



Department for
Business & Trade

Nusrat Ghani MP
Minister for Industry and Economic Security
at the Department for Business and Trade and
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the Cabinet Office

Clare Adamson MSP
Convenor of the Constitution, Europe, External Affairs
and Culture Committee
The Scottish Parliament
Edinburgh
EH99 1SP

6 September 2023

Dear Convener,

Thank you for your letter dated 8 June 2023 regarding the Committee's report on the Scottish Government's supplementary legislative consent memorandum for the Retained EU Law (Revocation and Reform) Bill (now Act). I apologise for the delay in responding to you.

I note that my officials informed their counterparts in the Scottish Government of the UK Government's amendment to the then REUL Bill that changed the scope of the sunset and introduced a revocation Schedule. I also note that Scottish Government officials welcomed the change to the Schedule and subsequent discussions have taken place about its contents between officials from both governments. The Scottish Government also retains the power to disapply the revocation of any piece of REUL on the Schedule within areas of devolved competence, should it so wish.

The Schedule provides certainty for businesses and citizens by making it clear which pieces of REUL will be revoked, instead of an approach which would sunset the vast majority of REUL without specifying what had been revoked. Not only will it increase certainty, it will streamline the legislative programme required by the Act and maximise the resources available to the Scottish Government.

On 17 May 2023, the Secretary of State for Levelling Up, Housing and Communities and Secretary of State for Business and Trade wrote to the devolved governments setting out that UK Government Ministers do not intend normally to use the powers under the Act in devolved areas without the agreement of the relevant devolved administration.

When a UK Minister intends to exercise the powers in devolved areas agreement will be sought on an SI-by-SI basis. I should also point that that each Secretary of State is responsible for REUL that falls within the remit of their Department.

Regarding Common Frameworks, 30 Frameworks are operational and can be used to manage intra-UK regulatory divergence, including discussions concerning REUL in their scope. Throughout the passage of the REUL Act, the UK Government committed to the proper use of Common Frameworks and to not seeking to make changes to REUL within their scope without following the ministerially-agreed processes in each Framework. This is now happening, for example, the Nutrition Common Framework is being used to agree UK, Scottish and Welsh Government consultations on reforming Regulation (EC) No 1924/2006 on nutrition and health claims, and to revoke 60 pieces of inoperable REUL in England, Scotland and Wales.

I note the Committee's views on the need for greater clarity and transparency about how Common Frameworks are operating. All operational Common Frameworks are published on gov.uk and the UK and devolved governments' central Frameworks teams have agreed a joint process to report to legislatures on the operation of each Framework annually, beginning one year from their full implementation. Further, the Department for Levelling Up, Housing and Communities is coordinating an evaluation of the whole Common Frameworks Programme to assess how Common Frameworks are operating in practice. Information has been collated jointly from the UK and devolved governments, and I understand that this is due to be published next year.

I hope that you will find these responses useful.

Yours sincerely,

A handwritten signature in blue ink that reads "N Ghani". The signature is written in a cursive style and is positioned above a horizontal blue line that serves as a separator.

Nusrat Ghani MP

Minister of State for Industry and Economic Security at the Department for Business and Trade and Minister of State for the Investment Security Unit the Cabinet Office