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Rt Hon David Gauke MP
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Dear David,

FOLLOW-UP TO THE COMMITTEE'S REPORT: BREXIT: JUSTICE FOR FAMILIES, INDIVIDUALS AND BUSINESSES?

Thank you for your letter dated 13 September 2018 to the Chairman of the EU Justice Sub-Committee. As you know, the Committee published its report *Brexit: justice for families, individuals and businesses?* (17th Report of session 2016-17, HL Paper 134) in March 2017. It concluded that the so-called Brussels regime of EU Regulations (the Brussels I Regulation (recast); the Brussels IIa Regulation; and, the Maintenance Regulation) creates a system of civil justice cooperation which plays a "significant role in the daily lives of UK and EU citizens, families and businesses, who work, live, travel and do business within the EU".

Together, these regulations provide "certainty, predictability and clarity" about where legal disputes should be pursued, whilst providing for the automatic recognition and enforcement of judicial decisions, orders and judgments throughout the EU.

The report argued that if the Government stuck too rigidly to its red line on the jurisdiction of the Court of Justice of the EU it would "severely limit" its post-Brexit options for adequate alternatives to these Regulations. Regardless of the outcome of the Brexit negotiations, it was clear to the Committee that "civil justice cooperation of the type dealt with by these Regulations will remain a necessity". Without alternatives in place by the time the UK leaves the EU there would be "great uncertainty for UK businesses and citizens". The report called on the Government to produce a "coherent plan for addressing their post-Brexit application".

The Government's response

We received the Government's formal response in the days before the report was debated in December 2017. Beyond repeatedly advocating a "deep and special relationship" with the EU27 post-Brexit, the Government's response offered little detail on a coherent plan to address or replace the operation of these important Regulations after the UK leaves the EU in March 2019.

Follow-up work

In April 2018, we decided to follow-up our report and take stock of the Government's efforts to address the impact of Brexit on this important area of EU– based cooperation. To that end, in May, we held two evidence sessions with: the Law Society of England and Wales, and the Bar Council; and three specialists in family law: Tim Scott QC; Professor Rebecca Bailey-Harris; and, Jaqueline Renton. Furthermore, in July, Lucy Frazer QC MP, Parliamentary Under Secretary of State at the Ministry of Justice gave evidence on behalf of the Government. (The transcripts of these sessions have been published on our website.[1])

Technical note: "Handling civil legal cases that involve EU countries if there's no Brexit deal"

On 13 September 2018, the Government published its technical note "*Handling civil legal cases that involve EU countries if there's no Brexit deal*" which, as you explain in your covering letter to the Chairman of the Sub-Committee Baroness Kennedy of The Shaws, sets out "information for businesses and citizens" that the Government hopes will assist them in making "informed plans and preparations" for a 'no deal' Brexit.

We considered your letter, and the contents of the technical note, at our meeting of 16 October 2018, during which we also reflected on the evidence we took in May to July earlier this year. **Four** broad themes have emerged. Addressing each in turn, our main conclusions and recommendations appear below in bold. Questions on which we seek answers from you are numbered and shown in bold italics.

(i) Transition arrangements in the draft Withdrawal Agreement

The draft Withdrawal Agreement published in late February this year included a provision which addressed the application of these Regulations during a proposed transition period running until 31 December 2020 (Article 63). The Law Society tentatively welcomed this aspect of the draft Agreement. Dr Helena Raulus said, she found increased "certainty … in the proposed draft withdrawal treaty and the transition or implementation arrangements, because that would effectively extend the time period available for the negotiations". But, she predicted that "at the end of 2020, we would essentially face the same question again … So, there is still uncertainty as to whether civil justice will be included in the new treaty" (Q 1). Alex Layton QC, on behalf of the Bar Council, said: "… uncertainty continues, not least because Article 63 … has not yet been agreed even within the passages of the withdrawal agreement". He believed that "while that continues, initiatives are being taken in other member states to attract legal business from London" (Q 1).

Of the family practitioners we heard from, Tim Scott QC said that "in general terms" Article 63 "is good" (Q 18). Jaqueline Renton stated that "it is obviously ideal if you continue with the Regulation in the meantime on the understanding that you would have the CJEU and full reciprocity. It is what happens [after transition] that is the difficulty". She was also concerned that: "They seem to have put in place the Brussels II revised jurisdictional rules—the rules on recognition enforcement and the good practice in co-operating with central authorities—and left out Article 11 on all the rules on child abduction. I cannot quite understand why there is that *lacuna*", adding that it "needs to be sorted out" (Q 18).

