

T: 0300 244 4000  
E: scottish.ministers@gov.scot

Rt Hon Jacob Rees-Mogg MP  
Secretary of State for Business, Energy and  
Industrial Strategy  
1 Victoria Street  
London  
SW1H 0ET

22 September 2022

Dear Jacob,

Congratulations on your new appointment. Despite the circumstances of this letter, I hope that we can find a way to work constructively and respectfully together where our portfolio interests overlap.

I am writing to express again my deep concern and the fundamental opposition of Scottish Ministers to the Retained EU Law (Reform and Revocation) Bill, introduced today by the UK Government. This bill puts at risk the high standards people in Scotland have rightly come to expect from EU membership. You appear to want to row back 47 years of protections in a rush to impose a deregulated, race to the bottom, society and economy. This is clearly at odds with the wishes of the vast majority of the people of Scotland who will be dismayed at the direction the UK Government is taking.

This bill also represents a significant further undermining of devolution. By allowing UK Government ministers to act in policy areas that are devolved, and to do so without the consent of Scottish Ministers or the Scottish Parliament, is in direct contradiction to devolution and, in particular, the Sewel convention which was given statutory footing in the Scotland Act 1998, in 2016. The speed at which the legislation is being pursued – no impact assessment or basic evaluation has been shared with my officials – is nothing short of reckless, compounding the recklessness of the propositions themselves.

In my recent letter to you on 1 September 2022, I made clear my concerns that Brexit ideology, rather than the best interests of our citizens and businesses, appeared to be driving the UK Government approach to this bill. Now that we have received the full print of the bill (disappointingly with less than a day's notice), it is alarming to see this concern realised.

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In June this year you indicated in the House of Commons that only ‘*perhaps dozens*’ of the EU laws and regulations that were retained following our exit from the EU should be maintained. Indeed, one of the most alarming clauses of the bill is its wholesale ‘sun-setting’ of most of retained EU law by 31 December 2023, whereby these standards and protections would fall away from domestic law and no longer apply. Such a rushed ‘sunset’ date carries an unacceptable risk that vital law, on which the smooth functioning of sectors of the economy and society depends, simply drops off the UK statute book.

Here are just some of the important standards and practices which are woven into our society and which people in this country, quite rightly, take for granted in their daily lives, which you are now putting at risk with this bill’s introduction:

- obligations to label food for allergens to consumers;
- holiday pay, safe limits on working hours and parental leave will all become subject to amendment by a UK Government with an open ambition for deregulation;
- over 100 pieces of legislation ensure the health and welfare of both humans and animals by providing a last line of defence against importing dangerous pests and pathogens;
- laws which, were they to be removed, could result in GMO food and feed being placed on the UK market without any food safety assessment taking place, nor any obligation to label such food for consumers;
- legal limits on chemical contaminants in food, with possible consequences to human health;
- restrictions on use of decontaminants on meat, such as the chlorine washes on chicken, and businesses’ minimum hygiene standards more generally;
- incredibly, protections in relation to the safety and compositional standards of baby foods. Without legal standards, there would be no enforcement leaving some of our most vulnerable groups, and the public more generally, without any substantive protection.

I am also alarmed that our environmentally-principled approach of controls on polluting substances, ensuring standards for water and air quality, and providing protection for our natural habitats and wildlife are at risk from this deregulatory programme.

In short, the pursuit of this mirage of Brexit freedoms puts at risk environmental, food and animal welfare standards, as well as consumer protection, workers’ rights and business certainty. It does so unnecessarily – the BEIS Business Perception survey from 2020 reported that less than two-fifths (37%) of businesses agreed that regulation is an obstacle to success.

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I am greatly concerned by the attitude of the UK Government in respect of devolved power, including the operation of the Sewel Convention with regards to this legislation – despite your assurances when we met in May that the Convention would be respected. At the time of writing, I have received no legislative consent request from you in relation to the Bill. As a matter of urgency, could you please clarify that you will be seeking this from the Scottish Parliament.

I consider it unacceptable that we have had no advance sight of the most controversial clauses of the bill up until a few hours before today's introduction, mirroring the disappointing UK Government approach to engagement ahead of the introduction of the Northern Ireland Protocol Bill and much of the Brexit related legislation. The sunset dates in the legislation would force the Scottish Parliament and Government to reconsider, review and legislate unnecessarily over much legislation which is supposed to be clearly devolved. This work will badly disrupt the Scottish Parliament's legislative timetable. The Parliament and Government will find themselves consumed with unnecessary work to save important legislative provisions from being lost, when it should be acting to address pressing issues such as the cost-of-living and energy crisis, judged by real priorities.

It remains a fact that the overwhelming majority of people in Scotland voted in 2016 to remain within the EU, with recent evidence suggesting support for EU membership has since risen even higher. Retained EU Law provides Scotland with a high standard of regulation. It is Scottish Ministers' view that the approach the UK Government is taking to this legislation will be hugely damaging to people and business in Scotland. The UK's decision to leave the EU has not changed the EU's importance to Scotland, nor our commitment to it. Scottish Ministers will continue to align regulation in Scotland with EU regulation where appropriate and in a manner that contributes towards maintaining and advancing standards across a range of policy areas. This retained EU Law bill is part of a wider, deregulatory race to the bottom approach being taken by the UK Government which I strongly oppose.

I strongly urge you to reconsider the bill and its implications for the Devolved Governments. I will follow up this letter with more technical questions in due course, once my officials have analysed the bill print in full.

I am copying this letter to Mick Antoniw MS, Counsel General for Wales and Minister for the Constitution, and to the Head of the Northern Ireland Civil Service. .

Yours sincerely,



**ANGUS ROBERTSON**

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Rt Hon Jacob Rees-Mogg MP  
Secretary of State for Business, Energy and  
Industrial Strategy  
1 Victoria Street  
London  
SW1H 0ET

5 October 2022

Dear Jacob,

Thank you for meeting me on 28 September to discuss the Retained EU Law (Revocation and Reform) Bill. In my letter of 22 September, I had undertaken to follow up with you once my officials had considered the Bill in full. With an initial assessment complete, I will set out amendments we are seeking.

Firstly, I was grateful for your assurance last week that the Bill is not intended to impact on the devolved settlement and that it is not the intention for UK Government Ministers to act in areas of devolved competence. On that basis, consistent with devolution, the Bill should be amended so that it does not apply to devolved matters in Scotland. That will allow the Scottish Government and Parliament to consider how to handle Retained EU Law (REUL) about devolved matters in Scotland. My officials can work with yours to design an appropriate amendment and arrangements to ensure smooth interaction of the law across the reserved/devolved boundary.

The Bill as introduced includes a power for UK Ministers to extend the sunset date to 2026. I was grateful for your explanation last week that the intention is for that extension power to be exercisable by the Scottish Ministers in relation to devolved matters, for which an amendment would be necessary. However, more generally we are concerned that, even with this flexibility, the volume of REUL negotiated and implemented by the UK during nearly half a century of EU membership is such that the deadlines in the Bill risk major confusion and unintended consequences for stakeholders, including business and consumers, and for the effective operation of the law. They would also necessitate a huge diversion of government and parliamentary resources across the UK.

Thirdly, we have serious concerns regarding the proposed arrangements for concurrent powers. The Bill as introduced would confer a number of powers on UK Ministers in areas of devolved competence. Similar powers have been the subject of considerable discussion between the Devolved Governments and UK Government for recent Bills, and the subject of

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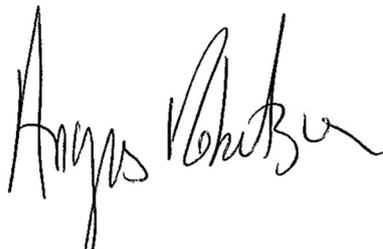
mounting concern in the Scottish Parliament and the Senedd. We would expect any such powers to be subject to a statutory requirement for consent from devolved Ministers for their application to devolved matters in Scotland. You explained that the intention behind taking concurrent powers is for provision to be made UK-wide on an agreed basis where that is convenient. On that basis I would not expect a statutory consent requirement to present you with any difficulties. However, my officials can discuss with yours the extent to which the powers concerned would be relevant once the Bill has been amended to exclude devolved matters.

