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Charles, Sir Patrick, Lord Trefgarne, Lord Cunningham,

Delegated legislation under the European Union (Withdrawal) Act 2018

Following our recent meetings, and the Leader of the House of Commons' private meeting with the European Statutory Instrument Committee on 17 October, I am writing to provide more detail on the flow of proposed negative statutory instruments (SIs) to be laid under the European Union (Withdrawal) Act 2018. Robin Walker also made a commitment to write to the Procedure Committee during the discussion on the forthcoming EU (Withdrawal Agreement) Bill on 10 October regarding the flow of SIs, and this letter serves that purpose.

As you know, the Government has stated there will be between 800-1,000 EU exit-related SIs laid (not all of which will be under the EU (Withdrawal) Act) ahead of exit day to ensure a functioning statute book, and the Leader of the House of Commons has stated the final volume will be closer towards the lower end of that range.

The Government expects to see a steady increase in the number of EU exit SIs being laid through the autumn, and we are working hard to ensure a manageable flow over each sitting week. As is usual and largely unavoidable for secondary legislation, the precise volume to be laid each month will fluctuate, and we must be careful not to mislead Parliament and stakeholders.

That said, it is possible to give the range of the remaining EU exit SIs we are currently expecting to lay:

- 50-100 SIs, of which 55% are likely to be negative under the EUWA in October;
- 150-200 SIs, of which 55% are likely to be negative under the EUWA in November;
- 100-150 SIs, of which 35% are likely to be negative under the EUWA in December;
- 100-150 SIs, of which 25% are likely to be negative under the EUWA in January;
- 10-50 SIs, of which 20% are likely to be negative under the EUWA in February;
- 10-50 SIs, of which 30% are likely to be negative under the EUWA in March.

As mentioned by the Leader, this programme of secondary legislation is necessarily flexible, enabling individual SIs to be moved around in the general flow to ensure it is manageable. While it is not possible to confirm the volume for each department each month as this is liable to change, I can confirm the majority of SIs will be from Defra, HMRC, HMT, BEIS and DfT, and we are continuing to work collectively to ensure a manageable flow.

More widely, we have been doing a great deal of work to improve our management of SIs, and as part of this we work closely with departments to ensure they prioritise only the essential non-exit secondary legislation to be laid in Parliament. This will ensure that Parliament focuses on the critical SIs we need between now and exit day.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Chris', with a stylized flourish at the end.

CHRIS HEATON-HARRIS MP
PARLIAMENTARY UNDER SECRETARY OF STATE FOR EXITING THE EUROPEAN UNION