



The Scottish Parliament
Pàrlamaid na h-Alba

Mick Antoniw MS, Counsel General
and Minister for the Constitution,
Welsh Government

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(by e-mail)

22 September 2022

Dear Minister,

Impact of Brexit on Devolution

The Constitution, Europe, External Affairs and Culture Committee has today published a report on our inquiry into the impact of Brexit on devolution:

[The Impact of Brexit on Devolution | Scottish Parliament](#)

The Committee's findings demonstrate that there are fundamental concerns which need to be addressed in relation to how devolution works outside the EU. We identified the following constitutional questions –

- to what extent can the UK potentially accommodate four different regulatory environments within a cohesive internal market and while complying with international agreements;
- whether the existing institutional mechanisms are sufficient to resolve differences between the four governments within the UK where there are fundamental disagreements regarding alignment with EU law and while respecting the devolution settlement;
- how devolution needs to evolve to address these fundamental questions.

In our report we explore two significant areas in which devolution has begun to evolve following the UK's departure from the EU: the operation of the Sewel Convention and the use of delegated powers.

We agree that the Sewel Convention is under strain following Brexit and noted the view of some of our witnesses that without reform, “there is a risk of the convention, and the legislative consent process that puts Sewel into practice, collapsing altogether.”

It is also our view that the extent of UK Ministers’ new delegated powers in devolved areas amounts to a significant constitutional change. We have considerable concerns that this has happened and is continuing to happen on an ad hoc and iterative basis without any overarching consideration of the impact on how devolution works.

The Committee’s view is that there is a need for a much wider public debate about where power lies within the devolution settlement following the UK’s departure from the EU.

The Committee will launch a significant committee inquiry which will allow businesses, civic society and the wider public to engage on these core issues.

To inform this inquiry the Committee has agreed to seek the views of the UK Government and the Welsh Government as well as the Scottish Ministers in response to the findings of our report.

The Committee would therefore welcome a written response from you and invites you to give oral evidence either in person or by video call prior to Christmas recess. The Committee clerks can be contacted by your officials to arrange a mutually convenient date.

Yours Sincerely

A handwritten signature in black ink that reads "Clare Adamson". The signature is written in a cursive, flowing style.

Clare Adamson MSP, Convener of the Constitution, Europe, External Affairs and Culture Committee