
12. Environmental quality - pesticides
13. Environmental quality - waste packaging and product regulations
14. Fisheries management & support
15. Food and feed safety and hygiene law (food and feed safety and hygiene law, and the controls that verify compliance with food and feed law (official controls)
16. Food compositional standards
17. Food labelling
18. Hazardous substances planning
19. Implementation of EU Emissions Trading System
20. Mutual recognition of professional qualifications (MRPQ)
21. Nutrition health claims, composition and labelling
22. Plant health, seeds and propagating material
23. Public procurement
24. Services Directive

Other policy areas - which the UK Government believes are reserved (or excepted in the Northern Ireland Act 1998), but are subject to ongoing discussion with the devolved administrations - that could be subject to clause 11 regulations:

25. Food Geographical Indications (protected food names)
26. State aid
AMENDMENTS
TO BE MOVED
ON REPORT

Clause 11

LORD CALLANAN

1 Page 7, line 25, leave out subsections (1) to (3) and insert—

“(1) In section 29(2)(d) of the Scotland Act 1998 (no competence for the Scottish Parliament to legislate incompatibly with EU law) for “with EU law” substitute “in breach of the restriction in section 30A(1)”.

(2) After section 30 of that Act (legislative competence: supplementary) insert—

“30A Legislative competence: restriction relating to retained EU law

(1) An Act of the Scottish Parliament cannot modify, or confer power by subordinate legislation to modify, retained EU law so far as the modification is of a description specified in regulations made by a Minister of the Crown.

(2) But subsection (1) does not apply to any modification so far as it would, immediately before exit day, have been within the legislative competence of the Parliament.

(3) A Minister of the Crown must not lay for approval before each House of the Parliament of the United Kingdom a draft of a statutory instrument containing regulations under this section unless—

(a) the Scottish Parliament has made a consent decision in relation to the laying of the draft, or

(b) the 40 day period has ended without the Parliament having made such a decision.

(4) For the purposes of subsection (3) a consent decision is—

(a) a decision to agree a motion consenting to the laying of the draft,

(b) a decision not to agree a motion consenting to the laying of the draft, or

(c) a decision to agree a motion refusing to consent to the laying of the draft;
and a consent decision is made when the Parliament first makes a
decision falling within any of paragraphs (a) to (c) (whether or not
it subsequently makes another such decision).

(5) A Minister of the Crown who is proposing to lay a draft as
mentioned in subsection (3) must—
(a) provide a copy of the draft to the Scottish Ministers, and
(b) inform the Presiding Officer that a copy has been so
provided.

(6) See also paragraph 6 of Schedule 7 (duty to make explanatory
statement about regulations under this section including a duty to
explain any decision to lay a draft without the consent of the
Parliament).

(7) No regulations may be made under this section after the end of the
period of two years beginning with exit day.

(8) Subsection (7) does not affect the continuation in force of
regulations made under this section at or before the end of the
period mentioned in that subsection.

(9) Any regulations under this section which are in force at the end of
the period of five years beginning with the time at which they came
into force are revoked in their application to any Act of the Scottish
Parliament which receives Royal Assent after the end of that period.

(10) Subsections (3) to (8) do not apply in relation to regulations which
only relate to a revocation of a specification.

(11) In this section—
“the 40 day period” means the period of 40 days beginning
with the day on which a copy of the draft instrument is
provided to the Scottish Ministers,
and, in calculating that period, no account is to be taken of any time
during which the Parliament is dissolved or during which it is in
recess for more than four days.”

(3) In section 108A(2)(e) of the Government of Wales Act 2006 (no competence
for the National Assembly for Wales to legislate incompatibly with EU law)
for “with EU law” substitute “in breach of the restriction in section
109A(1)”.

(3A) After section 109 of that Act (legislative competence: supplementary)
insert—

“109ALegislative competence: restriction relating to retained EU law

(1) An Act of the Assembly cannot modify, or confer power by
subordinate legislation to modify, retained EU law so far as the
modification is of a description specified in regulations made by a
Minister of the Crown.

(2) But subsection (1) does not apply to any modification so far as it
would, immediately before exit day, have been within the
Assembly’s legislative competence.

(3) No regulations are to be made under this section unless a draft of
the statutory instrument containing them has been laid before, and
approved by a resolution of, each House of Parliament.
(4) A Minister of the Crown must not lay a draft as mentioned in subsection (3) unless—
   (a) the Assembly has made a consent decision in relation to the laying of the draft, or
   (b) the 40 day period has ended without the Assembly having made such a decision.

(5) For the purposes of subsection (4) a consent decision is—
   (a) a decision to agree a motion consenting to the laying of the draft,
   (b) a decision not to agree a motion consenting to the laying of the draft, or
   (c) a decision to agree a motion refusing to consent to the laying of the draft;
   and a consent decision is made when the Assembly first makes a decision falling within any of paragraphs (a) to (c) (whether or not it subsequently makes another such decision).

(6) A Minister of the Crown who is proposing to lay a draft as mentioned in subsection (3) must—
   (a) provide a copy of the draft to the Welsh Ministers, and
   (b) inform the Presiding Officer that a copy has been so provided.

(7) See also section 157ZA (duty to make explanatory statement about regulations under this section including a duty to explain any decision to lay a draft without the consent of the Assembly).

(8) No regulations may be made under this section after the end of the period of two years beginning with exit day.

(9) Subsection (8) does not affect the continuation in force of regulations made under this section at or before the end of the period mentioned in that subsection.

(10) Any regulations under this section which are in force at the end of the period of five years beginning with the time at which they came into force are revoked in their application to any Act of the Assembly which receives Royal Assent after the end of that period.

(11) Subsections (4) to (9) do not apply in relation to regulations which only relate to a revocation of a specification.

(12) In this section—
   “the 40 day period” means the period of 40 days beginning with the day on which a copy of the draft instrument is provided to the Welsh Ministers,
   and, in calculating that period, no account is to be taken of any time during which the Assembly is dissolved or during which it is in recess for more than four days.”

(3B) In section 6(2)(d) of the Northern Ireland Act 1998 (no competence for the Northern Ireland Assembly to legislate incompatibly with EU law) for “incompatible with EU law” substitute “in breach of the restriction in section 6A(1)”.

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After section 6 of that Act (legislative competence) insert—

“6A Restriction relating to retained EU law

(1) An Act of the Assembly cannot modify, or confer power by subordinate legislation to modify, retained EU law so far as the modification is of a description specified in regulations made by a Minister of the Crown.

