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AL November 2018

Des Neil,

Many thanks for your letter of the 24th October, asking for an update on the department's secondary legislation programme.

As you know we have a significant amount of secondary legislation to lay before the end of March 2019. We have driven forward the laying schedule to meet the aim of having a full statute book at that point. To this end we expect to lay our SIs primarily in November and December 2018, and in January 2019.

The Defra EU exit statutory instrument (SI) programme currently consists of 86 SIs, divided by subject area as follows:

- Animal and Plant Health: 29 SIs
- Environment: 25 SIs
- Fisheries: 6 SIs
- Food and Farming: 26 SIs

We will also lay an additional 25 EU exit SIs on behalf of Northern Ireland departments, primarily DAERA. Officials are working to synchronise these with the related Defra SIs to optimise handling and parliamentary time.

Overall, we are therefore committed to laying 138 SIs (86 Defra EU Exit, 25 Northern Ireland EU Exit and 25 Business as Usual (BAU) instruments) before the end of March 2019. Of these we have successfully laid 6 EU Exit and 5 BAU SIs to date.

You will be aware that Defra legislation is highly devolved, so in most SIs we need to legislate in concert with the Devolved Administrations (DAs). That has involved multiple



quadrilateral meetings between myself and my Devolved Administration counterparts, and my officials meeting DA colleagues several times each week over the last two months. I'm pleased to say those meetings have been both cordial and constructive, and we now have a number of joint commitments: to forms of decision making; to a combined schedule for laying SIs; and to a formalised consent process between administrations.

While I am confident our programme is deliverable, I am certainly conscious of the attention and effort necessary to deliver it successfully. To that end, my officials have piloted an 'Ops Centre' approach to manage and steer the SI programme within Defra, with very positive results thus far. A daily and weekly monitoring regime is in place with ministerial discussions held each week.

I trust that is a helpful summary. You further indicated that you would welcome the offer made by Clare Moriarty during our recent evidence session of officials **briefing committee staff** with more details of the SI programme. We are both very happy for this to happen and I have asked my Parliamentary Clerk to contact your Clerk to discuss arrangements for this.

Finally, you mentioned **stakeholder engagement** with our legislative programme, and referenced a letter from Greener UK in this regard. I'm pleased to inform you that Emily Miles, Director, EU Exit Domestic and Constitutional Affairs at Defra, met with representatives of that organisation on 1st October to hear their thoughts and concerns first hand. Moreover, while it is true that the need to engage much more directly with the Devolved Administrations has taken precedence in recent months, individual Defra policy teams have continued to engage with stakeholders through a variety of methods during this time. We have a small number of formal consultations in train or planned (for example in respect of Food Labelling and Geographical Indications), and teams have met regularly with stakeholders on topics such as the control of hazardous chemicals, timber, and endangered species. Nonetheless, I am pleased that we can now set up a broader stakeholder forum to support both secondary legislation issues and general business readiness for exit, and I will update the committee in due course on the progress and nature of those discussions.

I hope these points, together with my recent appearance, help the committee's understanding of these issues.

With every good wish,

Yours,
Michael

Michael Gove