Lastly, I should note that we have outstanding points with regard to the references to the Scottish Law Officers. I am grateful for the open discussion between officials on that point. It will be essential for Bill to accurately reflect the roles and functions of Scottish Law Officers within Scotland's legal system.

As you suggested when we spoke, I trust our officials will have the Ministerial support to work together constructively on amendments to reflect these important improvements to the Bill, which would mitigate some of the risks the Bill poses to people and business in Scotland.

I am copying this letter to Mick Antoniw MS, Counsel General for Wales and Minister for the Constitution, and to the Head of the Northern Ireland Civil Service.

Yours sincerely



**ANGUS ROBERTSON**

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Rt. Hon. Jacob Rees-Mogg M.P.  
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Angus Robertson Esq. M.S.P.  
Cabinet Secretary for the Constitution,  
External Affairs and Culture  
Scottish Government  
St Andrew's House  
Regent Road  
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EH1 3DG  
By email.

10 October 2022

### **Retained EU Law (Revocation and Reform) Bill**

Thank you for meeting me on 28 September regarding the Retained EU Law (Revocation and Reform) (REUL) Bill. In our meeting, we discussed the concurrent nature of the primary powers and the sunset provision within the Bill, including the preservation power and extension power. This letter sets out in further detail these aspects of Bill policy.

#### Concurrent nature of the primary powers

As you will be aware, the primary powers within the Bill have been drafted as concurrent and will be conferred on the Devolved Administrations (DAs). This is in line with previous EU Exit related legislation and will enable either the DAs or a UK Minister to exercise the primary powers to amend REUL in devolved areas. The primary powers include: the powers to restate; powers to revoke or replace; the power to update; and the compatibility power. The preservation power will also be conferred on the DAs (this is set out in more detail below).

As discussed, the concurrent nature of the powers is not intended to influence decision-making on devolved legislation in Scotland or other Devolved Governments. Rather, I assess that this would serve to reduce the additional resource pressure that the Scottish Government may experience, by enabling the UK Government to act on its behalf, where the Scottish Government does not take a different position to the UK Government. This will ensure that the most efficient and appropriate approach to REUL reform can be taken in every situation as well as providing greater legal certainty.

In addition, I recognise the additional legislative and administrative procedures required for REUL reform and your preference for a consent requirement on the face of the Bill. I intend to make a statement at the despatch box setting out the devolved considerations and my

commitment to uphold these which I consider to be an appropriate and sufficient way to address your concerns. Furthermore, whilst HMG is able to legislate on behalf of the Scottish Government, I expect that HMG would not normally legislate in areas of devolved competence, and that HMG would seek agreement from the Scottish Government before doing so.

I want to reiterate that the primary powers have been drafted in this way in order to optimise devolved reach for the DAs, as HMG is keen to ensure the Bill is consistent with devolved arrangements and works for all parts of the UK, including the Scottish Government. I want to assure you that HMG remains committed to respecting the Sewel Convention and the devolution settlements and that the Bill is not intended to impact these. I have made this commitment clear in my engagement with the Scottish Government and other devolved counterparts to date.

#### Extension power

The Bill contains a power that enables specified pieces or descriptions of REUL to extend beyond the 2023 sunset deadline. This power is a Henry VIII power that amends the sunset date in the Bill from 31 December 2023 to a time no later than 23 June 2026.

As currently drafted, the power is exercisable by Crown Ministers only. There are legal arguments for a single sunset across the UK. Conferring the power on the DAs would introduce complexity. Specifically, it might result in different pieces and descriptions of REUL expiring at multiple different times in different jurisdictions in the UK. Those pieces of REUL may cover a mix of reserved and devolved policy areas.

My policy officials are still working through the way in which the extension will function in practice and will work collaboratively with the Scottish Government and other DA officials to discuss this policy as it progresses. Any approach taken will not preclude engagement with DAs on how the power should be deployed.

#### Preservation power

In addition to the extension power, the Bill also contains a preservation power. The preservation power will be exercisable by DA Ministers. Unlike the extension power - which merely defers the sunset - the preservation power will enable you indefinitely to preserve and assimilate any specified pieces of REUL. Therefore, through the use of this power, the Scottish Government will have the ability to decide which REUL to preserve and assimilate and which REUL to let sunset within devolved areas.

As I have acknowledged, the REUL reform programme and 2023 sunset deadline will require a significant programme of work, including for the Scottish Government. However, I am firmly of the view that the Bill measures and sunset date are the quickest and most effective way to remove, assimilate or amend REUL on the UK statute book by a specific date. These are essential to ensuring that we are able to make the changes required to capitalise on the wider benefits of Brexit in order to optimise our domestic opportunities and promote our status as an independent sovereign nation.

With every good wish,

*Yours sincerely,  
Janet*



Rt. Hon. Jacob Rees-Mogg M.P.  
Secretary of State for Business, Energy and Industrial Strategy  
1 Victoria Street London  
SW1H 0ET

Angus Robertson Esq. M.S.P.  
Cabinet Secretary for the Constitution,  
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Scottish Government  
St Andrew's House  
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By email.

10 October 2022

### **Retained EU Law (Revocation and Reform) Bill**

Thank you for meeting me on 28 September regarding the Retained EU Law (Revocation and Reform) (REUL) Bill. In our meeting, we discussed the concurrent nature of the primary powers and the sunset provision within the Bill, including the preservation power and extension power. This letter sets out in further detail these aspects of Bill policy.

#### Concurrent nature of the primary powers

As you will be aware, the primary powers within the Bill have been drafted as concurrent and will be conferred on the Devolved Administrations (DAs). This is in line with previous EU Exit related legislation and will enable either the DAs or a UK Minister to exercise the primary powers to amend REUL in devolved areas. The primary powers include: the powers to restate; powers to revoke or replace; the power to update; and the compatibility power. The preservation power will also be conferred on the DAs (this is set out in more detail below).

As discussed, the concurrent nature of the powers is not intended to influence decision-making on devolved legislation in Scotland or other Devolved Governments. Rather, I assess that this would serve to reduce the additional resource pressure that the Scottish Government may experience, by enabling the UK Government to act on its behalf, where the Scottish Government does not take a different position to the UK Government. This will ensure that the most efficient and appropriate approach to REUL reform can be taken in every situation as well as providing greater legal certainty.

In addition, I recognise the additional legislative and administrative procedures required for REUL reform and your preference for a consent requirement on the face of the Bill. I intend to make a statement at the despatch box setting out the devolved considerations and my

commitment to uphold these which I consider to be an appropriate and sufficient way to address your concerns. Furthermore, whilst HMG is able to legislate on behalf of the Scottish Government, I expect that HMG would not normally legislate in areas of devolved competence, and that HMG would seek agreement from the Scottish Government before doing so.

I want to reiterate that the primary powers have been drafted in this way in order to optimise devolved reach for the DAs, as HMG is keen to ensure the Bill is consistent with devolved arrangements and works for all parts of the UK, including the Scottish Government. I want to assure you that HMG remains committed to respecting the Sewel Convention and the devolution settlements and that the Bill is not intended to impact these. I have made this commitment clear in my engagement with the Scottish Government and other devolved counterparts to date.

#### Extension power

The Bill contains a power that enables specified pieces or descriptions of REUL to extend beyond the 2023 sunset deadline. This power is a Henry VIII power that amends the sunset date in the Bill from 31 December 2023 to a time no later than 23 June 2026.

As currently drafted, the power is exercisable by Crown Ministers only. There are legal arguments for a single sunset across the UK. Conferring the power on the DAs would introduce complexity. Specifically, it might result in different pieces and descriptions of REUL expiring at multiple different times in different jurisdictions in the UK. Those pieces of REUL may cover a mix of reserved and devolved policy areas.

My policy officials are still working through the way in which the extension will function in practice and will work collaboratively with the Scottish Government and other DA officials to discuss this policy as it progresses. Any approach taken will not preclude engagement with DAs on how the power should be deployed.