[1] https://www.parliament.uk/business/committees/committees-a-z/lords-select/eu-justice-subcommittee/inquiries/parliament-2017/civil-justice-cooperation-post-brexit-follow-up/

By the time Lucy Frazer QC MP appeared before us in July, Article 63 of the draft Withdrawal Agreement had been provisionally agreed by all parties to the negotiation (see the "Joint Statement on the progress of negotiations" published on 19 June 2018). The Minister confirmed that "the text of the agreement on [the] transition period is now complete. This is now confirmed and there are no outstanding matters in our area for transitional provisions". On the *lacuna* raised by Jacqueline Renton, the Minister said that she had "read that evidence" and she assured us "that it is covered by Article 63(1)(c)" (Q 20).

We welcome the successful (initial) resolution of this aspect of the Withdrawal Agreement and the arrangements for transition. This, at least, addresses the Bar Council's concern, expressed to us in May, about the shadow of uncertainty over Article 63 of the draft Withdrawal Agreement.

However, with regard to the *lacuna* in Article 63 and the rules on child abduction, Article 63(1)(c) relates to "the provisions of Regulation (EC) No.2201/2003 regarding jurisdiction". Jurisdiction in the Regulation is governed by Articles: 8, 9, 10, 12, 13 and 14 in respect of issues of parental responsibility. Article 11 in the Regulation, however, does not relate to "jurisdiction" but instead relates to "return of the child" and encompasses the rules that apply in international child abduction cases. **If, as the Minister appears to suggest, it is intended that Article 11 of the Regulation is covered by Article 63(1)(c) of the draft Withdrawal Agreement, then we recommend, despite the Minister's statement that "there are no outstanding matters in our area for transitional provisions" that it is amended so that it is made explicitly clear that this includes Article 11 of Regulation (EC) No.2201/2003.**

> ***Question 1: We ask for an update on any progress you have made in this regard when you reply to this letter.***

(ii) The Government's plans for the post-transition relationship with the EU27

Brexit position papers

In August last year, the Government published two Brexit position papers that touched on this area of EU cooperation: (i) *"Providing a cross-border civil judicial cooperation framework"*, and (ii) *"Enforcement and dispute resolution: a future partnership paper"*. The Bar Council described these papers as containing "some fine but really very non-specific words on the topic. We know what fine words do—the parsnips remain largely unbuttered" (Q 2). Tim Scott QC was "confident that the Government, at ministerial and civil servant level, are aware of the problems. That is the good news". But, he continued, "What is being done about them is another matter … Very little positive progress has been made … the two reports that the Government put out in the summer of last year … were, to put it politely, aspirational—ruder words could be used" (Q 11). Later on, he added that the situation "is compounded by the fact that the Government has not yet put forward any specific plan for what should take the place of the Regulations" (Q 14).

Professor Rebecca Bailey-Harris said: "to use academic parlance [the Government's position papers were] *gamma minus*—extremely superficial analysis and a statement of aspirations without any analysis at all". She continued that, the Government's plans were "deeply

disappointing … They were, frankly, utterly superficial" (Q 11). Jaqueline Renton said that: the "main political issue is the CJEU … The difficulty is that if the CJEU is the one that interprets the Regulation, politically that is the difficulty for the Government" (Q 14).

On 14 June, you wrote to the Committee setting out "further detail" on the framework for the UK-EU partnership: civil judicial cooperation. (Unfortunately, this was after we held our sessions with representatives of the legal profession.) Lucy Frazer QC MP referred to the documents covered by your letter in her evidence to us in July. She said, "We presented a slide pack, which is public, to Task Force 50 recently, explaining the benefits of continued co-operation" (Q 22). **The slides called for an "ambitious future partnership" and a "bespoke agreement" with the EU 27 after Brexit, built on "existing precedents" but, in our view, offered little detail as to how these aims could be achieved.**

Government's White Paper on the "Future Relationship between the United Kingdom and the European Union"

In July, in the week before Lucy Frazer QC MP appeared before us, the Government published its White Paper on the "Future Relationship between the United Kingdom and the European Union" (Cmnd 9593). The White Paper confirmed the Government's intention "to participate in the Lugano Convention after exit" and your keenness "to explore a new bilateral agreement with the EU which would cover a coherent package of rules on jurisdiction, choice of jurisdiction, applicable law, and recognition and enforcement of judgments in civil, commercial, insolvency and family law matters".