(2) But subsection (1) does not apply to any modification so far as it would, immediately before exit day, have been within the legislative competence of the Assembly.

(3) A Minister of the Crown must not lay for approval before each House of Parliament a draft of a statutory instrument containing regulations under this section unless—

(a) the Assembly has made a consent decision in relation to the laying of the draft, or

(b) the 40 day period has ended without the Assembly having made such a decision.

(4) For the purposes of subsection (3) a consent decision is—

(a) a decision to agree a motion consenting to the laying of the draft,

(b) a decision not to agree a motion consenting to the laying of the draft, or

(c) a decision to agree a motion refusing to consent to the laying of the draft;

and a consent decision is made when the Assembly first makes a decision falling within any of paragraphs (a) to (c) (whether or not it subsequently makes another such decision).

(5) A Minister of the Crown who is proposing to lay a draft as mentioned in subsection (3) must—

(a) provide a copy of the draft to the relevant Northern Ireland department, and

(b) inform the Presiding Officer that a copy has been so provided.

(6) See also section 96A (duty to make explanatory statement about regulations under this section including a duty to explain any decision to lay a draft without the consent of the Assembly).

(7) No regulations may be made under this section after the end of the period of two years beginning with exit day.

(8) Subsection (7) does not affect the continuation in force of regulations made under this section at or before the end of the period mentioned in that subsection.

(9) Any regulations under this section which are in force at the end of the period of five years beginning with the time at which they came into force are revoked in their application to any Act of the Assembly which receives Royal Assent after the end of that period.

(10) Subsections (3) to (8) do not apply in relation to regulations which only relate to a revocation of a specification.
(11) Regulations under this section may include such supplementary, incidental, consequential, transitional, transitory or saving provision as the Minister of the Crown making them considers appropriate.

(12) In this section—

“the relevant Northern Ireland department” means such Northern Ireland department as the Minister of the Crown concerned considers appropriate;

“the 40 day period” means the period of 40 days beginning with the day on which a copy of the draft instrument is provided to the relevant Northern Ireland department, and, in calculating that period, no account is to be taken of any time during which the Assembly is dissolved or during which it is in recess for more than four days.”

2 Page 8, line 40, leave out “(3)” and insert “(3C)”

3 Page 8, line 41, at end insert—

“(4A) Part 1A of Schedule 3 (which imposes reporting obligations on a Minister of the Crown in recognition of the fact that the powers to make regulations conferred by subsections (1) to (3C) and Part 1 of Schedule 3, and any restrictions arising by virtue of them, are intended to be temporary) has effect.

(4B) A Minister of the Crown may by regulations—

(a) repeal any of the following provisions—

(i) section 30A or 57(4) to (15) of the Scotland Act 1998,

(ii) section 80(8) to (8L) or 109A of the Government of Wales Act 2006, or

(iii) section 6A or 24(3) to (15) of the Northern Ireland Act 1998, or

(b) modify any enactment in consequence of any such repeal.

(4C) Until all of the provisions mentioned in subsection (4B)(a) have been repealed, a Minister of the Crown must, after the end of each review period, consider whether it is appropriate—

(a) to repeal each of those provisions so far as it has not been repealed, or

(b) to revoke any regulations made under any of those provisions so far as they have not been revoked.

(4D) In considering whether to exercise the power to make regulations under subsection (4B), a Minister of the Crown must have regard (among other things) to—

(a) the fact that the powers to make regulations conferred by the provisions mentioned in subsection (4B)(a), and any restrictions arising by virtue of them, are intended to be temporary and, where appropriate, replaced with other arrangements, and

(b) any progress which has been made in implementing those other arrangements.”

4 Page 8, line 42, leave out “other”

5 Page 8, line 43, after “legislation” insert “not dealt with elsewhere”
Page 8, line 43, at end insert—

“(6) In this section—

“arrangement” means any enactment or other arrangement (whether or not legally enforceable);

“review period” means—

(a) the period of three months beginning with the day on which subsection (4C) comes into force, and

(b) after that, each successive period of three months.”

Clause 19

LORD CALLANAN

Page 15, line 12, at end insert—

“(7) paragraphs 3A, 3B, 19(2)(b), 40(b), 43(2)(c) and (d) and (4) of Schedule 3 (and section 11(4A) and (5) so far as relating to those paragraphs),”

Page 15, line 15, at end insert—

“(8) paragraph 29(9), 30A and 31 of Schedule 8 (and section 17(6) so far as relating to those paragraphs),”

Page 15, line 18, at end insert—

“(1A) In section 11—

(a) subsection (2) comes into force on the day on which this Act is passed for the purposes of making regulations under section 30A of the Scotland Act 1998,

(b) subsection (3A) comes into force on that day for the purposes of making regulations under section 109A of the Government of Wales Act 2006, and

(c) subsection (3C) comes into force on that day for the purposes of making regulations under section 6A of the Northern Ireland Act 1998.

(1B) In Schedule 3—

(a) paragraph 1(b) comes into force on the day on which this Act is passed for the purposes of making regulations under section 57(4) of the Scotland Act 1998,

(b) paragraph 2 comes into force on that day for the purposes of making regulations under section 80(8) of the Government of Wales Act 2006,

(c) paragraph 3(b) comes into force on that day for the purposes of making regulations under section 24(3) of the Northern Ireland Act 1998,

(d) paragraph 21(2) comes into force on that day for the purposes of making regulations under section 30A of the Scotland Act 1998,

(e) paragraph 21(3) comes into force on that day for the purposes of making regulations under section 57(4) of the Scotland Act 1998,

(f) paragraph 21A comes into force on that day for the purposes of making regulations under section 30A or 57(4) of the Scotland Act 1998,
(g) paragraph 36A comes into force on that day for the purposes of making regulations under section 80(8) or 109A of the Government of Wales Act 2006, and

(h) paragraphs 48A and 48B come into force on that day for the purposes of making regulations under section 6A or 24(3) of the Northern Ireland Act 1998;

and section 11(4) and (5), so far as relating to each of those paragraphs, comes into force on that day for the purposes of making the regulations mentioned above in relation to that paragraph."

Page 15, line 19, leave out “The remaining provisions of this Act” and insert “The provisions of this Act, so far as they are not brought into force by subsections (1) to (1B).”

