

Audrey Nicoll MSP
Convener of the Scottish Parliament Criminal Justice Committee

Via email

MoJ ref: ADR126211

08 August 2025

Dear Convener,

PRIORITIES FOR THE SCOTTISH CRIMINAL JUSTICE SYSTEM FOR THE TRADE AND COOPERATION AGREEMENT BETWEEN THE UNITED KINGDOM AND THE EUROPEAN UNION

Thank you for your letter outlining the Scottish Parliament Criminal Justice Committee's priorities for the Trade and Cooperation Agreement between the United Kingdom and the European Union. I greatly value the Committee's engagement on this important issue and appreciate your highlighting the research on the impact of the UK's exit from membership of the EU on law enforcement and judicial cooperation in Scotland.

The UK-EU Summit on 19th May was an important milestone in resetting our relations with European partners and laying the groundwork for future cooperation for the benefit of the UK's criminal justice system. It represented the first in a series of annual opportunities to continue to strengthen this relationship.

In respect to law enforcement and criminal justice cooperation, the outcome of that Summit was a commitment to a new strategic partnership to work with the EU to protect the public and increase the safety and security of UK and EU citizens. This includes judicial cooperation which represents a welcome first step in securing more robust arrangements to deliver cross border justice.


In respect to the Ministry of Justice's criminal justice priorities, the department welcomes the commitment, set out in the accompanying [UK-EU Summit - Joint Statement](#) to regular high-level meetings to discuss enhancing cooperation across the breadth of justice and home affairs.

Regarding your question on seeking agreements on the transfer of custodial sentences with member states, enhancing the UK's bilateral capabilities in this area remains important. Effective prisoner transfer frameworks support the return, supervision and rehabilitation of foreign offenders within their own communities. My officials are actively engaging with European partners to improve our cooperation. Given that we are fully committed to ensuring that any new arrangements provide a robust framework that reflects the interests of the Devolved Governments, I will ensure that my officials continue to work closely with officials in the Scottish Government as part of any engagements and negotiations.

With respect to the transfer of pre-trial bail, although the UK had opted into the Council Framework Decision 2009/829/JHA (commonly referred to as the European Supervision Order), my understanding is that it was not frequently utilised. Concerning your question on the transfer of probation supervision, the UK did not opt into the Council Framework Decision 2008/947/JHA. Nonetheless, my officials will give due consideration to the findings of the report on these matters.

I remain grateful for your continued dialogue and input into this important area of policy development. Please be assured of our ongoing commitment to constructive engagement with the Scottish Government and stakeholder groups in Scotland. I understand that the Home Office will also be in touch regarding the other matters you have raised, as they fall within their departmental remit.

Kind regards,



LORD PONSONBY OF SHULBREDE