October 2018

Dear

THE EU EMISSIONS TRADING SYSTEM  EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT

I am writing in relation to the protocol on obtaining the approval of the Scottish Parliament to the exercise of powers by UK Ministers under the European Union (Withdrawal) Act 2018 in relation to proposals within the legislative competence of the Scottish Parliament.

As you know, Mike Russell wrote to the Conveners of the Finance & Constitution and Delegated Powers and Legislative Reform Committees on 11 September setting out the Scottish Government’s views on EU withdrawal. That letter also said that we must respond to the UK Government’s preparations for a No-Deal scenario as best we can, despite the inevitable widespread damage and disruption that would cause. It is our unwelcome responsibility to ensure that devolved law continues to function on and after EU withdrawal.

I attach a Notification of Intention to Consent which sets out the details of the UK SI which the UK Government propose to make and the reasons why I am content that Scottish devolved matters are to be included in this UK SI.

The UK Government intends to lay this SI on 14 November and has asked for my consent by 29 October. I request that you report back to me by 29 October, recognising that this is less than the 28 days set out in the protocol for Scottish Parliament scrutiny.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

Yours Sincerely,

ROSEANNA CUNNINGHAM