



Cabinet Office

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Baroness Taylor of Bolton  
House of Lords, London  
SW1A 0PW

14 February 2019

Dear Ann

### **TREATMENT OF NO-DEAL STATUTORY INSTRUMENTS IN A DEAL SCENARIO**

Following the session of 30 January on parliamentary scrutiny of future treaties, you asked for some further detail on the Government's plans for EU exit SIs in the event that a deal is reached with the EU. I committed to write to the Committee to set out the details of our approach, which I do below.

As you know, the Department for Exiting the European Union is responsible for the legislation required to implement the Withdrawal Agreement. I know that my colleagues in the Department would be happy to meet with the Committee privately to discuss the development of the Bill and to answer questions about our legislative approach.

The Government is committed to ensuring that the UK has a functioning statute book on 29 March 2019 whatever the outcome of the negotiations. To achieve this, the Government is laying SIs under the EU (Withdrawal) Act 2018 and other legislation to amend deficiencies in the UK statute book arising from the UK's withdrawal from the EU.

In July 2018, the Government published a White Paper, *Legislating for the Withdrawal Agreement between the United Kingdom and the European Union*. The White Paper stated that, as EU rules and regulations will continue to apply in the UK during the implementation period, the EU (Withdrawal Agreement) Bill would need to amend the EU (Withdrawal) Act so that the conversion of EU law into 'retained EU law' and the domestication of historic CJEU case law can take place at the end of the implementation period. The White Paper also stated that, in order to prepare for an agreement, provision may be needed to defer, revoke or amend the SIs laid to prepare the UK for its exit from the EU.

Since the publication of that paper, and in preparing the Bill for introduction, we have decided that the Bill will need to defer most SIs so that, instead of coming into force on exit day, they come into force instead at the end of the implementation period. The Bill will also ensure this deferral can apply to other SIs made under enactments other than those in the EU (Withdrawal) Act.

A handwritten signature in black ink, reading "David Lidington". The signature is written in a cursive style with a large, looping initial "D".

**Rt Hon David Lidington CBE MP**