#### Preservation power

In addition to the extension power, the Bill also contains a preservation power. The preservation power will be exercisable by DA Ministers. Unlike the extension power - which merely defers the sunset - the preservation power will enable you indefinitely to preserve and assimilate any specified pieces of REUL. Therefore, through the use of this power, the Scottish Government will have the ability to decide which REUL to preserve and assimilate and which REUL to let sunset within devolved areas.

As I have acknowledged, the REUL reform programme and 2023 sunset deadline will require a significant programme of work, including for the Scottish Government. However, I am firmly of the view that the Bill measures and sunset date are the quickest and most effective way to remove, assimilate or amend REUL on the UK statute book by a specific date. These are essential to ensuring that we are able to make the changes required to capitalise on the wider benefits of Brexit in order to optimise our domestic opportunities and promote our status as an independent sovereign nation.

With every good wish,

Yours,  
Janet

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Rt Hon Grant Shapps MP  
Secretary of State for Business, Energy and  
Industrial Strategy  
1 Victoria Street  
London  
SW1H 0ET

08 November 2022

Dear Grant,

I write to congratulate you on your latest appointment. I hope that we can find a way to work constructively and respectfully together where our portfolio interests overlap.

The Scottish Government has today lodged a Legislative Consent Memorandum with the Scottish Parliament, in which we recommend the Parliament withhold consent for the UK Government's Retained EU Law (Reform and Revocation) Bill. I wish to reiterate my deep concern and the fundamental opposition of Scottish Ministers to the Bill, which I expressed to your predecessor, and to restate the changes to the Bill requested by the Scottish Government.

This Bill puts at risk the high standards people in Scotland have rightly come to expect from EU membership. The UK Government appears to want to row back 47 years of protections in a rush to impose a deregulated, race to the bottom, society and economy. This is clearly at odds with the wishes of the vast majority of the people of Scotland who will be dismayed at the direction the UK Government is taking our country.

This Bill also represents a significant further undermining of devolution. By allowing UK Government Ministers to act in policy areas that are devolved, and to do so without the consent of Scottish Ministers or the Scottish Parliament is in direct contradiction to the intent of the devolved settlement. Despite repeated assurances from UK Ministers that the Sewel Convention would be respected, changes to the Bill that would ensure respect for devolution have so far been resisted by UK Government. I know this concern is shared by Welsh Government.

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The speed at which the legislation is being pursued is also nothing short of reckless, compounding the recklessness of the propositions themselves. Indeed, one of the most alarming clauses of the Bill is its wholesale ‘sun-setting’ of most of retained EU law by 31 December 2023, whereby these standards and protections, which have served the people and businesses of Scotland so well, would fall away from domestic law and no longer apply. Such a rushed ‘sunset’ date carries an unacceptable risk that vital law, on which the smooth functioning of sectors of the economy and society depends, simply drops off the UK statute book. This includes rights for pregnant women at work and requirements to label food for allergens. It is a matter for deep regret that whilst COP27 is underway environmental groups such as RSPB Scotland and Greener UK are concerned the Bill will ‘derail urgent action to tackle the nature and climate crisis’ and begin ‘ripping up our most important nature protections in Scotland’.

I am grateful for the constructive engagement at official level despite our fundamental concerns regarding this Bill. However, I will again set out to you the amendments we are seeking – which will, at least to some extent, mitigate the damage this bill will cause.

Firstly, on the basis of repeated assurances that it is not the intention for UK Government Ministers to act in areas of devolved competence, the Bill should be amended so that it does not apply to devolved matters in Scotland. That will allow the Scottish Government and Parliament to consider how to handle retained EU Law about devolved matters in Scotland. My officials can work with yours to design an appropriate amendment and arrangements to ensure smooth interaction of the law across the reserved/devolved boundary.

Secondly, the Bill as introduced includes a power for UK Ministers to extend the sunset date to 2026. Mr Rees-Mogg explained to me in our meeting on 28 September that the intention is for the extension power to be exercisable by the Scottish Ministers in relation to devolved matters, although this was subsequently rescinded. I would be grateful for your consideration and input to this important change to the Bill.

Thirdly, we have serious concerns regarding the proposed arrangements for concurrent powers. I would expect any powers conferred on UK Ministers in areas of devolved competence to be subject to a statutory requirement for consent from devolved Ministers for their application to devolved matters. The former Secretary of State, Jacob Rees-Mogg, explained that the intention behind taking concurrent powers is for provision to be made UK-wide on an agreed basis where that is convenient. If that is indeed the intention, then we would not expect a statutory consent requirement to present you with any difficulties.

Lastly, I should note that we have outstanding points with regard to the references to the Scottish Law Officers. I am grateful for the open discussion between officials on that point. It will be essential for the Bill to accurately reflect the roles and functions of Scottish Law Officers within Scotland’s legal system.

The Bill risks the Scottish Parliament and Government being consumed with unnecessary work to save important legislative provisions from being lost, when it should be acting to address pressing issues such as the cost-of-living and energy crisis, judged by real priorities.

I trust you will give your officials support to enable us to work on amendments to reflect these changes to the Bill, but also that you will agree to reconsider the Bill as a whole given the damaging impact it will have.

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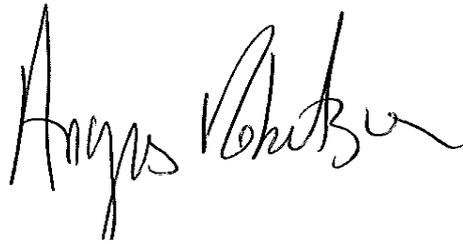
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I am copying this letter to Mick Antoniw MS, Counsel General for Wales and Minister for the Constitution, and to the Head of the Northern Ireland Civil Service.

Yours sincerely,

A handwritten signature in black ink that reads "Angus Robertson". The signature is written in a cursive style with a large initial 'A' and a long, sweeping tail.

**ANGUS ROBERTSON**

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1. 1a Document 1 Email 10 August  
**From:** [Scottish Government official]  
**Sent:** 10 August 2022 16:35  
**To:** [Irish Government official]  
**Cc:** [Scottish and Irish officials]  
**Subject:** RE: Bilateral en marge of BIA

Hi [Redacted] – thanks for this. I've spoken to Cab Sec's private office and they have confirmed that after lunch on Saturday 3 September would be good for him too – they are holding the slot and I will take into account when I speak to [Redacted] on Friday re his input to the conference.

You mentioned that Minister Coveney was planning to attend on Saturday only – do you know the timing for others' attendance – I think you mentioned that the Taoiseach and Minister for Finance were also attending?

Thanks  
[Redacted]  
@scotgovireland  
[Redacted]

**From:** [Irish Government official]  
**Sent:** 10 August 2022 16:16  
**To:** [Scottish Government official]  
**Cc:** [Scottish and Irish officials]  
**Subject:** Bilateral en marge of BIA

Hi [Redacted]

Just following up to see if you have a sense of the timing of Cabinet Secretary Robertson's attendance at the upcoming BIA conference. I know we had previously mentioned 3 September for a bilateral meeting with Minister Coveney; I understand that an afternoon meeting just after lunch could work well on our side. Let me know if that would suit. I'm happy to follow up with a colleague here on arranging a meeting room once we have a sense of timing.

Kind regards,

[Redacted]

\*\*\*\*\*

Email Disclaimer

Fógra Séanta Ríomhphoist

2. 1a Document 2 Email 18 August

**From:** [Scottish Government official]  
**Sent:** 18 August 2022 17:15  
**To:** [Scottish Government officials]  
**Subject:** RE: Routine [Redacted]

Hi all

I mentioned previously that Mr Robertson will be going to the British Irish Association Conference (2 – 4 Sep) and that he will have a bilateral between with Simon Coveney of which student mobility will very likely be raised. As such, I've drafted a one page brief to give an update [Redacted] and some suggested lines to take.

As we've discussed previously, it's sensible to get the proposal in front of Irish officials first before putting something in front of Ministers. However, I think we need to give a brief indication of what the proposal covers (which is what I've added here from Scott's v helpful paper). Given this, not sure if you will want to provide a brief update to Mr Hepburn that this bilateral is expected to take place and Mr Robertson will be briefed to recognise this proposal is under discussion between officials?