Schedule 2

LORD CALLANAN

Page 17, line 29, leave out from “under” to end of line and insert “sub-paragraph (1) above”

Page 17, line 30, leave out from “8” to end of line 35

Page 17, line 37, leave out “regulations” and insert “provision”

Page 17, line 37, leave out from “made” to “unless” and insert “by a devolved authority acting alone in regulations under this Part”

Page 17, line 38, leave out “every provision of them” and insert “the provision”

Page 18, line 4, leave out paragraphs 3 and 4 and insert—

“3A (1) No provision may be made by the Scottish Ministers acting alone in regulations under this Part so far as the provision—

(a) modifies any retained direct EU legislation or anything which is retained EU law by virtue of section 4 or confers functions which correspond to functions to make EU tertiary legislation, and

(b) would, when made, be in breach of—

(i) the restriction in section 30A(1) of the Scotland Act 1998 if the provision were made in an Act of the Scottish Parliament, or

(ii) the restriction in section 57(4) of the Act of 1998 if section 57(5)(b) of that Act so far as relating to this Schedule were ignored.

(2) No provision may be made by the Welsh Ministers acting alone in regulations under this Part so far as the provision—

(a) modifies any retained direct EU legislation or anything which is retained EU law by virtue of section 4 or confers functions which correspond to functions to make EU tertiary legislation, and

(b) would, when made, be in breach of—

(i) the restriction in section 80(8) of the Government of Wales Act 2006 if section 80(8A)(b) of that Act so far as relating to this Schedule were ignored, or
(ii) the restriction in section 109A(1) of that Act if the provision were made in an Act of the National Assembly for Wales.

(3) No provision may be made by a Northern Ireland department acting alone in regulations under this Part so far as the provision—

(a) modifies any retained direct EU legislation or anything which is retained EU law by virtue of section 4 or confers functions which correspond to functions to make EU tertiary legislation, and

(b) would, when made, be in breach of—

(i) the restriction in section 6A(1) of the Northern Ireland Act 1998 if the provision were made in an Act of the Northern Ireland Assembly, or

(ii) the restriction in section 24(3) of the Act of 1998 if section 24(4)(b) of that Act so far as relating to this Schedule were ignored.

(4) No provision may be made by a devolved authority acting alone in regulations under this Part so far as, when made, the provision is inconsistent with any modification (whether or not in force) which—

(a) is a modification of any retained direct EU legislation or anything which is retained EU law by virtue of section 4,

(b) is made by this Act or a Minister of the Crown under this Act, and

(c) could not be made by the devolved authority by virtue of sub-paragraph (1), (2) or (as the case may be) (3).

(5) For the purposes of sub-paragraphs (1)(b), (2)(b) and (3)(b), sections 30A and 57(4) to (15) of the Scotland Act 1998, sections 80(8) to (8L) and 109A of the Government of Wales Act 2006 and sections 6A and 24(3) to (15) of the Northern Ireland Act 1998, and any regulations made under them and any related provision, are to be assumed to be wholly in force so far as that is not otherwise the case.

(6) References in this paragraph to section 80(8) of the Government of Wales Act 2006 are to be read as references to the new section 80(8) of that Act provided for by paragraph 2 of Schedule 3 to this Act.”
28 Page 26, line 25, after “taxation” insert “or fees”
29 Page 26, line 28, leave out paragraph (d)
30 Page 26, line 37, leave out sub-paragraph (5)
31 Page 26, line 41, leave out from “under” to “are” and insert “sub-paragraph (1)”
32 Page 27, line 2, leave out “regulations” and insert “provision”
33 Page 27, line 2, leave out from “made” to “unless” and insert “by a devolved authority acting alone in regulations under this Part”
34 Page 27, line 3, leave out “every provision of them” and insert “the provision”
35 Page 27, line 8, leave out paragraphs 23 and 24 and insert—

“23A(1) No provision may be made by the Scottish Ministers acting alone in regulations under this Part so far as the provision—
(a) modifies any retained direct EU legislation or anything which is retained EU law by virtue of section 4 or confers functions which correspond to functions to make EU tertiary legislation, and
(b) would, when made, be in breach of—
(i) the restriction in section 30A(1) of the Scotland Act 1998 if the provision were made in an Act of the Scottish Parliament, or
(ii) the restriction in section 57(4) of the Act of 1998 if section 57(5)(b) of that Act so far as relating to this Schedule were ignored.

(2) No provision may be made by the Welsh Ministers acting alone in regulations under this Part so far as the provision—
(a) modifies any retained direct EU legislation or anything which is retained EU law by virtue of section 4 or confers functions which correspond to functions to make EU tertiary legislation, and
(b) would, when made, be in breach of—
(i) the restriction in section 80(8) of the Government of Wales Act 2006 if section 80(8A)(b) of that Act so far as relating to this Schedule were ignored, or
(ii) the restriction in section 109A(1) of that Act if the provision were made in an Act of the National Assembly for Wales.

(3) No provision may be made by a Northern Ireland department acting alone in regulations under this Part so far as the provision—
(a) modifies any retained direct EU legislation or anything which is retained EU law by virtue of section 4 or confers functions which correspond to functions to make EU tertiary legislation, and
(b) would, when made, be in breach of—
(i) the restriction in section 6A(1) of the Northern Ireland Act 1998 if the provision were made in an Act of the Northern Ireland Assembly, or
(ii) the restriction in section 24(3) of the Act of 1998 if section 24(4)(b) of that Act so far as relating to this Schedule were ignored.
(4) No provision may be made by a devolved authority acting alone in regulations under this Part so far as, when made, the provision is inconsistent with any modification (whether or not in force) which—
   (a) is a modification of any retained direct EU legislation or anything which is retained EU law by virtue of section 4,
   (b) is made by this Act or a Minister of the Crown under this Act, and
   (c) could not be made by the devolved authority by virtue of sub-
      paragraph (1), (2) or (as the case may be) (3).

(5) For the purposes of sub-paragraphs (1)(b), (2)(b) and (3)(b), sections 30A and 57(4) to (15) of the Scotland Act 1998, sections 80(8) to (8L) and 109A of the Government of Wales Act 2006 and sections 6A and 24(3) to (15) of the Northern Ireland Act 1998, and any regulations made under them and any related provision, are to be assumed to be wholly in force so far as that is not otherwise the case.

(6) References in this paragraph to section 80(8) of the Government of Wales Act 2006 are to be read as references to the new section 80(8) of that Act provided for by paragraph 2 of Schedule 3 to this Act.”

36 Page 28, line 2, leave out “without the consent of a Minister of the Crown”

37 Page 28, line 5, at end insert “, unless the regulations are, to that extent, made after consulting with the Secretary of State”

Schedule 3

LORD CALLANAN

38 Page 28, line 29, leave out from “law” to end of line 37 and insert “and the modification is of a description specified in regulations made by a Minister of the Crown.

