



HOUSE OF LORDS

Common Frameworks Scrutiny Committee

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Mick Antoniw MS
Welsh Parliament
Cardiff Bay
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Dear Mick,

The Common Frameworks Scrutiny Committee have become increasingly concerned about the lack of reference in common frameworks to the UK Internal Market Act exclusions process. I am writing to you and the other devolved administrations to seek your view on this issue.

As you will be aware, the UK Government have issued guidance about how common frameworks can be used to exempt certain areas from the UK's market access principles.¹ This exclusions process ensures Parties to frameworks can diverge on certain policy issues, ensuring that the devolution settlements are respected. As the Committee remain concerned that the UK Internal Market Act threatens this aspect of the devolution settlements, we consider this to be a vital amendment, secured by one of our own committee members, Lord Hope.

Section 2b of the exclusions process guidance indicates that the frameworks should contain text outlining the process. However, none of the published frameworks contain this text. On 25 January, the Committee asked Danny Jeyasingam, Deputy Director of the Devolution Team at DEFRA, why this was the case. He responded that as the exclusions process is "already in the public domain", more information about it was not deemed necessary. He said that the general processes set out in the framework are used for the exclusions process.² This position was confirmed by George Eustice MP, Minister for Environment, Food and Rural Affairs, in a letter to the Committee of 14 February. He said that "prior to publication, all governments agreed that the process for considering exclusions, published on 9 December, would sit separately to individual frameworks and that references in specific Framework agreements was not required."³

¹ <https://www.gov.uk/government/publications/process-for-considering-ukim-act-exclusions-in-common-framework-areas/process-for-considering-uk-internal-market-act-exclusions-in-common-framework-areas>

² [Q265](#)

³ <https://committees.parliament.uk/publications/9154/documents/159640/default/>

This position is of significant concern to the Committee. In order for the UK Internal Market Act to function as per schedule 10 (3), and to avoid any misunderstanding, it is key that common frameworks should explicitly set out the process through which exclusions can be agreed. It is the spirit of common frameworks that the autonomy of the devolved administrations within their areas of competence is respected, and that they should have the opportunity to diverge from the rest of the UK on certain policy areas. The frameworks' failure to outline the exclusions process from the UK Internal Market Act puts this in jeopardy.

The Committee would therefore welcome your opinion in writing.

Given the significance of this issue, I would be very happy to speak to you directly about our concerns if this would be helpful.

Yours sincerely,

Baroness Andrews
Chair of the Common Frameworks Scrutiny Committee