Also, you'll see this is based on the assumption that the proposal would have been sent to Irish officials before they meet. It would be great if we could get this sent over to them soon before this meeting but let me know if this won't be possible.

Any views you have are much appreciated.

Many thanks

[Redacted]  
[@scotgovireland](mailto:@scotgovireland)

[Redacted]

3. 1a Document 3 attachment to document 2

[Redacted]

**Background**

- Ministers adopted a new tuition fee policy from 2021-22 in offering Irish students, who wish to study in Scotland, access to a tuition fee loan at the rest of the UK rate of £9,250.
- [Redacted]

**Next Steps:**

- [Redacted]

**Lines to take:**

- [Redacted]

4. 1a document 4 Email 5 September

**From:** [Scottish Government official]

**Sent:** 05 September 2022 09:27

**To:** Cabinet Secretary for Constitution, External Affairs and Culture; [Scottish Government official]

**Cc:** Wightman S (Scott) [Redacted]; Johnson M (Martin) [Redacted]; Strang F (Frank) [Redacted]

MacKinnon D (Donna) [Scottish Government officials] Crawford E (Ewan) [Scottish Government official]

**Subject:** RE: Briefing - BIA conference 2-4 September 2022

Hi [Redacted]

Minister Coveney's office have confirmed that 13.30-14.30 would work for them. Can you set up a Teams meeting and send to them?

I will resend edited briefing for the bilateral. Would tomorrow morning be ok for that?

Thanks

[Redacted]

**From:** [Redacted] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

**Sent:** 02 September 2022 09:57

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Cc:** Wightman S (Scott) [Redacted] Johnson M (Martin) [Redacted] Strang F (Frank) [Redacted] MacKinnon D (Donna) [Redacted]; Robertson E (Elliot) [Redacted] [Scottish Government officials] Crawford E (Ewan) [Redacted]; [Redacted]

**Subject:** RE: Briefing - BIA conference 2-4 September 2022

Hi [Redacted]

I understand that the times offered for Simon Coveney do not work

Would anytime on Weds between 1330 – 1430 work for them ?

Thanks,

[Redacted]

**From:** [Redacted] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

**Sent:** 01 September 2022 12:47

**To:** [Scottish Government official] Cabinet Secretary for Constitution, External Affairs and Culture <[Redacted]>; [Scottish Government official]

**Cc:** Wightman S (Scott) [Redacted]; Johnson M (Martin) [Redacted] Strang F (Frank) [Redacted]; MacKinnon D (Donna) [Scottish Government official] Crawford E (Ewan) [Scottish Government official]

**Subject:** RE: Briefing - BIA conference 2-4 September 2022

Appreciate that, Thanks [Redacted]

**From:** [Scottish Government official]

**Sent:** 01 September 2022 12:45

**To:** Cabinet Secretary for Constitution, External Affairs and Culture; [Scottish Government official]

**Cc:** Wightman S (Scott) [Redacted]; Johnson M (Martin) [Redacted]; Strang F (Frank) [Redacted]; MacKinnon D (Donna) [Redacted]; [Scottish Government officials] Crawford E

(Ewan) [Scottish Government official]

**Subject:** RE: Briefing - BIA conference 2-4 September 2022

Hi [Redacted]

I'll speak with the organisers and the DFA and will let you know if we need anything more.

Best wishes

[Redacted]

**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

**Sent:** 01 September 2022 09:42

**To:** [Scottish Government official]; Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Cc:** Wightman S (Scott) [Redacted]; Johnson M (Martin) [Redacted]; Strang F (Frank) [Redacted]; MacKinnon D (Donna) [Scottish Government officials] Crawford E (Ewan) [Scottish Government official]

**Subject:** RE: Briefing - BIA conference 2-4 September 2022

Hi [Redacted]/Donna/Ewan

Unfortunately Mr Robertson is unable to travel to Oxford tomorrow to attend the conference or the bilat with Mr Coveney [Redacted]

I'd be grateful if you can make organisers aware.

If there's anything else you need us to do from our side please let us know

Many thanks,

[Redacted]

**From:** [Scottish Government official]

**Sent:** 31 August 2022 17:09

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Cc:** Wightman S (Scott) [Redacted]; Johnson M (Martin) [Redacted]; Strang F (Frank) [Redacted]; MacKinnon D (Donna) [Scottish Government officials]

**Subject:** Briefing - BIA conference 2-4 September 2022

PO/Cabinet Secretary for Constitution, External Affairs and Culture

Good Afternoon,

Please find attached the briefing for Mr Robertson's attendance at the British Irish Association conference on 2-4 September 2022. Mr Robertson may wish to note that the speaking points and [Redacted] will be provided separately tomorrow.

Kind regards,

[Redacted]

Policy Adviser | European Engagement | European Relations | Scottish Government | 2H-South,  
Victoria Quay | Edinburgh | EH6 6QQ | [Redacted]

5. 1 a document 5 Email 13 September

**From:** [Scottish Government official]

**Sent:** 13 September 2022 20:16

**To:** Wightman S (Scott) [Redacted]; Strang F (Frank) [Redacted]; MacKinnon D (Donna) [Scottish Government official]

**Cc:** [Scottish Government official]

**Subject:** Off Sen - Draft note of Ministerial Bilateral

All

In advance of tomorrow's meeting with the DFA, please find attached draft note of last week's bilateral between Cab Sec and Minister Simon Coveney. Apologies I won't make the meeting as I am on annual leave.

[Redacted]

6. 1a document 6 attachment to document 5

**Bilateral Meeting – Cabinet Secretary for Constitution, External Affairs and Culture and Minister for Foreign Affairs and Defence, Simon Coveney TD**

**Meeting Date:** 07/09/2022 13:30

**Participants - Scotland**

Cabinet Secretary for Constitution, External Affairs and Culture, Angus Robertson MSP

Ewan Crawford, Special Adviser to the First Minister

Donna MacKinnon, Deputy Director for European Relations (job share)

Frank Strang, Deputy Director for European Relations (job share)

Katy McNeil, Head of Scottish Government Office Ireland

**Ireland**

Minister for Foreign Affairs, Simon Coveney TD

[Redacted]

{ Check who attended as we only saw Mr Coveney and [Redacted] – [Redacted] also there but others not known [Redacted]}

**Update on Political Developments and British Irish Association Conference**

1. The meeting opened with Minister Coveney and Cabinet Secretary Robertson discussing recent political developments in their respective countries and catching up on the British Irish Association, which Mr Robertson had been unable to attend.

2. Both noted the incoming Prime Minister's appointment and expressed hope that that the new Cabinet might provide an opportunity to reset relations both between Ireland and the UK, and intergovernmental within the UK. Specific reference was made to the hope that progress could be made on the Northern Ireland Protocol. [Redacted]

## **Conclusion**

9. It was agreed that the option of Mr Coveney visiting Edinburgh later in the Autumn should be held open – there would be a benefit to highlighting the roll out of the Bilateral Agreement across multiple policy areas. Mr Coveney and Mr Robertson would stay in close touch to ensure that progress is maintained.

7. 1a document 7 Email 5 September  
**From:** [Scottish Government official]  
**Sent:** 05 September 2022 11:42  
**To:** [Irish Government official]  
**Cc:** [Irish Government official]  
**Subject:** Ministerial Bilateral - Weds 7 Sept - 13.30-14.30

Hi [Redacted]

It was great to meet you at the weekend – I hope that you enjoyed the conference and got back to Dublin safely.

Just to confirm that I have confirmed 13.30-14.30 on Wednesday for the bilateral between Minister Coveney and Cab Sec Robertson. Could you let me know which email address my colleagues in Private Office should send the Teams invite to? Could you also let me know who else will attend from your side? I'll confirm our attendance in due course – it's likely to include myself, Ewan Crawford (special advise) and Donna and/or Scott Wightman.

Many thanks

[Redacted]

8. 1 a document 8 Email 6 September  
**From:** [Scottish Government official]  
**Sent:** 06 September 2022 12:55  
**To:** [Irish government official]  
**Subject:** RE: Ministerial Bilateral - Weds 7 Sept - 13.30-14.30

Thanks [Redacted]

I was assuming that the agenda would be –

[Redacted]

Can you confirm that would be your understanding too? By 3pm would be helpful as I need to submit updated briefing to Cab Sec office by then.

