Rt Hon Steve Barclay MP  
Secretary of State for Exiting the European Union  
9 Downing Street  
SW1A 2AG

1 May 2019

Dear Minister,

European Union (Withdrawal Agreement) Bill

I write on behalf of the Constitution Committee regarding the European Union (Withdrawal Agreement) Bill.

As you know, the Constitution Committee scrutinises the constitutional implications of all public bills that come before the House of Lords. In December, following the conclusion of the Withdrawal Agreement with the EU, I wrote to Lord Callanan to ask whether the Government would publish the Withdrawal Agreement Bill in draft to allow Parliament as much time as possible to scrutinise its provisions. The Committee also raised this with Chancellor for the Duchy of Lancaster, Rt Hon David Lidington CBE MP, during a private meeting in January.

I write again to ask whether some or all of the Withdrawal Agreement Bill could be published in draft to allow scrutiny of this important constitutional legislation to begin. If this is not possible, the Committee would be willing to receive the Bill on a confidential basis in order that it could begin considering its implications in private session. As you will understand, the constitutional implications of this Bill will be significant, and we are concerned that if the Bill passes through Parliament in an expedited fashion then there is a risk that any deficiencies might be missed. While we accept the Bill may still be subject to some change prior to its introduction, we do not believe that this possibility outweighs the significant value that earlier scrutiny of its provisions would bring.

During the passage of the European Union (Withdrawal) Bill (now the 2018 Act), the work of the Constitution Committee was widely praised, including by the Government. In the Government’s response to the Committee’s report on the Bill, Lord Callanan said that “Your Committee’s report and the contributions of Committee members during the debates have greatly assisted this process. The Government appreciates the work and rigorous scrutiny of your Committee in relation to the Bill and our exit from the EU more generally.” The Government acknowledged the constructive approach of the Committee in seeking to improve the workings of the Bill during the tabling of amendments in the House of Lords. We are keen to assist again, and we would not wish for this essential work to be truncated due to the pressure for the Bill to receive an accelerated passage through Parliament.
Yours sincerely,

Baroness Taylor of Bolton
Chairman of the Constitution Committee