(5) But subsection (4) does not apply—
   (a) so far as the modification would be within the legislative competence of the Parliament if it were included in an Act of the Scottish Parliament, or
   (b) to the making of regulations under Schedule 2 or 4 to the European Union (Withdrawal) Act 2018.

(6) A Minister of the Crown must not lay for approval before each House of the Parliament of the United Kingdom a draft of a statutory instrument containing regulations under subsection (4) unless—
   (a) the Scottish Parliament has made a consent decision in relation to
      the laying of the draft, or
   (b) the 40 day period has ended without the Parliament having made such a decision.

(7) For the purposes of subsection (6) a consent decision is—
   (a) a decision to agree a motion consenting to the laying of the draft,
   (b) a decision not to agree a motion consenting to the laying of the draft, or
   (c) a decision to agree a motion refusing to consent to the laying of the draft;
and a consent decision is made when the Parliament first makes a decision falling within any of paragraphs (a) to (c) (whether or not it subsequently makes another such decision).

(8) A Minister of the Crown who is proposing to lay a draft as mentioned in subsection (6) must—
(a) provide a copy of the draft to the Scottish Ministers, and
(b) inform the Presiding Officer that a copy has been so provided.

(9) See also paragraph 6 of Schedule 7 (duty to make explanatory statement about regulations under subsection (4) including a duty to explain any decision to lay a draft without the consent of the Parliament).

(10) No regulations may be made under subsection (4) after the end of the period of two years beginning with exit day.

(11) Subsection (10) does not affect the continuation in force of regulations made under subsection (4) at or before the end of the period mentioned in subsection (10).

(12) Any regulations under subsection (4) which are in force at the end of the period of five years beginning with the time at which they came into force are revoked in their application to the making, confirming or approving of subordinate legislation after the end of that period.

(13) Subsections (6) to (11) do not apply in relation to regulations which only relate to a revocation of a specification.

(14) The restriction in subsection (4) is in addition to any restriction in section (Status of retained EU law) of the European Union (Withdrawal) Act 2018 or elsewhere on the power of a member of the Scottish Government to make, confirm or approve any subordinate legislation so far as the legislation modifies retained EU law.

(15) In this section—
“the 40 day period” means the period of 40 days beginning with the day on which a copy of the draft instrument is provided to the Scottish Ministers,
and, in calculating that period, no account is to be taken of any time during which the Parliament is dissolved or during which it is in recess for more than four days.”

Page 29, line 6, leave out from “law” to end of line 18 and insert “and the modification is of a description specified in regulations made by a Minister of the Crown.

(8A) But subsection (8) does not apply—
(a) so far as the modification would be within the Assembly’s legislative competence if it were included in an Act of the Assembly, or
(b) to the making of regulations under Schedule 2 or 4 to the European Union (Withdrawal) Act 2018.

(8B) No regulations are to be made under subsection (8) unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.
(8C) A Minister of the Crown must not lay a draft as mentioned in subsection (8B) unless—
(a) the Assembly has made a consent decision in relation to the laying of the draft, or
(b) the 40 day period has ended without the Assembly having made such a decision.

(8D) For the purposes of subsection (8C) a consent decision is—
(a) a decision to agree a motion consenting to the laying of the draft,
(b) a decision not to agree a motion consenting to the laying of the draft, or
(c) a decision to agree a motion refusing to consent to the laying of the draft;
and a consent decision is made when the Assembly first makes a decision falling within any of paragraphs (a) to (c) (whether or not it subsequently makes another such decision).

(8E) In subsection (8C)—
“the 40 day period” means the period of 40 days beginning with the day on which a copy of the draft instrument is provided to the Welsh Ministers, and, in calculating that period, no account is to be taken of any time during which the Assembly is dissolved or during which it is in recess for more than four days.

(8F) A Minister of the Crown who is proposing to lay a draft as mentioned in subsection (8B) must—
(a) provide a copy of the draft to the Welsh Ministers, and
(b) inform the Presiding Officer that a copy has been so provided.

(8G) See also section 157ZA (duty to make explanatory statement about regulations under subsection (8) including a duty to explain any decision to lay a draft without the consent of the Assembly).

(8H) No regulations may be made under subsection (8) after the end of the period of two years beginning with exit day.

(8I) Subsection (8H) does not affect the continuation in force of regulations made under subsection (8) at or before the end of the period mentioned in subsection (8H).

(8J) Any regulations under subsection (8) which are in force at the end of the period of five years beginning with the time at which they came into force are revoked in their application to the making, confirming or approving of subordinate legislation after the end of that period.

(8K) Subsections (8C) to (8I) do not apply in relation to regulations which only relate to a revocation of a specification.

(8L) The restriction in subsection (8) is in addition to any restriction in section (Status of retained EU law) of the European Union (Withdrawal) Act 2018 or elsewhere on the power of the Welsh Ministers to make, confirm or approve any subordinate legislation so far as the legislation modifies retained EU law.”
Page 29, line 29, leave out from “law” to end of line 44 and insert “and the modification is of a description specified in regulations made by a Minister of the Crown.

(4) But subsection (3) does not apply—
   (a) so far as the modification would be within the legislative competence of the Assembly if it were included in an Act of the Assembly, or
   (b) to the making of regulations under Schedule 2 or 4 to the European Union (Withdrawal) Act 2018.

(5) A Minister of the Crown must not lay for approval before each House of the Parliament a draft of a statutory instrument containing regulations under subsection (3) unless—
   (a) the Assembly has made a consent decision in relation to the laying of the draft, or
   (b) the 40 day period has ended without the Assembly having made such a decision.

(6) For the purposes of subsection (5) a consent decision is—
   (a) a decision to agree a motion consenting to the laying of the draft,
   (b) a decision not to agree a motion consenting to the laying of the draft,
   (c) a decision to agree a motion refusing to consent to the laying of the draft;

   and a consent decision is made when the Assembly first makes a decision falling within any of paragraphs (a) to (c) (whether or not it subsequently makes another such decision).

(7) A Minister of the Crown who is proposing to lay a draft as mentioned in subsection (5) must—
   (a) provide a copy of the draft to the relevant Northern Ireland department, and
   (b) inform the Presiding Officer that a copy has been so provided.

(8) See also section 96A (duty to make explanatory statement about regulations under subsection (3) including a duty to explain any decision to lay a draft without the consent of the Assembly).

(9) No regulations may be made under subsection (3) after the end of the period of two years beginning with exit day.

