Dear Lord Boswell,

Thank you for your letter of 19 April. The Government recognises the considerable amount of time and consideration invested by the House of Lords EU Committee when scrutinising the work of Government, and the vital contribution that the Committee continues to make.

I have noted the issues raised in your letter regarding the quality and timeliness of government departments’ engagement with the Committee. Although you identify a number of areas of good practice, I am disappointed that performance across Government has not always met the Committee’s expectations. In particular, I note the Committee’s observations on the responses to its reports Brexit: deal or no deal and Brexit: Overseas Territories.

I have asked Lord Callanan to send a letter to ministerial counterparts across Government departments stressing the importance of providing the Committee with the most comprehensive and up-to-date information possible, without in any way undermining the UK’s negotiating position. Of course, there are occasions where Government and the Committee may disagree about how much information can be provided consistently with the protection of the necessary negotiating flexibility, but it is our hope that such occasions can be minimised.

I acknowledge that on occasion the Government has been slow in responding to committee reports and correspondence. The UK’s withdrawal from the EU is of undoubted strong interest to members and committees in both Houses. This interest, combined with the rightful role of committees to scrutinise the work of government, is reflected in select committees undertaking over 100 EU exit-related inquiries, producing over 70 related EU exit reports and generating a sizeable amount of correspondence to ministers. Nevertheless I can assure the Committee that ministers are working vigorously to ensure departments are resourced appropriately to ensure Parliament is fully able to scrutinise government effectively.

I have reiterated to my officials the continued importance of both the timeliness and quality of Government responses to select committee reports, and asked them to work with their counterparts across government to share best practice and keep each other fully informed as government responses progress.
Regarding the outstanding responses mentioned in the letter, I understand that the Home Office will send a reply to the letter regarding Brexit: UK-EU Movement of People to the Committee at the earliest opportunity. The Government’s response to the report Brexit: trade in non-financial services has now been sent to the Committee and we also responded to the Committee’s follow-up letter on Brexit: Overseas Territories on 26 March.

Your letter also raises concerns with regard to the process for scrutiny of ongoing EU business. I have noted the specific instances you cite where departments have again not met the Committee’s expectations. I also note that the Minister for the Cabinet Office wrote to the Committee on 16 April regarding scrutiny handling within Government, explaining that DE&EU officials have written to all departments to reinforce the importance of scrutiny of ongoing EU business and Government undertakings to Parliament while we remain in the EU.

Those key messages emphasised, amongst other things, the importance of meeting our obligations to submit Explanatory Memoranda (EMs) promptly, ensuring that the Committees are updated on negotiating developments in good time, and in meeting the undertakings in the JHA Code of Practice.

Your attendance at a recent scrutiny event – held at the Department for Business, Energy and Industrial Strategy – alongside the Chairman of the European Scrutiny Committee was given as an example that others might want to follow to build on engagement with both Scrutiny Committees. I have asked officials to ensure that our exchange of correspondence is circulated to all departments to further reinforce the importance of addressing the concerns you have raised.

The Government will continue to support a strong scrutiny process and facilitate this for as long as EU legislation will continue to affect the UK. We are happy to engage in dialogue with the Committee as to how this may best be achieved.

I would like to thank you again for the Committee’s continuing work and reiterate the Government’s commitment to supporting the work of select committees across Parliament.

I am copying this letter to Rt Hon David Lidington MP, Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office.

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