[Redacted]

**From:** [Irish Government official]  
**Sent:** 05 September 2022 18:16  
**To:** [Scottish Government official]  
**Subject:** RE: Ministerial Bilateral - Weds 7 Sept - 13.30-14.30

[Redacted]

You can send on the link for the meeting to both [Redacted] (Minister's PS) and myself.

Attendance from our side is not yet fully confirmed, but I anticipate it may include:

[Redacted]

Thanks, [Redacted]

[Redacted]

Department of Foreign Affairs, Iveagh House, 78-80 St. Stephen's Green, Dublin 2 / Teach Uíbh Eachach, 80  
Faiche Stiabhna Faiche Stíabhna, BÁC D02 VY53

[Redacted]



**IRELAND**  
United Nations  
Security Council  
2021—2022

**From:** [Irish Government official]

**Sent:** Monday 5 September 2022 14:46

**To:** [Scottish Government official]

**Subject:** RE: Ministerial Bilateral - Weds 7 Sept - 13.30-14.30

[Redacted]

Thanks for the mail and hope you too travelled back safely.

Just to confirm that I'm on to the Private office re the arrangements and hope to be back to you asap.

[Redacted]

Department of Foreign Affairs, Iveagh House, 78-80 St. Stephen's Green, Dublin 2 / Teach Uíbh Eachach, 80  
Faiche Stiabhna Faiche Stíabhna, BÁC D02 VY53

[Redacted]



**IRELAND**  
United Nations  
Security Council  
2021—2022

**From:** [Scottish Government official]  
**Sent:** Monday 5 September 2022 11:42  
**To:** [Irish government official]  
**Cc:** [Irish government official]  
**Subject:** Ministerial Bilateral - Weds 7 Sept - 13.30-14.30

**CAUTION:** This email originated outside of the Department. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi [Redacted]

It was great to meet you at the weekend – I hope that you enjoyed the conference and got back to Dublin safely.

Just to confirm that I have confirmed 13.30-14.30 on Wednesday for the bilateral between Minister Coveney and Cab Sec Robertson. Could you let me know which email address my colleagues in Private Office should send the Teams invite to? Could you also let me know who else will attend from your side? I'll confirm our attendance in due course – it's likely to include myself, Ewan Crawford (special advise) and Donna and/or Scott Wightman.

Many thanks

[Redacted]

\*\*\*\*\*  
\*\*\*\*

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\*\*\*\*\*  
\*\*\*\*

\*\*\*\*\*  
Email Disclaimer

Fógra Séanta Ríomhphoist

9. 1a document 9 Email 6 September

**From:** [Scottish Government official]  
**Sent:** 06 September 2022 13:47  
**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]  
**Cc:** Strang F (Frank) [Redacted] Wightman S (Scott) [Redacted]; MacKinnon D (Donna) [Redacted]; Crawford E (Ewan) [Redacted]  
**Subject:** RE: Briefing - Bilateral with Irish Minister for Foreign Affairs, Simon Coveney - 7 September 2022

Hi [Redacted]

Please find attached briefing for the Bilateral meeting tomorrow.

Thanks

[Redacted]

**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture  
**Sent:** 06 September 2022 11:58  
**To:** [Scottish Government official] Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]  
**Cc:** Strang F (Frank) [Redacted]; Wightman S (Scott) [Redacted]; MacKinnon D (Donna) [Redacted]  
**Subject:** RE: Briefing - BIA conference 2-4 September 2022

Thanks [Redacted] – can any briefing for the meeting be with us by 3pm today if possible ?

Many thanks,

[Redacted]

**From:** [Redacted]  
**Sent:** 06 September 2022 11:55  
**To:** Cabinet Secretary for Constitution, External Affairs and Culture <[CabSecCEAC@gov.scot](mailto:CabSecCEAC@gov.scot)>  
**Subject:** RE: Briefing - BIA conference 2-4 September 2022

Hi [Redacted]

Please send the invite the Minister's Private Secretary [Redacted]

For us please add me, Donna Mackinnon and Scott Wightman.

Thanks

[Redacted]

**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture  
**Sent:** 05 September 2022 11:19

**To:** [Scottish Government official] Cabinet Secretary for Constitution, External Affairs and Culture; [Scottish Government official]  
**Cc:** Wightman S (Scott) [Redacted]; Johnson M (Martin) [Redacted]; Strang F (Frank) [Redacted] MacKinnon D (Donna) [Redacted]; [Scottish Government officials] Crawford E (Ewan) [Scottish Government official]  
**Subject:** RE: Briefing - BIA conference 2-4 September 2022

Hi [Redacted]

Which address am I best sending to ? and which officials will be joining from our side ?

Thanks,

[Redacted]

**From:** [Scottish Government official]  
**Sent:** 05 September 2022 09:27  
**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Scottish government official]  
**Cc:** Wightman S (Scott) [Redacted] Johnson M (Martin) [Redacted]; Strang F (Frank) [Redacted]; MacKinnon D (Donna) [Scottish Government officials] Crawford E (Ewan) [Scottish government official]  
**Subject:** RE: Briefing - BIA conference 2-4 September 2022

Hi [Redacted]

Minister Coveney's office have confirmed that 13.30-14.30 would work for them. Can you set up a Teams meeting and send to them?

I will resend edited briefing for the bilateral. Would tomorrow morning be ok for that?

Thanks

[Redacted]

**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture  
**Sent:** 02 September 2022 09:57  
**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Scottish Government officials]  
**Cc:** Wightman S (Scott) [Redacted] Johnson M (Martin) [Redacted] Strang F (Frank) [Redacted] MacKinnon D (Donna) [Scottish Government officials] Crawford E (Ewan) [Scottish Government official]  
**Subject:** RE: Briefing - BIA conference 2-4 September 2022

Hi [Redacted]

I understand that the times offered for Simon Coveney do not work

Would anytime on Weds between 1330 – 1430 work for them ?

Thanks,

[Redacted]

**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture  
**Sent:** 01 September 2022 12:47  
**To:** [Scottish Government official] Cabinet Secretary for Constitution, External Affairs and Culture [Scottish Government official]  
**Cc:** Wightman S (Scott) [Redacted]; Johnson M (Martin) [Redacted]; Strang F (Frank) [Redacted]; MacKinnon D (Donna) [Redacted]; [Scottish Government officials] Crawford E (Ewan) [Scottish Government official]  
**Subject:** RE: Briefing - BIA conference 2-4 September 2022

Appreciate that, Thanks [Redacted]

**From:** [Scottish Government official]  
**Sent:** 01 September 2022 12:45  
**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Scottish Government official]  
**Cc:** Wightman S (Scott) [Redacted]; Johnson M (Martin) [Redacted]; Strang F (Frank) [Redacted]; MacKinnon D (Donna) [Scottish Government officials] Crawford E (Ewan) [Redacted]  
**Subject:** RE: Briefing - BIA conference 2-4 September 2022

Hi [Redacted]

I'll speak with the organisers and the DFA and will let you know if we need anything more.

Best wishes

[Redacted]

**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture  
**Sent:** 01 September 2022 09:42  
**To:** [Scottish Government official] Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]  
**Cc:** Wightman S (Scott) [Redacted]; Johnson M (Martin) [Redacted]; Strang F (Frank) [Redacted]; MacKinnon D (Donna) [Scottish Government officials] Crawford E (Ewan) [Scottish Government official]  
**Subject:** RE: Briefing - BIA conference 2-4 September 2022

Hi [Redacted]/Donna/Ewan

Unfortunately Mr Robertson is unable to travel to Oxford tomorrow to attend the conference or the bilat with Mr Coveney [Redacted]

I'd be grateful if you can make organisers aware.