(10) Subsection (9) does not affect the continuation in force of regulations made under subsection (3) at or before the end of the period mentioned in subsection (9).

(11) Any regulations under subsection (3) which are in force at the end of the period of five years beginning with the time at which they came into force are revoked in their application to the making, confirming or approving of subordinate legislation after the end of that period.

(12) Subsections (5) to (10) do not apply in relation to regulations which only relate to a revocation of a specification.

(13) Regulations under subsection (3) may include such supplementary, incidental, consequential, transitional, transitory or saving provision as the Minister of the Crown making them considers appropriate.
(14) The restriction in subsection (3) is in addition to any restriction in section (Status of retained EU law) of the European Union (Withdrawal) Act 2018 or elsewhere on the power of a Minister or Northern Ireland department to make, confirm or approve any subordinate legislation so far as the legislation modifies retained EU law.

(15) In this section—

“the relevant Northern Ireland department” means such Northern Ireland department as the Minister of the Crown concerned considers appropriate;

“the 40 day period” means the period of 40 days beginning with the day on which a copy of the draft instrument is provided to the relevant Northern Ireland department, and, in calculating that period, no account is to be taken of any time during which the Assembly is dissolved or during which it is in recess for more than four days.”

Page 29, line 44, at end insert—

“PART 1A

REPORTS IN CONNECTION WITH RETAINED EU LAW RESTRICTIONS

Reports on progress towards removing retained EU law restrictions

3A (1) After the end of each reporting period, a Minister of the Crown must lay before each House of Parliament a report which—
(a) contains details of any steps which have been taken in the reporting period by Her Majesty’s Government (whether or not in conjunction with any of the appropriate authorities) towards implementing any arrangements which are to replace any relevant powers or retained EU law restrictions,
(b) explains how principles—
(i) agreed between Her Majesty’s Government and any of the appropriate authorities, and
(ii) relating to implementing any arrangements which are to replace any relevant powers or retained EU law restrictions,
have been taken into account during the reporting period,
(c) specifies any relevant regulations, or regulations under section 11(4B), which have been made in the reporting period,
(d) in relation to any retained EU law restriction which has effect at the end of the reporting period, sets out the Minister’s assessment of the progress which still needs to be made before it can be removed,
(e) in relation to any relevant power that has not been repealed before the end of the reporting period, sets out the Minister’s assessment of the progress which still needs to be made before it can be repealed, and
(f) contains any other information relating to any relevant powers or retained EU law restrictions, or the arrangements which are to replace them, that the Minister considers appropriate.

(2) The first reporting period is the period of three months beginning with the day on which this Act is passed.
(3) Each successive period of three months after the first reporting period is a reporting period.

(4) A Minister of the Crown must provide a copy of every report laid before Parliament under this section—
   (a) to the Scottish Ministers,
   (b) to the Welsh Ministers, and
   (c) either to the First Minister in Northern Ireland and the deputy First Minister in Northern Ireland or to the relevant Northern Ireland department and its Northern Ireland Minister.

(5) In sub-paragraph (4) “the relevant Northern Ireland department” means such Northern Ireland department as the Minister of the Crown concerned considers appropriate.

(6) This paragraph ceases to apply when no retained EU law restrictions have effect and all the relevant powers have been repealed.

Interpretation

3B In this Part—
   “appropriate authority” means—
   (a) the Scottish Ministers,
   (b) the Welsh Ministers, or
   (c) a Northern Ireland devolved authority;
   “arrangement” means any enactment or other arrangement (whether or not legally enforceable);
   “relevant power” means a power to make regulations conferred by—
   (a) section 30A or 57(4) of the Scotland Act 1998,
   (b) section 80(8) or 109A of the Government of Wales Act 2006, or
   (c) section 6A or 24(3) of the Northern Ireland Act 1998;
   “relevant regulations” means regulations made under a relevant power;
   “retained EU law restriction” means any restriction which arises by virtue of relevant regulations.”

42 Page 31, line 34, leave out from “section” to end of line 35 and insert “30 insert—

   “Section 30A Type C”.

43 Page 32, leave out line 2 and insert—

   ““Section 57(4) Type C”.”
Page 32, line 2, at end insert—

“21A After paragraph 5 of Schedule 7 (procedure for subordinate legislation: special cases) insert—

“6 (1) This paragraph applies where a draft of an instrument containing regulations under section 30A or 57(4) is to be laid before each House of Parliament.

(2) Before the draft is laid, the Minister of the Crown who is to make the instrument—

(a) must make a statement explaining the effect of the instrument, and

(b) in any case where the Parliament has not made a decision to agree a motion consenting to the laying of the draft—

(i) must make a statement explaining why the Minister has decided to lay the draft despite this, and

(ii) must lay before each House of Parliament any statement provided for the purpose of this sub-paragraph to a Minister of the Crown by the Scottish Ministers giving the opinion of the Scottish Ministers as to why the Parliament has not made that decision.

(3) A statement of a Minister of the Crown under sub-paragraph (2) must be made in writing and be published in such manner as the Minister making it considers appropriate.

(4) For the purposes of this paragraph, where a draft is laid before each House of Parliament on different days, the earlier day is to be taken as the day on which it is laid before both Houses.

(5) This paragraph does not apply to a draft of an instrument which only contains regulations under section 30A or 57(4) which only relate to a revocation of a specification.”

Page 33, line 7, leave out sub-paragraph (7)

Page 33, line 20, at end insert—

“36A After section 157 (orders, regulations and directions) insert—

“157ZAE explanatory statements in relation to certain regulations

(1) This section applies where a draft of a statutory instrument containing regulations under section 80(8) or 109A is to be laid before each House of Parliament.

(2) Before the draft is laid, the Minister of the Crown who is to make the instrument—

(a) must make a statement explaining the effect of the instrument, and

(b) in any case where the Assembly has not made a decision to agree a motion consenting to the laying of the draft—

(i) must make a statement explaining why the Minister has decided to lay the draft despite this, and
(ii) must lay before each House of Parliament any statement provided for the purpose of this subparagraph to a Minister of the Crown by the Welsh Ministers giving the opinion of the Welsh Ministers as to why the Assembly has not made that decision.

(3) A statement of a Minister of the Crown under subsection (2) must be made in writing and be published in such manner as the Minister making it considers appropriate.

(4) For the purposes of this section, where a draft is laid before each House of Parliament on different days, the earlier day is to be taken as the day on which it is laid before both Houses.

(5) This section does not apply to a draft of an instrument which only contains regulations under section 80(8) or 109A which only relate to a revocation of a specification.”