Lucy Frazer QC MP confirmed the Government's plans. In her words, "We are focusing on a framework that would be separate from and more extensive than Lugano. If it became appropriate to discuss something broader in relation to Lugano, of course we would have those discussions, but at the moment we are working towards a new agreement that is more comprehensive than Lugano in the Brussels sphere". She continued, "We are working towards a mechanism that does not have the ECJ giving direct jurisdiction" and the Government is "very pleased that, knowing that red line" the EU has included family related matters "in its guidelines as an area in which it is very interested in mutual co-operation" (Q 25).

Our concerns

We welcome the Government's White Paper to the extent that it articulates a plan for this area of EU cooperation after Brexit. However, we retain significant concerns, in particular for family law, which are not addressed by September's technical note on "Handling civil legal cases that involve EU countries if there's no Brexit deal".

First, given our conclusions in our March 2017 report: *Brexit: justice for families, individuals and businesses?* about the impact of the loss of this EU legislation on the UK's family court system, we are concerned that there is insufficient time between now and our exit from the EU (either in March 2019 without the safety net afforded by the Withdrawal Agreement, or 31 December 2020 at the end of the proposed transition period) "to explore a new bilateral agreement with the EU" covering family law matters.

Despite the Minister's reassurance in the debate of our report that "there will be no cliff edge" (Hansard, 20 December 2017, vol. 787, No. 73, page 2143) (a stance now further undermined by the publication of the technical note on handling civil legal cases) the biggest danger, in particular given the current doubt over the formal agreement of the draft Withdrawal Agreement, is that in six months'time in March 2019 we leave the EU without adequate replacements for these Regulations in place. We concluded in March 2017 that "leaving the EU without an alternative system in place will have a *profound and damaging impact on the UK's family justice system* and those individuals seeking redress within it" (paragraph 32) (emphasis added).

One of the stated aims of the technical note published on 13 September 2018 is to help families and individuals make informed decisions about their futures. But, in our view, it does little more than encourage concerned individuals to seek legal advice. We are unable to ascertain any plan that will address our core concerns about the "profound and damaging" impact of a no-deal Brexit on the UK's family law system and those that these courts seek to protect: children. (We address the suitability of falling back on the various Hague Conventions below.)

If, however, the negotiations are successful, and we leave the EU in March next year with a transition period in place, we recognise that this buys the UK further time to negotiate alternative arrangements. Whilst we note the Government's intentions as set out in the White Paper on the Future Relationship, we are concerned that the Council's negotiating guidelines of March 2018 referred to judicial cooperation only in "matrimonial, parental responsibility and other related matters".

The Law Society warned us that that: "there is still uncertainty as to whether civil justice will be included in the new treaty". Dr Raulus said, "We did not see that in the Council guidelines from March as one of the negotiation topics. We are therefore uncertain whether it would be part of the [future] arrangements". Adding that: "civil justice normally does not form a part of free trade agreement arrangements. So, while we have certainty that things will continue as the *status quo* during the transition period, we still do not know whether this will be included in the future arrangements or whether there will be a cliff edge" (Q 1). The Bar Council raised the absence of civil justice cooperation from the Council's mandate as a "matter of real concern" (Q 2).

The Minister, Lucy Frazer MP, said "it is absolutely part of our negotiating mandate to include all those areas … the White Paper is very clear … that we want a deal that spans civil and commercial law, including family and insolvency". When asked whether the Government had persuaded the EU27 to widen the discussions to include all civil judicial cooperation she replied: "the Justice Secretary went to the informal Council on Justice and Home Affairs last Thursday and Friday, continuing to make that case … the Council knows it is our view, so we are talking to it about that" (Q 23).

We welcome the Government's intention to include all areas of civil justice cooperation in its plans for its negotiations with the EU27, but the Council apparently needs to change its stance.

> ***Question 2: Please provide an update about the progress you have made in persuading the Council to change its negotiating mandate.***

Question 3: How confident are you that: (i) the Council will include all areas of civil justice cooperation in its plans for its negotiations with the UK; and, (ii) that you can secure agreement on all areas of civil justice cooperation before the transition period expires in December 2020?