If there's anything else you need us to do from our side please let us know

Many thanks,

[Redacted]

**From:** [Scottish Government official]

**Sent:** 31 August 2022 17:09

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Cc:** Wightman S (Scott) [Redacted]; Johnson M (Martin) [Redacted]; Strang F (Frank) [Redacted]; MacKinnon D (Donna) [Scottish Government officials]

**Subject:** Briefing - BIA conference 2-4 September 2022

PO/Cabinet Secretary for Constitution, External Affairs and Culture

Good Afternoon,

Please find attached the briefing for Mr Robertson's attendance at the British Irish Association conference on 2-4 September 2022. Mr Robertson may wish to note that the speaking points and [Redacted] will be provided separately tomorrow.

Kind regards,

[Redacted] Policy Adviser | European Engagement | European Relations | Scottish Government | 2H-South, Victoria Quay | Edinburgh | EH6 6QQ | [Redacted]

10. 1a document 10 attachment to document 9

**BRIEFING FOR CABINET SECRETARY FOR THE CONSTITUTION, EXTERNAL AFFAIRS AND CULTURE  
BILATERAL MEETING WITH IRISH MINISTER FOR FOREIGN AFFAIRS AND DEFENCE**

<b>What</b>	Bilateral Meeting with Simon Coveney TD, Minister for Foreign Affairs and Defence, Ireland
<b>Where</b>	Online - Teams
<b>When</b>	Wednesday 7 September, 13.30-14.30
<b>Who</b>	Attendees from Irish side (final list tbc): Simon Coveney, Minister for Foreign Affairs and Defence [Redacted]
<b>Why</b>	As Cab Sec was unable to travel to the British-Irish Association Conference on 2-4 September, the Bilateral meeting planned to take place at that event has been moved online.  [Redacted]
<b>Agenda</b>	[Redacted]

<b>Supporting officials</b>	Katy McNeil, Head of Ireland's Scottish Government Office Donna MacKinnon, Incoming European Relations Deputy Director Ewan Crawford, Special Adviser
<b>Briefing contents</b>	<b>Annex A:</b> [Redacted] <b>Annex B:</b> [Redacted] <b>Annex C:</b> Scottish-Irish Bilateral Review <b>Annex D:</b> Key Developments in Ireland <b>Annex E:</b> Ireland Country Brief

## ANNEX A

[Redacted]

- [Redacted]

**Background**

- Ministers adopted a new tuition fee policy from 2021-22 in offering Irish students, who wish to study in Scotland, access to a tuition fee loan at the rest of the UK rate of £9,250.
- [Redacted]

**Next Steps:**

- [Redacted]

## NOTE ON SCOTTISH-IRISH BILATERAL REVIEW

- The Review commits to delivering on recommendations for increased collaboration and cooperation on diplomacy, business and the economy, diaspora, culture, research and education, and rural and island communities.
- Your meeting with Minister Coveney in March on the Review led to a recognition that strong progress had been made on almost 60% of the Review's 41 recommendations.
- More recently, a Steering Group meeting was attended by Scottish and Irish officials in August. It was recognised that progress across each of the key themes in the Review had been made and that there were certain issues to focus on over the coming months.
- For instance, it was noted that:
  - there was a high level of ministerial engagement expected over the autumn and winter between both governments;
  - parliamentary engagement is now picking up again with both Scottish Government Ireland Office and Consul General Edinburgh facilitating connections and work between the Oireachtas and Scottish Parliament;
  - there has been useful engagements between officials on the resettlement Ukrainian refugees and from Scottish officials visiting Dublin in June on population and migration policy;
  - highlights of progress on the Business and Economy recommendations included continued support for Causeway and engagement with British Irish Chambers of Commerce;
  - [Redacted]
  - there had been positive Colmcille 1500 celebrations, the successful inclusion in sport event, and the Historic Environment Scotland and Office of Public Works collaboration;
  - there were 2 upcoming events with the Museum of Literature Ireland, and that the poetry library school exchange is progressing with the next event in early September;
  - the RSE and RIA collaborative projects will soon be showcased, and the next grant call for funding applications will open this autumn;
  - a ministerial bilateral be arranged between Minister Humphreys and Cabinet Secretary Gougeon en marge of the OECD Rural Development Conference this year around each of the Rural and Island Communities recommendations; and,
  - [Redacted]
- The Review will continue to focus renewed structural collaboration with the Government of Ireland to benefit both countries, and we look forward to the next annual review meeting in early 2023.

## KEY DEVELOPMENTS IN IRELAND

### 1. Response to Cost of Living and Housing Crises

1.1 [Redacted] The annual inflation rate in Ireland remained at 9.1% in July, the highest in 38 years. Ireland is further facing an unprecedented housing crisis as rents soared by the highest rate on record last month as availability of properties hit an all-time low. The number of people in emergency accommodation over the summer further exceeded 10,000 for the first time in two years. [Redacted] This has led to increased calls for Ireland's Housing Assistance Payment to be reviewed and increased, as well as for the supply of housing to be urgently addressed.

1.2 Before the Oireachtas finished for summer recess, the Government pledged to bring forward their Budget 2023 to late September (originally planned for October) and committed that it would make a substantial difference to those experiencing cost-of-living hardship. Opposition parties, particularly Sinn Féin, heavily criticised the Government for not bringing forward an emergency budget before the summer recess. This led to a motion of no confidence in July which the Government survived.

1.3 Along with publishing Budget 2023 later this month, the Taoiseach recently committed to a separate cost of living package in parallel to the Budget. This package is expected to be worth €6.7 billion - €5.65 billion will be on public spending measures and the remaining €1.05 billion will amount to taxation relief. Welfare payments may be increased by up to €15 a week, along with potential tax cuts for landlords and tax credits for those in rented accommodation. Ministers are also working on a package of tax changes for businesses.

1.4 As of August, the Government provided €2.4 billion (equivalent of around 1% of national income) on cost of living measures. This included cutting taxes, increasing social welfare and pension payments, additional energy credit and fuel allowance receipts, cutting public transport fares, and reducing VAT on gas and electricity.

1.5 Considering the broader fiscal context, it is worth noting that the Government has generated an additional €5 billion this year in exchequer revenues. [Redacted]

### 2. Response to the Northern Ireland Protocol

2.1 Although commentary has reduced throughout the parliamentary summer recess period and ongoing Conservative leadership contest, the UK Government's stance on the Northern Ireland Protocol continues to be a source of frustration for the Government of Ireland. The Taoiseach has said that the UK Government Bill which aims to unilaterally disregard parts of the Protocol amounts to "economic vandalism" on Northern Ireland, and that industry and businesses are deeply concerned considering that the Protocol has benefitted Northern Ireland's economy. [Redacted]

[Redacted]

### **3. Accommodating Ukrainian Refugees**

3.1 As of last month, over 43,970 Ukrainian refugees arrived into Ireland [Redacted] Upwards of 90 per cent of arrivals on a given day are now seeking accommodation.

3.2 In July, the Government ran out of State accommodation for those seeking refuge from the conflict. Following this, and against the backdrop of increased numbers of people seeking international protection from places other than Ukraine, the Government tightened up visa-free travel for refugees resident in certain other countries which were signatories along with the Republic to a treaty permitting it. Ukrainians were not affected. The Government expects to pay around €1 billion this year to accommodate and provide support services for Ukrainian refugees coming to Ireland.

### **4. Climate Change**

4.1 Ireland's Climate Action Plan (published last November) details policies and measures for achieving a 51% reduction of emissions by 2030. However, Ireland's Environmental Protection Agency announced over the summer that Ireland is unlikely to meet this target, and that urgent implementation of all climate policies and additional measures would be needed.

4.2 In July, the Government agreed to set specified ceilings for maximum limits on greenhouse gas emissions for each sector across the economy to the end of the decade. The three coalition parties broke through an impasse over the setting of an emissions reductions target for the agricultural sector but eventually agreed on a 25% cut. [Redacted]

### **5. COVID**

5.1 All the main indicators for COVID continue to show the current wave of the pandemic is abating with a significant drop in the number of positive test results and the lowest ever proportion of cases in hospital caused by virus.