47 Page 34, line 34, at end insert—

“48A After section 96(4) (orders and regulations) insert—

“(4A) Regulations under section 6A or 24(3)—
(a) shall be made by statutory instrument, and
(b) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.”

48B After section 96 (orders and regulations) insert—

“96A Explanatory statements in relation to certain regulations

(1) This section applies where a draft of a statutory instrument containing regulations under section 6A or 24(3) is to be laid before each House of Parliament.

(2) Before the draft is laid, the Minister of the Crown who is to make the instrument—
(a) must make a statement explaining the effect of the instrument, and
(b) in any case where the Assembly has not made a decision to agree a motion consenting to the laying of the draft—
(i) must make a statement explaining why the Minister has decided to lay the draft despite this, and
(ii) must lay before each House of Parliament any statement provided for the purpose of this subparagraph to a Minister of the Crown by a relevant Minister giving the opinion of the relevant Minister as to why the Assembly has not made that decision.

(3) A statement of a Minister of the Crown under subsection (2) must be made in writing and be published in such manner as the Minister making it considers appropriate.

(4) For the purposes of this section, where a draft is laid before each House of Parliament on different days, the earlier day is to be taken as the day on which it is laid before both Houses.
(5) In this section “relevant Minister” means the First Minister and the deputy First Minister acting jointly or a Northern Ireland Minister.

(6) This section does not apply to a draft of an instrument which only contains regulations under section 6A or 24(3) which only relate to a revocation of a specification.”

Schedule 7

LORD CALLANAN

Page 47, line 37, at end insert—

“Power to repeal provisions relating to retained EU law restrictions

7A A statutory instrument containing regulations under section 11(4B) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Page 53, line 16, at end insert—

“22AA(1) This paragraph applies where—

(a) a Scottish statutory instrument containing regulations under Part 1 or 3 of Schedule 2 or paragraph 1 of Schedule 4 which create a relevant sub-delegated power, or

(b) a draft of such an instrument,

is to be laid before the Scottish Parliament.

(2) Before the instrument or draft is laid, the Scottish Ministers must make a statement explaining why it is appropriate to create a relevant sub-delegated power.

(3) If the Scottish Ministers fail to make a statement required by sub-paragraph (2) before the instrument or draft is laid, the Scottish Ministers must make a statement explaining why they have failed to do so.

(4) A statement under sub-paragraph (2) or (3) must be made in writing and be published in such manner as the Scottish Ministers consider appropriate.

(5) For the purposes of this paragraph references to creating a relevant sub-delegated power include (among other things) references to—

(a) amending a power to legislate which is exercisable by Scottish statutory instrument by a member of the Scottish Government so that it becomes a relevant sub-delegated power, or

(b) providing for any function of an EU entity or public authority in a member State of making an instrument of a legislative character to be exercisable instead as a relevant sub-delegated power by a public authority in the United Kingdom.

(6) In this paragraph “relevant sub-delegated power” means a power to legislate which—

(a) is not exercisable by Scottish statutory instrument, or

(b) is so exercisable by a public authority other than a member of the Scottish Government.”
Page 53, line 16, at end insert—

“22BA(1) Each person by whom a relevant sub-delegated power is exercisable by virtue of regulations made by the Scottish Ministers by Scottish statutory instrument under Part 1 or 3 of Schedule 2 or paragraph 1 of Schedule 4 must—

(a) if the power has been exercised during a relevant year, and
(b) as soon as practicable after the end of the year,
prepare a report on how the power has been exercised during the year.

(2) The person must—

(a) lay the report before the Scottish Parliament, and
(b) once laid—

(i) send a copy of it to the Scottish Ministers, and
(ii) publish it in such manner as the person considers appropriate.

(3) In this paragraph—

“relevant sub-delegated power” has the same meaning as in paragraph 22AA;
“relevant year” means—

(a) in the case of a person who prepares an annual report, the year by reference to which the report is prepared, and
(b) in any other case, the calendar year.”

Schedule 8

LORD CALLANAN

Page 60, line 38, leave out “29(4A)” and insert “30A(1)”

Page 66, line 43, at end insert—

“30A A consent decision of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly made before the day on which this Act is passed, or the commencement of the 40-day period before the day on which this Act is passed, is as effective for the purposes of—

(a) section 30A(3) or 57(6) of the Scotland Act 1998,
(b) section 80(8C) or 109A(4) of the Government of Wales Act 2006, or
(c) section 6A(3) or 24(5) of the Northern Ireland Act 1998, as a consent decision made, or (as the case may be) the commencement of that period, on or after that day.”
ANNEX C

SCOTTISH GOVERNMENT PROPOSED AMENDMENTS TO THE EUROPEAN UNION (WITHDRAWAL) BILL

OPTION 1 – REMOVAL OF REMOVAL OF “RETAINED EU LAW” RESTRICTION

European Union (Withdrawal) Bill – Lord Report Stage

LEGISLATIVE AND EXECUTIVE COMPETENCE: REMOVAL OF “RETAINED EU LAW” RESTRICTION

Clause 11

1 In clause 11, page 7, line 25, leave out subsection (1) and insert—

“(1) In section 29(2)(d) of the Scotland Act 1998 (no competence for Scottish Parliament to legislate incompatibly with EU law), omit “or with EU law”.”

Schedule 3

2 In schedule 3, page 28, line 22, leave out paragraph 1 and insert—

“Scotland Act 1998

1 In section 57(2) of the Scotland Act 1998 (no power for members of the Scottish Government to make subordinate legislation, or otherwise act, incompatibly with EU law or Convention rights), omit “or with EU law”.”

SCOTTISH MINISTERS FIXING POWER: REMOVAL OF RESTRICTION RELATED TO MODIFYING RETAINED DIRECT EU LEGISLATION

Schedule 2

3 In schedule 2, page 18, line 12, leave out sub-paragraph (3) and insert—

“(3) This paragraph does not apply to regulations made under this Part by the Scottish Ministers.”

CONSEQUENTIAL AMENDMENTS

Schedule 2

4 In schedule 2, page 21, line 29, leave out “and retained EU law”

5 In schedule 2, page 25, line 25, leave out “and retained EU law”
In schedule 2, page 25, line 29, leave out “and section 57(4) and (5) of that Act”

Schedule 3

In schedule 3, page 30, line 28, leave out from “, and” to end of line 29

In schedule 3, page 31, line 26, leave out from “for” to end of line 27 and insert “omit “or with EU law””

In schedule 3, page 31, line 32, leave out paragraph 21

In schedule 3, page 32, line 20, leave out from “(4)(d)” to end of line 21 and insert “(4), omit paragraph (d).”