(iii) Alternatives to the Brussels regime

The Lugano Convention

Our report of March 2017 recognised that after Brexit UK membership of the Lugano Convention offered "at least a workable solution" to the loss of the Brussels suite of Regulations. However, the report also pointed out that this solution "will come at a cost": it will involve "a return to the Brussels I Regulation, with all its inherent faults" and "save for the provisions of the Lugano Convention on cases involving maintenance, there is no satisfactory fall-back position [offered by Lugano] in respect of family law".

With these limitations in mind, we explored with our witnesses the Minister's claim in the subsequent debate of our report that "there is no legal barrier to [the UK] becoming a party to the Lugano Convention" (Hansard, 20 December 2017, vol. 787, No. 73, page 2141).

The Bar Council said, "it is not strictly true to say that there are no legal barriers". Alex Layton QC said: "there are two routes by which the United Kingdom, once it is out of the EU and no longer bound by the Lugano Convention as a member of the European Union, could adhere to it: One route is that if we are a member of EFTA … If we are not a member of EFTA, the notification requirements … apply … but unanimity would be required on the part of all the other parties to the Lugano Convention". He continued: "That is to say, the EU itself … and … Denmark … Iceland, Norway, and, importantly, Switzerland" (Q 6).

Dr Helena Raulus, on behalf of the Law Society, explained that: "On the question of ratification of the Lugano Convention, the parties have one year to express their consent". This raised the question of time: "when will the negotiations on the Lugano Convention need to be begun in order for the UK to continue its participation in the Convention seamlessly?" (Q 6). Later on, she added "Lugano should not be dismissed, because it provides for recognition and enforcement of judgments between Switzerland and the UK, so in any case Lugano is needed" (Q 15).

The Minister, Lucy Frazer QC MP, confirmed our witnesses' views: "We need the unanimous consent of all those who are party to it, which includes the EU". She confirmed that "We as a department are engaged with the EU, Switzerland, Iceland and Norway … We have had separate meetings with all of them on Lugano and we have made it very clear in our White Paper that we want to rejoin Lugano. It is no secret, and we are taking steps to ensure that that happens". She added that the Government "would like to ensure a seamless transition between" our membership of the Convention "as members of the EU and us being members in our own right. That is one of the discussions that we are having" (Q 24). However, the Minister had to ask her officials "to clarify … that [the Ministry of Justice] are in charge of Lugano" (Q 24).

Having reassured us that the Ministry of Justice is the Department responsible for the UK's post-Brexit membership of the Lugano Convention, and had been pursuing the issue, we were surprised that the Minister had to consult with her officials during the session to confirm her statement. This undermined our confidence in the Government's preparations for this solution and cast considerable doubt on the Minister's claim that the Ministry of Justice is "engaged" on this issue.

UK membership of the Lugano Convention was highlighted by our report in March 2017 as a workable, but imperfect, solution. The Minister, Lord Keen of Elie, shared this view during the subsequent debate in December 2017. Yet, in the meantime, we have been left with the impression that the Government has done little, so far, to take this solution forward. If the Government had been better prepared it could have been on the verge of securing our membership. With the current dangers of a no-deal Brexit and the potential loss of the safety net provided by the transition period, it is deeply regrettable that the opportunity to achieve membership of the Lugano Convention before March 2019 appears to have been lost; the Government's aspiration of securing a "seamless transition" has been missed.

Question 4: Please confirm precisely what steps the Government has taken to secure the UK's participation in the Lugano Convention after Brexit.

Question 5: If, as the Minister suggests your department is "engaged" with the EU, Switzerland, Iceland and Norway on the issue, what has been the outcome of your discussions so far?

Question 6: How confident are you that agreement can be reached before we leave the EU (either in March 2019 or at the end of the proposed transition period)?

Question 7: What are the Government's contingency plans to deal with a hiatus in coverage, if you are unable to secure participation in the Lugano Convention before we leave the EU (either in March 2019 or at the end of the proposed transition period)?

The Hague Conventions

Our 2017 report considered the viability, in the context of family law, of falling-back on the 1996 Hague Convention on jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, and concluded that it "offers substantially less clarity and protection" than the Brussels suite of Regulations.