## IRELAND CORE BRIEF

**Head of State** – President Michael D Higgins

**Prime Minister** – Taoiseach Micheál Martin (FF) (since June 2020 – term ends 15 December 2022 when current Tanaiste Leo Varadkar (FG) becomes Taoiseach again)

**Government** – Fine Gael, Fianna Fail and Green coalition

**Foreign Minister** – Simon Coveney (FG)

**Ambassador to UK** – Martin Fraser (takes up post at the end of August 2022)

**UK Ambassador** – Paul Johnston (since September 2020)

**Consul General** – Jane McCulloch (since July 2019)

**Residents in UK (+ residents in Scotland)** – 395,000 (22,952: Census, 2011)

### Key Links with Ireland

- Irish citizens one of Scotland's largest diasporas, almost 30,000 living here (2011 census).
- We have twelve Global Scots based in Ireland, and are proactively recruiting more.
- Ireland is Scotland's closest International trading partner and 6th largest export market with exports worth £1.24 bn going to Ireland in 2018. This represents 3.6% of Scotland's total International exports (Source: Export Statistics Scotland).
- There are 120 Irish investors in the Scottish economy, with 265 local units employing 5380, with a turnover in Scotland of £2.97 billion.
- The top 5 Scottish export sectors to Ireland are: Food and drink, Technology, Digital and Media, Wholesale and Retail, Life and Chemical Sciences, Engineering and Advanced Manufacturing.

### Hot Topics/Current Developments

- Ireland joins the UK, US, Canada, Australia, and New Zealand as the only EU participant in the pilot initiative to explore the impact of a shorter four-day working week. The programme is being run by 4 Day Week Global, along with other civil society groups and academic researchers from Oxford, Cambridge and Boston College.
- Ireland's coalition government survived vote of confidence in the Dáil on 12 July 2022. The main opposition Sinn Féin party tabled a motion of censure over the government's handling of the rising cost of living crisis. A total of 85 Teachta Dála supported the coalition, while only 66 lawmakers voted in favour of the motion. The vote came just days after the government lost its majority in the Dáil. Fine Gael whip Joe McHugh resigned over concerns about a redress scheme for homeowners.

### Key Recent Ministerial engagement with Ireland

- 12 July 2022 – Mr Gray met with Jane McCulloch
- 17 March 2022 – Mr McKee met with Seán Fleming, Irish Minister of State at the Department of Finance
- 8-9 March 2022 - Mr Robertson visited Dublin. He met with Catherine Martin, Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media and with Simon Coveney, Minister for Foreign Affairs.
- 10 November 2021- First Minister met with Simon Coveney at COP26
- 13 October 2021 – First Minister met with the Irish Ambassador – Adrian O'Neill
- 3-5 September 2021 – Mr Robertson attended and spoke at the annual British-Irish Association conference
- July 2021 – Mr Robertson met with Simon Coveney

11. 1 a document 11 Email 7 September  
**From:** [Scottish Government official]  
**Sent:** 07 September 2022 14:36  
**To:** [Scottish Government officials]  
**Subject:** RE: Simon Coveney/Angus Robertson Meeting

Hi [Redacted] – no - nothing public should be shared re bilateral.  
Thanks  
[Redacted]

**From:** [Scottish Government official]  
**Sent:** 07 September 2022 14:11  
**To:** [Scottish Government officials]  
**Subject:** Simon Coveney/Angus Robertson Meeting

Hi [Redacted]

Are we planning to do any tweets about today's Simon Coveney/Angus Robertson meeting?

Kindest Regards  
[Redacted]

12. 1a document 12 Email 7 September  
**From:** MacKinnon D (Donna) [Redacted]  
**Sent:** 07 September 2022 12:02  
**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]  
**Cc:** Crawford E (Ewan) [Scottish Government official] Wightman S (Scott) [Redacted]  
; Strang F (Frank) [Redacted]  
**Subject:** Brief Read Out from the British-Irish Association 2022 Conference

Hello [Redacted]

In advance of Cab Sec meeting Simon Coveney today we thought it useful to give a brief read out of the weekend's conference:

- Cabinet Secretary was missed at the weekend's conference and many commented to officials present on how valuable his input would have been, particularly given some fairly tense discussions.
- In the panel discussions and speeches the NIP continued to dominate with a united front from Maroš Šefčovič, Taoiseach Micheál Martin and Simon Coveney.
- [Redacted]
- Feeling from side conversations is that the electorate will not want that and rather just want the mandate from previous election fulfilled with a government in particular progressing budget decisions given the current cost of living crisis. First time there has been a 3 year budget and perception it could help a lot of people.

- Also points made that even those who were against the protocol don't want to see unilateral break up but rather a negotiated solution.
- GFA is 25 years old next year – noted that the EU facilitated the process.
- Cab Sec may want to note that officials made productive contact with Gordon MP Richard Thomson who attended the conference in his capacity as shadow spokesperson for NI
- Another common theme was human rights.
- Some discussion on whether it was a mistake not to set up an implementation committee on the GFA – especially as others internationally see this as a model for conflict resolution.
- The over-riding sense was that there was a degree of tension at the conference given where things were pre new PM. [Redacted] Mr Coveney was impressive in his handling of this, his co-panel members and in responding from questions from the floor.

Donna

-----  
 Donna MacKinnon | Deputy Director European Relations (Job Share Mon-Wed with Frank Strang) - & SRO Marine Scotland Change Programme (Thurs-Fri)  
 [Redacted]

If you receive this email late at night, early in the morning, or at the weekend - it means I am working flexibly. Flexibility works for me, but please do not feel that you should have to pick this up outside of your own normal working hours

13. 1a document 13 Email 7 September

**From:** Strang F (Frank) [Redacted]  
**Sent:** 07 September 2022 13:13  
**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]  
**Cc:** Crawford E (Ewan) [Redacted]; Wightman S (Scott) [Redacted]; MacKinnon D (Donna) [SG official]  
**Subject:** urgent Ireland - Briefing - Mr Robertson - Bilateral with Simon Coveney Minister for Foreign Affairs - 7 September 2022  
**Importance:** High

[Redacted]

I am back from leave today and will be joining the 130 call.

In case it helps, I have added to the attached [Redacted] brief a wee bit more colour to the speaking note and included in one place all the points the FM wanted us to get across

My only other comment [Redacted]

We will set up a Team chat in case that helps  
 f

[Redacted]

14. 1a document 14 Email 14 September  
**From:** Strang F (Frank) [Redacted]  
**Sent:** 14 September 2022 15:19  
**To:** [SG official] Wightman S (Scott) [SG officials]  
**Cc:** [SG officials]  
**Subject:** FW: [Redacted]  
**Importance:** High

[Redacted] and I spoke to the Irish today at their request. The principal purpose was to take stock of the ministerial call and discuss what next.

[Redacted]

**From:** [Irish Government official]  
**Sent:** 13 September 2022 12:54  
**To:** Strang F (Frank) [Irish Government official]  
**Cc:** [Scottish Government official] Wightman S (Scott) [Scottish Government official] MacKinnon D (Donna) [Irish government official]  
**Subject:** RE: [Redacted]

Dear Frank

Thanks so much for your email. Nice to engage virtually.

Firstly, let me convey our condolences to you all on the passing of Queen Elizabeth II. I am particularly conscious what an impact Her Majesty's death has had right, particularly also in Scotland in recent days. Her warmth, commitment to public service and her deep commitment to building relations between Ireland and the UK have been extensively recognised and remarked on here in recent days.

[Redacted]

Could I suggest we arrange a call either later this afternoon (e.g. from 530pm), or tomorrow morning if that suited you?

Thanks in advance, [Redacted]

[Redacted]/ Stiúirtheoir, Caidreamh na Breataine-na hÉireann  
Department of Foreign Affairs, Iveagh House, 78-80 St. Stephen's Green, Dublin 2 / Teach Uíbh Eachach, 80  
Faiche Stiabhna Faiche Stiabhna, BÁC D02 VY53  
[Redacted]



**IRELAND**  
United Nations  
Security Council  
2021—2022

**From:** [Frank Strang]  
**Sent:** Friday 9 September 2022 17:23  
**To:** [Irish Government official]  
**Cc:** [Scottish Government official] [Scott Wightman] [Scottish Government official] [Donna MacKinnon]  
**Subject:** [Redacted]

**CAUTION:** This email originated outside of the Department. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[Redacted]

Thank you for your help in preparing for what we thought was a very good meeting between our respective Ministers on Wednesday. [Redacted] We are only dealing with essential business at this sad time but believe this is an important issue on which we need to make early progress.

