



Department for
International Trade



Department for
Business, Energy
& Industrial Strategy

Lord Grimstone of Boscobel, Kt
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**Stuart McMillan MSP, Convener of the Delegated
Powers and Law Reform Committee**

T1.01

Chamber Office

EDINBURGH

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14 March 2022

Dear Stuart,

Thank you for your letter to the Secretary of State, dated 7 March. As we have set out in previous correspondence to the Scottish Government, we would like to reassure you that this Bill is not intended to compromise the autonomy of the Scottish Government in any way. We have put the autonomy of Devolved Administrations and regulators at the centre of these provisions. The Bill applies to the entirety of the UK, respecting the devolution settlements by providing for Devolved Administrations to make regulations within their devolved competence.

This includes the powers in the Bill for an appropriate authority, which includes the Scottish Ministers in their legislative competence, to make regulations to meet commitments in the UK's international agreements on professional qualifications. Without these powers, UK or devolved ministers would be at risk of being unable to promptly implement international agreements which the UK has entered into and which stand to benefit all parts of the UK.

You requested an explanation as to why we consider a consultation mechanism appropriate for this Bill, as opposed to a requirement to obtain the Scottish Ministers' consent. As outlined in our letter to John Swinney on 28 February, and in our letter to Ivan McKee MSP on 27 January, the UK Government cannot agree to the insertion of a duty to obtain consent as this could give rise to a risk that the UK Government may not be able to promptly and consistently implement provisions on the recognition of professional qualifications. This could jeopardise the UK Government's credibility in securing ambitious provisions to support UK services exports in agreements with global trade partners.

You have also requested views on the appropriate role for the Scottish Parliament in relation to the scrutiny of the exercise of secondary legislation powers. We have been clear that any regulations made by the UK Government which would be in devolved legislative competence would be limited in scope, exceptional and would always be made in consultation with the appropriate DA Minister. The Scottish Parliament's Statutory Instrument Protocol is a matter for the Scottish Government and Scottish Parliament. While it is not for the UK Government to determine these arrangements, our officials will continue to work constructively with Scottish Government counterparts to help facilitate their engagement with the Scottish Parliament.

We are copying this letter to The Secretary of State for Business, Energy and Industrial Strategy, Kwasi Kwarteng MP, The Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations, the Rt Hon Michael Gove MP, and the Secretary of State for Scotland, the Rt Hon Alister Jack MP.

Yours sincerely,

LORD GRIMSTONE OF BOSCOBEL,
Kt
Minister for Investment
Department for International Trade
Department for Business, Energy &
Industrial Strategy

PAUL SCULLY MP
Minister for Small Business, Consumers
& Labour Markets, and Minister for
London
Department for Business, Energy &
Industrial Strategy