



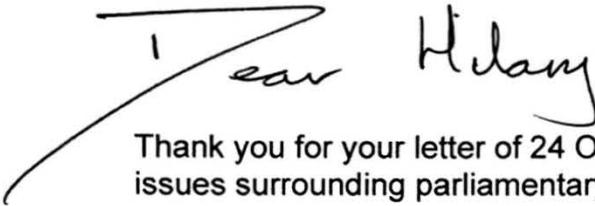
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Rt Hon Hilary Benn MP  
House of Commons  
Westminster  
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31 October 2016



Dear Hilary

Thank you for your letter of 24 October in which you raise a number of important issues surrounding parliamentary scrutiny.

I would like to start by congratulating you once more on your election as Chair of the new Exiting the EU Committee. I consider the Committee to be the primary arena for parliamentary scrutiny of the Government's policy and strategy to leave the EU. Parliamentary Select Committees form an essential pillar of our parliamentary democracy and during my time as a backbench MP you know that I strongly promoted their cause in holding the executive to account. As such, I am determined to give whatever support I sensibly can to the Committee in its important task of scrutinising my department and its historic task.

I would also like to thank you for your analysis and assure you that I am actively considering in detail the issues you raise.

First, on proposed terms for engaging with Parliament, my position is guided by the motion that was passed by the House during the Opposition Day Debate of 12 October: *That this House recognises that leaving the EU is the defining issue facing the UK; believes that there should be a full and transparent debate on the Government's plan for leaving the EU; and calls on the Prime Minister to ensure that this House is able properly to scrutinise that plan for leaving the EU before Article 50 is invoked; and believes that the process should be undertaken in such a way that respects the decision of the people of the UK when they voted to leave the EU on 23 June and does not undermine the negotiating position of the Government as negotiations are entered into which will take place after Article 50 has been triggered.*

As I said in that debate, while we welcome parliamentary scrutiny, it must not be used as a vehicle to undermine the Government's negotiating position, nor as a means to thwart the process of exit.

I reaffirm my commitment to engage with Parliament and to keep Members at least as well informed as the European Parliament as negotiations progress. My officials and I are working through what information this means in practice and the mechanisms for transmitting it, taking into account the Lords EU Committee's recent report which you cite. As the report notes, there is an important balance to strike between transparency and confidentiality and information sharing will need to be considered in close detail.

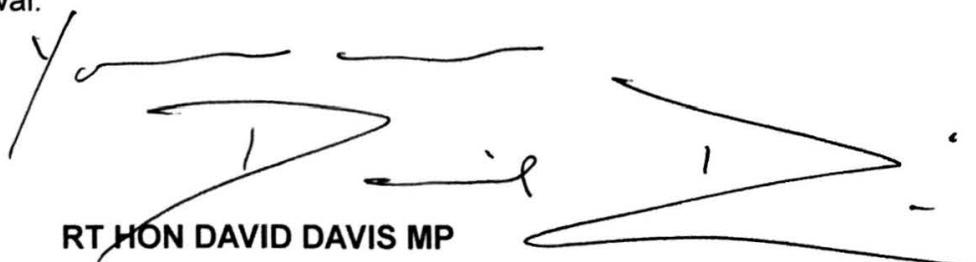
Second, regarding timelines, it is important that Select Committees are engaged throughout the process of withdrawal. Your Committee will play a crucial role throughout the process for exiting the European Union and in scrutinising the work of my Department. It is clear that negotiations will be fast moving and will often cover sensitive material, so we will need to find the right ways of engaging Parliament. This is something we will doubtless want to discuss.

Scrutiny is of course not purely something that the Government needs to provide for; the House has multiple existing mechanisms for holding ministers to account, and it will doubtless continue to use those. However, in addition, you will know that before Article 50 is triggered and formal negotiations begin, I have asked the Chief Whip to schedule a series of debates in Government time to ensure that the House can make its views, on a variety of important topics, clear to the Government. I hope that this, along with the formation of your Committee, will serve to ensure that there is continuing debate and two-way exchange between Members and the Government on all of the issues with which we will both be grappling.

Third, with regard to the Great Repeal Bill, we will – as you know – bring forward this legislation in the next session that, when enacted, will repeal the European Communities Act 1972 on the day we leave the EU. This Bill will end the authority of EU law and return power to the UK. We will set out the content of the Bill and its implications in due course. As with any legislation, parliamentary scrutiny is invaluable and we are considering the best approach to ensure Parliament – including your Committee, should you wish – is able to properly scrutinise the Great Repeal Bill proposals.

Finally, on the Constitutional Reform and Governance Act 2010, the Government has said that it will comply with all the constitutional and legal obligations that apply to the deal that we will negotiate with the EU, and that is very likely to mean the opportunity for a vote under this Act. As I am sure you can appreciate, future parliamentary votes, the precise timing, terms and means by which we leave the EU will be determined by the negotiations that follow the triggering of Article 50.

Thank you once again for your letter and I look forward to working with you and your Committee over the coming months as we to prepare to commence formal negotiations for withdrawal.

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

**RT HON DAVID DAVIS MP**  
**SECRETARY OF STATE FOR EXITING THE EUROPEAN UNION**