Schedule 8

In schedule 8, page 56, line 4, leave out “section 57(4) of the Scotland Act 1998,“

In schedule 8, page 56, line 30, leave out “section 57(4) of the Scotland Act 1998,“

In schedule 8, page 60, leave out lines 34 to 39 and insert—

“(a) in paragraph (a), omit sub-paragraph (ii), and
(b) in paragraph (b), omit “or with EU law”.”

In schedule 8, page 65, leave out lines 7 to 13

In schedule 8, page 65, line 44, leave out from beginning to end of line 3 on page 66
OPTION 2 – REQUIREMENT FOR CONSENT OF SCOTTISH PARLIAMENT

European Union (Withdrawal) Bill – Lords Report Stage

(Note: the numbers of the amendments referred to follows the numbering of the amendments as per the list published on gov.uk)

POWERS TO SPECIFY RESTRICTIONS ON MODIFYING RETAINED EU LAW – CONVERSION TO ORDER IN COUNCIL POWERS SUBJECT TO AFFIRMATIVE PROCEDURE IN UK AND SCOTTISH PARLIAMENTS

Clause 11

1 As an amendment to amendment [1], in subsection (2), in inserted section 30A(1), leave out “in regulations made by a Minister of the Crown” and insert “by Her Majesty by Order in Council”.

Schedule 3

2 As an amendment to amendment [38], in line 2, leave out “in regulations made by a Minister of the Crown” and insert “by Her Majesty by Order in Council”

3 As an amendment to amendment [42], leave out “Type C” and insert “Type A”

4 As an amendment to amendment [43], leave out “Type C” and insert “Type A”

ORDERS IN COUNCIL SPECIFYING RESTRICTIONS NOT TO AFFECT SEWEL CONVENTION

5 As an amendment to amendment [1], in subsection (2), in inserted section 30A, leave out subsections (3) to (6) and insert—

“(2A) Subsection (1) is to be disregarded in determining whether the consent of the Parliament is required for the purposes of section 28(8) of this Act.”

CONSEQUENTIAL AMENDMENTS

Clause 11

6 As an amendment to amendment [1], in subsection (2), in inserted section 30A(7), leave out “regulations” and insert “Order in Council”

7 As an amendment to amendment [1], in subsection (2), in inserted section 30A(8), leave out “regulations” and insert “any Order in Council”

8 As an amendment to amendment [1], in subsection (2), in inserted section 30A(9), leave out “regulations” and insert “Orders in Council”

9 As an amendment to amendment [1], in subsection (2), in inserted section 30A(10), leave out “(3) to (8) do not apply in relation to regulations” and insert “(7) and (8) do not apply in relation to Orders in Council”
As an amendment to amendment [1], in subsection (2), in inserted section 30A, leave out subsection (11)

As an amendment to amendment [3], in subsection (4A), after “make” insert “Orders in Council or”

As an amendment to amendment [3], in subsection (4B)(a)(i), leave out “(15)” and insert “(14)”

As an amendment to amendment [3], in subsection (4C)(b), after “revoke any” insert “Orders in Council or”

As an amendment to amendment [3], in subsection (4D)(a), after “make” insert “Orders in Council or”

Clause 19

As an amendment to amendment [9], in subsection (1A)(a), leave out “regulations” and insert “Orders in Council”

As an amendment to amendment [9], in subsection (1B)(a), leave out “regulations” and insert “Orders in Council”

As an amendment to amendment [9], in subsection (1B)(d), leave out “regulations” and insert “Orders in Council”

As an amendment to amendment [9], in subsection (1B)(e), leave out “regulations” and insert “Orders in Council”

As an amendment to amendment [9], in subsection (1B), leave out paragraph (f)

Schedule 2

As an amendment to amendment [16], in paragraph 3A(5), after first “any” insert “Orders in Council or”

As an amendment to amendment [35], in paragraph 23A(5), after first “any” insert “Orders in Council or”

Schedule 3

As an amendment to amendment [38], leave out inserted subsections (6) to (9)

As an amendment to amendment [38], in inserted subsection (10), leave out “regulations” and insert “Order in Council”

As an amendment to amendment [38], in inserted subsection (11), leave out “regulations” and insert “Orders in Council”

As an amendment to amendment [38], in inserted subsection (12), leave out “regulations” and insert “Orders in Council”
As an amendment to amendment [38], in inserted subsection (13), leave out “(6) to (11) do not apply in relation to regulations” and insert “(10) and (11) do not apply in relation to Orders in Council”

As an amendment to amendment [38], leave out inserted subsection (15)

As an amendment to amendment [41], in paragraph 3B, in the definition of “relevant power”, after “make” insert “Orders in Council or”

As an amendment to amendment [41], in paragraph 3B, in the definition of “relevant regulations”, after “means” insert “Orders in Council or”

Note: Amendment [44] to be opposed

Schedule 8

As an amendment to amendment [52], in paragraph 30A, leave out “the Scottish Parliament,”

As an amendment to amendment [52], in paragraph 30A, leave out sub-paragraph (a)
ANNEX D

RELEVANT CHANGES TO THE EUROPEAN UNION (WITHDRAWAL) BILL

Status of the Scotland Act 1998

1. As introduced, the Bill provided that the fixing power could not be used to amend the Northern Ireland Act 1998, but the other devolution statutes – the Scotland Act 1998 and the Government of Wales Act 2006 – were not protected in the same way.

2. The interim report of the Finance and Constitution Committee recommended (paragraphs 145 and 146) that the Scotland Act should be given the same status as the Northern Ireland Act 1998.

3. The UK Government has tabled, at Lords Report, amendments\textsuperscript{10} which would give the Scotland Act 1998 the same protection from amendment as is given to the Northern Ireland Act 1998.

4. If these amendments are made to the Bill, these would address the concerns of the Scottish Ministers about the status of the Scotland Act 1998.

Scottish Ministers’ powers

5. As introduced, the Bill provided for a range of restrictions on the powers of the devolved administrations in respect of devolved law (in schedule 2) which did not apply to the corresponding powers of UK Ministers (in clauses 7, 8 and 9).

6. The interim report of the Finance and Constitution Committee supported (paragraph 141) the principle that Scottish Ministers should have the same powers as UK Ministers in the Bill in relation to devolved competences. It went on to note, however, the Committee’s concern that these powers were, as then drafted, too broad.