We revisited the issue during this follow-up inquiry. Dr Helena Raulus of the Law Society said: "On family law, we have some international options [but] the so-called Hague Conventions, relate only to certain specific areas, such as child abduction or maintenance". She argued that "there is not good coverage on divorce" concluding that this would be "the biggest problem" because "that is where there is no comprehensive framework from The Hague" (Q 8).

Tim Scott QC said: "So far as divorce jurisdiction is concerned, there are no Hague Conventions that provide any fallback position at all. If we lose the divorce jurisdiction provisions of Brussels IIa, we are going to have to create our own jurisdictional rules. We could fall back on the pre-Brussels II rules. That would create various problems, one of which—this is a very important point that has not been much addressed—relates to the recognition by other countries of divorce decrees granted in England" (Q 14).
Jaqueline Renton said: "In terms of children, there is the 1980 Hague Convention on child abduction, which gives you a return remedy if your child is abducted to this country … The benefit of the EU law is that it bolsters protection for children who have been abducted and makes it more straightforward for the parent who has had their child abducted to secure a return". She stated that "I am concerned when I read everything that the Government think that they are similar enough and therefore it is good enough if you let the Regulation fall away… It is simply not the case, but it involves quite a lot of detailed analysis to be able to show why in practice it is not the same" (Q 14).

> ***Question 8: Please tell us what analysis the Government has undertaken about the differences between the Brussels regime of regulations and alternative options, and please share the findings with us.***

With regard to maintenance, Professor Rebecca Bailey-Harris said that "there is The Hague Convention on the recovery of maintenance 2007". But, she added that it "has quite significant gaps" including: no general jurisdictional rules showing the link between the country and the court of action; and no rules for working out priority between competing jurisdictions (Q 14).

The Minister, Lucy Frazer QC MP, was more positive: "You have had extensive evidence from practitioners in the field who have identified that there is co-operation to varying degrees in different areas of family law". She continued that the Bar Council had made it "very clear that Hague was a good substitute in relation to the protection of children. In relation to maintenance, we have Lugano and the 2007 Maintenance Convention". But, she acknowledged that with regard to divorce "we are back to our old rules", concluding that "there are different degrees of protection according to the area of family law" (Q 26).

We note that the Government's technical note on "Handling civil legal cases that involve EU countries if there's no Brexit deal" concludes that the various Hague Conventions "provide an effective alternative to the EU rules". The experienced family law practitioners we heard from were clear that this is simply not the case (see for example, Tim Scott QC and Jaqueline Renton above (Q14)). The contents of the technical note confirm our view that a worrying level of complacency has taken hold in the Government that assumes that we can leave the EU without alternatives in place and that other international arrangements will fill the void left by this important EU legislation.

(iv) Government preparations for change / no deal

We took evidence on the ramifications of the UK leaving the EU without alternatives in place either in March 2019 or at the end of the transition period, before the Government published its technical note on "Handling civil legal cases that involve EU countries if there's no Brexit deal" in September 2018.

The Bar Council was concerned that civil justice cooperation was "being used as a bargaining chip by the EU, and indeed by this country, because it is regarded as politically unimportant, whereas in business terms and in terms of people's real lives it is actually very important". Referring specifically to family law matters, Alex Layton QC said that leaving without a deal "would be a nightmare" (Q 5).

Tim Scott QC said that "At one level, it is good news if the Government is making preparations for a plan B" because the "possibility of no overall deal being reached has to be addressed". But, he was concerned that the Government had given "no idea at all" about what would replace these Regulations. He said that "there has been no consultation, even on a fallback 'what if?' basis, as to what rules would or might be considered if we were to lose the benefit of the two [family law] Regulations" (Q 12). He concluded that, "Unless the two Regulations are kept in force, whatever else happens there will be a major change in the law" (Q13).

The Bar Council said that "there is another practical point here that is very important. If we take these steps backwards, it would be a major change in the law ... Our family courts are under enormous pressure. The underfunding of the court system is a problem across the board, but is particularly acute in the family courts". Alex Layton QC warned that: "There is an idea that we could have this major change in the law, but the last time we had such a change there were intensive training programmes for the judges, who were given detailed assistance in trying to implement the new law. Such a thing would have to happen again, and the money would have to be found for it, if we were to make these backward steps, removing particularly the Maintenance Regulation, and Brussels II bis" (Q 8).

