

T: 0300 244 4000
E: scottish.ministers@gov.scot

Mick Antoniw AM
Chair, Constitutional and Legislative Committee
David Rees AM
Chair, External Affairs and Additional Legislation
Committee
National Assembly of Wales
Cardiff Bay
CF99 1NA

17 January 2019

Dear Mick and David

Many thanks for your letter of 29 October 2018 on behalf of the Interparliamentary Forum on Brexit. I understand the Forum meets again on 17 January, so I wanted to place on record my appreciation of the work of the Forum and the Committees represented in it.

It has been clear for some time that current constitutional arrangements cannot bear the weight of Brexit, neither to negotiate the UK's withdrawal from the EU nor in the longer term. Long-standing weaknesses in our arrangements - lack of robust legal protections of devolved powers, lack of effective mechanisms for inter-governmental working, and cultural attitudes - have been illustrated starkly through the Brexit processes. The annex to your letter shows the range and quality of the work of Parliamentary Committees across the United Kingdom to examine these issues and make valuable recommendations.

Your letter concentrates on intergovernmental processes and interparliamentary processes. I have seen Mark Drakeford's letter to you of 29 November, and I agree with the points that he makes on these issues, particularly on the quality of engagement. The current review of inter-governmental relations is an opportunity that must be used to address constructively the difficulties you and he identify.

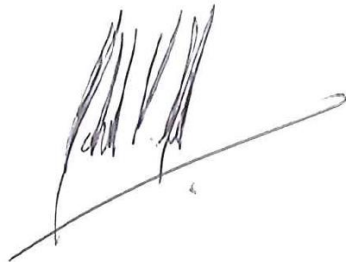
There is also a need to address the other constitutional issues that Brexit has exposed. The Scottish Government is particularly concerned about the Sewel Convention, following the unprecedented decision of the UK Government to proceed with the European Union (Withdrawal) Act after the Scottish Parliament explicitly refused to give its consent. The Withdrawal Act also allows UK Government Ministers to change the competence of the Scottish Parliament (and the Welsh Assembly) without consent, breaching a fundamental principle of the devolution settlement put in place in 1998

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

The Scottish Government believes there is a need for a widespread debate about the implications of Brexit for the UK's constitutional arrangements. We intend to develop further proposals to secure Scottish interests, whatever the outcome of the Brexit process, and to contribute to wider consideration of the future governance of these islands.

The work of the Parliamentary Committees, and the Forum itself, will continue to be a crucial part of these debates over the coming months, and I look forward to our continuing engagement.

I am copying this letter to David Lidington, Jeremy Miles and Bruce Crawford MSP, Joan McAlpine MSP and Graham Simpson MSP at the Scottish Parliament.

A handwritten signature in black ink, appearing to read 'Michael Russell', written over a horizontal line.

MICHAEL RUSSELL

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

The Scottish Parliament, Edinburgh EH99 1SP
www.gov.scot

