



Delegated Powers and Law Reform Committee

George Adam MSP
Minister for Parliamentary Business
Via email

T1.01
Chamber Office
EDINBURGH
EH99 1SP

DPLR.Committee@parliament.scot

13 May 2022

Dear George,

As you know, the [SSI Protocol](#) provides a shared understanding between the Scottish Government and the Scottish Parliament on the process for considering SSIs under the European Union (Withdrawal) Act 2018. Its aim was to enable effective parliamentary scrutiny of SSIs made under the wide powers in the 2018 Act. These powers have been used to correct deficiencies to provide for the smooth operation of law following withdrawal from the EU, and to implement technical aspects of the UK-EU Withdrawal Agreement.

The Constitution, Europe, External Affairs and Culture Committee recently recommended to the Conveners Group that the SSI Protocol should be discontinued as it considered that it no longer facilitates proportionate or effective scrutiny. The Conveners Group subsequently agreed that this recommendation be passed to the Delegated Powers and Law Reform Committee for final consideration.

The Committee considered the SSI Protocol at its meeting on Tuesday 26 April. The Committee noted that the project to fix deficiencies in retained EU law is now largely complete. In addition, scrutiny is now shifting towards instruments which set the new policy direction in post-EU areas. Such instruments are not generally covered by the SSI Protocol. Nevertheless, the Committee considers that the information provided in the Policy Notes accompanying SSIs laid under the 2018 Act has been extremely useful for both its own and also subject committee scrutiny.

As the SSI Protocol was originally approved by both the Parliament and the Government, the Committee agreed to write to ask if you would be happy for it to be discontinued. If you are content with this approach, the Committee would be happy if the Environment and Trade in Animals and Related Products (EU Exit) (Scotland) (Miscellaneous Amendment) Regulations 2022 (SSI 2022/138), which it considered on Tuesday 10 May, was the final instrument to be considered under the Protocol. However, the Committee would also be grateful for your reassurance that the Scottish Government will continue to provide the same level of information in its Policy Notes

accompanying any SSIs laid under the 2018 Act, in terms of explaining the law being amended and the reasons for and effect of the changes on retained EU law.

I look forward to hearing from you.

Yours sincerely,

Stuart McMillan MSP
Convener of the Delegated Powers and Law Reform Committee

Cc. Constitution, Europe, External Affairs and Culture Committee
Conveners Group