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Finlay Carson MSP
Convener of Rural Affairs, Islands and Natural
Environment Committee
Scottish Parliament
Edinburgh
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22 December 2022

Dear Finlay,

UK Retained EU Law (Revocation and Reform) Bill

Thank you for your letter of 1 December 2022 regarding the UK Retained EU Law (Revocation and Reform) Bill currently being considered by the UK Parliament.

My colleague Angus Robertson, Cabinet Secretary for Constitution External Affairs and Culture, [wrote](#) to the Delegated Powers and Law Reform Committee on 12th December on similar matters. In his letter he was clear that the Scottish Government believes that the Bill should be withdrawn by UK Government.

This view is shared by a broad number and range of stakeholders, most recently evidenced in an open letter to Mr Shapps signed by over a dozen organisations including legal and environmental groups, trades union and business leaders.

The Bill risks a race-to-the-bottom on deregulation, disrespects the devolution settlement, and risks ending vital protections gained through 47 years of EU membership at the end of 2023.

As Mr Robertson's letter makes clear, the Scottish Government has begun the process of identifying devolved REUL so that if the Bill passes the Scottish Government can use the power in clause 1 of the Bill to stop laws from being lost. The Parliament will be kept updated on this work, given that it will have a role to play in these legislative processes.

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Ministerial colleagues and I are unaware of any structured UKG public consultation on REUL. To the best of our knowledge BEIS has simply published a [‘dashboard’](#) and asked for views. We are not aware of any proposals for a structured consultation and it is difficult to see how this could be done meaningfully for such a large volume of legislation within the limited time afforded by the UK Government’s self-imposed sunset date.

For the avoidance of doubt, I fully endorse the views of my colleague and the wider civil society organisations who have made their opposition to the Bill clear. Should we fail to see the Bill withdrawn, then the Scottish Government will do all we can to prevent its worst impacts on devolved matters, to protect standards and, where practicable, to maintain alignment with EU law.

Finally, as regards the Scottish Government’s engagement with stakeholders and the Scottish Parliament on REUL, Ministers and officials regularly meet with stakeholders across portfolios and these engagements will include hearing stakeholder views on the future of devolved REUL.

Should the Bill pass, the Scottish Government will keep stakeholders informed in line with our usual consultation processes, and stakeholder views will inform Ministers’ decisions on the future of devolved REUL in different areas. However, given that the Bill provides a very unrealistic deadline of devolved REUL sunseting at the end of 2023 unless preserved, it may well be that standard consultation processes will have to be adapted. We will discuss with the Parliament how best to ensure appropriate scrutiny.

Yours sincerely,



MAIRI GOUGEON