Tim Scott QC echoed these concerns and warned that "The last thing we are getting" is any hint of "additional resources to deal with the extra body of work that we anticipate will happen if we lose these Regulations and fall back on the old rules". He continued: "a whole generation of family lawyers has grown up with these rules … There will be a need for a massive retraining process" (Q 13). Jaqueline Renton said that a plan was needed "as soon as possible" because "it will take extensive consultation once a plan is put on the table". Rebecca Bailey-Harris agreed (Q 13).

When the witnesses' concerns were put to the Minister, she said that "We are looking at the downstream impacts of any changes across all departments …we are looking at the impacts of Brexit". She repeatedly asserted that "we are preparing as a department for no deal" (Q27). "We are very alive to what issues we need to resolve. We understand, and my officials very clearly understand, the regimes that we have in place at the moment and the regimes that we would have if we did not have Brussels, both in the family sphere and in other spheres, and we are working very hard to ensure that we have as comprehensive an arrangement as possible" (Q 23).

All our witnesses described leaving the EU without alternatives in place as a major change to our legal system. They were concerned that the Government was underprepared for such an outcome. Your technical note does little to address these concerns. For example, you claim in the technical note that the loss of the Brussels IIa's '*lis pendens*' rule can be addressed by using the current rules that apply to cases falling outside the Regulation's scope. But, this statement ignores significant concerns inherent in such a major change to our family law system. These include: considerable individual expense and

inconvenience for litigants; and, resource implications for a family law system under considerable pressure and struggling with limited funds.

> ***Question 9: What are your plans for preparing the UK's family law system for: (i) a no-deal Brexit; or (ii), a negotiated/orderly withdrawal at the end of the proposed Transition Period in December 2020?***
>
> ***Question 10: What resources does the Government intend to make available to prepare for such a major change in the UK's law, including (but not limited to) training for judges and family law practitioners?***

It will be individual litigants in family law proceedings who will have to deal with the uncertainty caused by Brexit, for example, in relation to the recognition of divorces.

> ***Question 11: Given that the technical note setting out the Government's plans for a no-deal scenario is predicated on repeated calls for concerned individuals to consult lawyers, what plans does the Government have to make funds available to such litigants through legal aid?***

Concluding comments

Our 2017 report highlighted the significant role this legislation plays in the daily lives of UK and EU citizens, families and businesses, who work, live, travel and do business within the EU. Our chief concerns expressed in this letter relate to the post-Brexit operation of the Brussels suite of Regulations and their importance to the everyday lives of UK/EU citizens; in particular, the two Regulations that play such an important role in the operation of the family courts in this country and the dangers posed by their potential loss in six months-time in March 2019.

The Minister sought to reassure us in July that the Government is "alive" to the need for "certainty as quickly as possible" and is focussed "on ensuring that we get the best possible deal". With less than six months to go until the UK leaves the EU, beyond the (initial) agreement of Article 63 in the potential Withdrawal Agreement, and the initial plan expressed in the Government's White Paper, we find certainty is lacking. The technical note has not alleviated our concerns.

In July, Lucy Frazer MP QC sought to reassure us that, after Brexit, Britain will remain a "centre of commercial excellence". She pointed to Government initiatives such as "the 'Legal Services are GREAT' campaign" and to continued efforts "to explore our legal services abroad outside the EU". She explained that "We recently went to Kazakhstan, we are planning a trip to Nigeria, we have been to China. There is a lot of work on a number of levels" (Q 21).

Whilst we welcome such initiatives, the negotiation of similar arrangements with Kazakhstan, Nigeria or China cannot compensate for the loss of the Brussels regime, or any negotiated equivalent, when we leave the EU; nor can it address the significant problems that will occur either in March 2019 or at the

end of the transition period if we leave the EU without adequate alternatives to these Regulations in place. The significant problems that will inevitably flow from such a failure will be felt particularly acutely by the UK's family law courts and by those that these courts ultimately seek to protect: children.

We look forward to considering your response to our conclusions and recommendations, and your answers to our eleven questions, within the usual 10 day deadline.

I am copying this letter to the Chair of the European Scrutiny Committee; Jessica Mulley, Clerk to the European Scrutiny Committee; Arnold Ridout, Legal Adviser to the European Scrutiny Committee; Les Saunders, Department for Exiting the European Union; and Mark May, Departmental Scrutiny Coordinator.

Yours sincerely,

Tim Boswell

Lord Boswell of Aynho
Chairman of the European Union Committee