7. The most significant restriction on Scottish Ministers’ powers, compared with UK Ministers’, was the inability to fix deficiencies arising in directly-applicable law, when these arose in devolved areas (schedule 2, paragraph 3 of the Bill, as introduced). Only UK Ministers were given the power to do so. In the House of Commons, this was amended so that the restriction would not apply in areas where the clause 11 restriction on competence had been lifted by Order in Council.

8. The UK Government has now tabled, at Lords Report, amendments\textsuperscript{11} which would apply this restriction in devolved areas where clause 11 regulations had been made. If the making of clause 11 regulations required the consent of the Scottish Parliament, this arrangement would be acceptable to Scottish Ministers. Without that requirement for consent, however, this additional limitation on Scottish Ministers’ ability to fix deficiencies in devolved areas remains a concern to Scottish Ministers.

\textsuperscript{10} Amendments 34B, 34C and 34D at Lords Report.
\textsuperscript{11} Amendments tabled at Lords Report.
9. Other adjustments to limitations placed on Scottish Ministers' powers have been made. For example, on introduction the Bill required Scottish Ministers to seek the consent of UK Ministers before making fixes to devolved law which would come into force before exit day or which removed reciprocal arrangements (schedule 2, paragraph 4 of the Bill as introduced). This has been replaced with a requirement that Scottish Ministers should consult UK Ministers before doing so. The Scottish Government supports these amendments.

10. The UK Government has also tabled, at Lords Report, a number of amendments intended to address concerns about the breadth of the powers in the Bill. These include amendments which remove entirely clause 8 (the power to ensure compliance with international obligations), which prevent the powers from being used to establish a public authority, which prevent the powers being used to introduce fees, and which prevent the power to implement the withdrawal agreement being used to amend the Bill itself. Where required, corresponding adjustments are made to the powers of the devolved administrations in schedule 2. The Scottish Government supports these amendments.

**UK Ministers’ powers**

11. As introduced, the Bill provided for UK Ministers to be able to use the powers in clauses 7, 8 and 9 to make provision in devolved areas, without any form of devolved consent. This power was of particular concern to Scottish Ministers given the limitations which applied to their use of corresponding powers, meaning that only UK Ministers would, in some areas, have the ability to prepare devolved law in Scotland for EU withdrawal.

12. The interim report of the Finance and Constitution Committee expressed deep concern about this (paragraph 129) and supported the amendments promoted by the Scottish and Welsh Governments (paragraph 130) which would have required the consent of Scottish Ministers before fixing regulations were made by UK Ministers in devolved areas.

13. No amendment has been made to the Bill to require the consent of Scottish Ministers when making regulations in devolved areas.

14. The Scottish Government is concerned by this, but considers that there is nevertheless a basis on which these powers could operate compatibly with the devolution settlement, in order to ensure that devolved law is prepared for EU withdrawal.

15. Firstly, the UK Government committed in its Delegated Powers Memorandum to the Bill to seek the agreement of devolved administrations before using its fixing powers in devolved areas, a commitment that UK Ministers have repeated in the

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12 Amendment 47A at Lords Report.
13 Amendments 34A and 54A at Lords Report.
14 Amendments 33A and 53A at Lords Report.
15 Amendment 53 at Lords Report.
16 Delegated Powers Memorandum for the European Union (Withdrawal) Bill, as introduced, paragraph 11.
House of Commons and House of Lords. Scottish Ministers will hold the UK Government to that commitment.

16. Secondly, the interim report of the Finance and Constitution Committee noted (paragraph 134) the progress that a working group of Scottish Parliament and Scottish Government officials was making in examining the options for scrutiny of regulations made under the Bill, including regulations made by UK Ministers with the agreement of Scottish Ministers. Draft protocols on scrutiny of regulations made by Scottish Ministers and of decisions by Scottish Ministers to agree to regulations being made by UK Ministers have been prepared for Parliament’s consideration. Scottish Ministers are satisfied, as a result, that it will be possible to arrange for proper scrutiny in the Scottish Parliament of the programme of legislation required to prepare for EU withdrawal even without a formal requirement for consent on the face of the Bill.

17. Finally, the substantial equalisation of the powers of the Scottish Ministers and UK Ministers gives the Scottish Government comfort that the powers in the Bill could operate compatibly with the devolution settlement: where both governments have corresponding powers to make fixes in devolved areas, the ability of Scottish Ministers to make subsequent, different provision than that made by UK Ministers will protect devolved interests and should ensure that regulations in devolved areas proceed only by agreement.

18. However, the Scottish Government’s concerns about the remaining restriction on Scottish Ministers’ powers (set out in paragraphs 7 and 8, above) remains. Were this restriction removed, the Scottish Government considers that the equalisation of the powers of the Scottish Ministers and UK Ministers would address their concerns about UK Ministers’ powers.

Status of retained EU law

19. At Lords Report, a number of UK Government amendments concerning the status of retained EU law were made. These establish two categories of retained EU law – principal EU legislation and minor EU legislation – with statuses broadly equivalent to primary and secondary legislation. The Scottish Government is content with these amendments.

Explanatory statements

20. In the House of Commons, the Bill was amended to provide for explanatory statements to be made by UK Ministers when regulations were made using the main powers. The UK Government has tabled, at Lords Report, amendments which would extend this requirement to Scottish Ministers, requiring Scottish Ministers to make explanatory statements in the Scottish Parliament when making regulations.

21. These explanatory statements would cover matters such as the reasons for the instrument and for why it is considered reasonable to make it, the effect of the instrument on equalities legislation, the retained EU law being affected by the

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17 Amendment 26, and consequential amendments, at Lords Report.
18 Amendment 83KA, and consequential amendments, at Lords Report.
instrument, and why the instrument creates a criminal offence (if it does). The Scottish Government supports these amendments.

**Made affirmative procedure**

22. The interim report of the Delegated Powers and Law Reform Committee considered (para 179) that there could be merit in a made affirmative procedure being available in the Scottish Parliament where regulations require to be made by the Scottish Ministers in urgent circumstances.

23. The UK Government, at Lords Report stage, has tabled an amendment\(^\text{19}\) which would extend the ability to make regulations under a made affirmative procedure in urgent situations to the devolved administrations. The Scottish Government supports this amendment.

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\(^{19}\) Amendment 72ZC at Lords Report.
This Supplementary Legislative Consent Memorandum relates to the European Union (Withdrawal) Bill (UK legislation) and was lodged with the Scottish Parliament on 26 April 2018

EUROPEAN UNION (WITHDRAWAL) BILL – SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM