November 2018

My Lords Conveners,

The Storage of Carbon Dioxide (Amendment) (EU Exit) Regulations 2018

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, the Cabinet Secretary for Government Business and Constitutional Relations, Michael Russell MSP, 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 (Annex A) which sets out the details of the 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 SI. Please note, we are yet to have sight of the final SI and this is not available in the public domain at this stage. We will, in accordance with the protocol, advise you when the final SI is laid and advise you as to whether the final SI is in keeping with the terms of this notification.

BEIS is the lead UK department for this SI which is due to be laid on 29 November and which does not allow for the full 28 days scrutiny period. Officials are in contact to discuss the proposed laying date. However, I would be grateful if you are able to consider this notification in early course.
I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

I look forward to hearing from you as soon as possible.

Kind regards

[Signature]

PAUL WHEELHOUSE