[Redacted]

#### Next steps

We will be interested in your thoughts about what next. As I discussed with [Redacted], it may be that the best way forward would be to arrange a 4 way conversation, involving [a small number of..] [Redacted] officials from both sides. We would be very happy to come to Dublin if that would help. The key point is speed. Shall we aim to meet on say 21 or 22 September having exchanged further details in the meantime?

Best wishes

Frank

Ps hello [Redacted]!- sorry to miss you at the BIA. Look forward to meeting soon!

\*\*\*\*\*  
\*\*\*\*

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Email Disclaimer

Fógra Séanta Ríomhphoist

15. 1a document 15 - Extract from external affairs planner

PRIORITY COUNTRIES	FOCUS	TARGET CONTACTS	IN THIS PLAN?
[Out of scope]			
Ireland	Making bilateral review framework happen; NIP	<b>Micheál Martin, Taoiseach;</b> <b>Simon Coveney, Foreign Affairs Minister;</b> <b>Catherine Martin, Culture Minister</b>	Yes – <b>FM</b> at BIC & <b>AR</b> - virtual bilateral attended with Simon Coveney  <b>NG</b> visited Ireland 20-21 Oct met with Ministers Jack Chalmers and Roderic O’Gorman  Possible <b>FM</b> visit to Ireland early 2023.

1. 1b Document 1 - Email 8 September

**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

**Sent:** 08 September 2022 11:32

**To:** [Cabinet Office official]

**Cc:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Subject:** FW: Correspondence from Minister Rees-Mogg: REUL Bill

Forwarding the below message since box has now closed

Grateful of confirmation whether meeting will go ahead with Mr Rees-Mogg or another Minister or 14<sup>th</sup> Sep

Many thanks,

[Redacted]

**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

**Sent:** 08 September 2022 11:30

**To:** PS Jacob Rees Mogg Mailbox [Redacted]; Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Subject:** RE: Correspondence from Minister Rees-Mogg: REUL Bill

Dear [Redacted]

Unfortunately Mr Robertson was unavailable to meet at those times.

Is the 14<sup>th</sup> September still ok to go ahead ?

Thanks,

[Redacted]

**From:** [Cabinet office official] **On Behalf Of** PS Jacob Rees Mogg Mailbox

**Sent:** 05 September 2022 16:04

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Subject:** Re: Correspondence from Minister Rees-Mogg: REUL Bill

Afternoon [Redacted]

I hope you are well.

Due to the changing timeline of the REUL Bill. Minister Rees-Mogg has availability tomorrow to meet between 10:00 - 11:00 or 15:00 - 15:45.

Please do let me know if this is suitable on your end. If Mr Robertson is unavailable at this time we will proceed with the meeting in the diary on 14th September.

Kind regards,  
[Redacted]

On Tue, 2 Aug 2022 at 10:34, [Redacted] wrote:

Thanks [Redacted] – now in the diary.

[Redacted]

**From:** [Cabinet Office official] **On Behalf Of** PS Jacob Rees Mogg Mailbox  
**Sent:** 01 August 2022 13:51  
**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]  
**Subject:** Re: Correspondence from Minister Rees-Mogg: REUL Bill

Many thanks, [Redacted] for confirming this availability.

Our preference would be an in person meeting but are more than happy to accommodate a virtual meeting.

I have sent through a meeting invite with dial in details for 14th September at 16:00.

Kind regards,

[Redacted]

On Mon, 1 Aug 2022 at 13:40, [Redacted] wrote:

Hi [Redacted]

Thank you for your email.

Would you be able to confirm whether this will be a virtual meeting or a face to face meeting ?

The 14<sup>th</sup> September at 1600 would suit Mr Robertson best if this is to be virtual

Many thanks,

[Redacted]

[Redacted]

Deputy Private Secretary

Cabinet Secretary for Constitution, External Affairs and Culture

Email: [Redacted]

**From:** [Cabinet Office official] **On Behalf Of** PS Jacob Rees Mogg Mailbox

**Sent:** 01 August 2022 12:08

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Subject:** Re: Correspondence from Minister Rees-Mogg: REUL Bill

Afternoon team,

I'm looking to find some time for Minister Rees-Mogg to meet with Angus Robertson to discuss the REUL Bill.

Please advise if any of the following times are suitable for this meeting to take place.

Tuesday 6th September between 15:00 - 16:00

Thursday 8th September between 9:30 - 10:30

Wednesday 14th September between 9:30 - 10:30 or 16:00 - 17:00

Kind regards,

[Redacted]

On Fri, 29 Jul 2022 at 14:29, PS Jacob Rees Mogg Mailbox [Redacted] wrote:

Good afternoon,

Please see attached correspondence from Minister Rees-Mogg regarding the REUL Bill.

Thanks,

[Redacted]

--

**Private Office: Rt Hon. Jacob Rees-Mogg MP  
Minister of State (Minister for Brexit  
Opportunities and Government Efficiency)**

**Head of Office/Senior Private Secretary:**

[Redacted]

**Private Secretary:** [Redacted]

**Private Secretary:** [Redacted]

**Private Secretary:** [Redacted]

**Diary and Office Manager:** [Redacted]

2. 1b document 2 - Email 15 September

**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

**Sent:** 15 September 2022 09:59

**To:** Secretary Of State (Jacob Rees-Mogg) [Redacted]; Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Subject:** RE: Meeting with SoS BEIS

Thanks [Redacted], **28<sup>th</sup> at 3pm** would be grand - this will need to be a virtual meeting, grateful if you can send on link

Many thanks,

[Redacted]

**From:** Secretary Of State (Jacob Rees-Mogg) [Redacted]  
**Sent:** 15 September 2022 08:49  
**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]  
**Subject:** RE: Meeting with SoS BEIS

Hi [Redacted],

No problem, would any time between 15:00-17:00 on the 28<sup>th</sup> work?

Thank you  
[Redacted]

**From:** [Scottish Government official] **On Behalf Of** [Redacted]  
**Sent:** 14 September 2022 15:58  
**To:** Secretary Of State (Jacob Rees-Mogg) [Redacted]  
**Subject:** RE: Meeting with SoS BEIS

Hi [Redacted]

Unfortunately we've just had a debate scheduled for this time now – any chance of moving to the 28<sup>th</sup> ?

Thanks,

[Redacted]

**From:** Secretary Of State (Jacob Rees-Mogg) [Redacted]  
**Sent:** 14 September 2022 11:31  
**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]  
**Subject:** RE: Meeting with SoS BEIS

Hi [Redacted]

Thank you for getting back to me, shall owe go with the 27<sup>th</sup> 14:30?

I can send through the scheduler once confirmed (would preference be in person or virtual?)

Thank you  
[Redacted]

**From:** [Scottish Government official] **On Behalf Of** [Redacted]  
**Sent:** 14 September 2022 10:56  
**To:** Secretary Of State (Jacob Rees-Mogg) [Redacted]  
**Subject:** RE: Meeting with SoS BEIS

Morning [Redacted]

Thank you for your email.

We can be available at the following times:-

27<sup>th</sup> Sep – anytime between 2.30pm – 4.45pm

28<sup>th</sup> Sep – anytime between 2 – 4.45pm

Let us know if any of these work ?

Thanks,

[Redacted]

**From:** Secretary Of State (Jacob Rees-Mogg) [Redacted]

**Sent:** 13 September 2022 09:43

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Subject:** Meeting with SoS BEIS

Good morning,

Hope you're well.

Secretary of State has asked if Cabinet Secretary Mr Robertson would be available for a meeting to discuss REUL Bill.

Would you have availability w/c 26<sup>th</sup> September?

Thank you

[Redacted]



Department for  
Business, Energy  
& Industrial Strategy

[Redacted]

Diary Manager to the Rt Hon Jacob Rees Mogg MP, Secretary of State for Business, Energy and Industrial Strategy

[Redacted]

1 Victoria Street, SW1H 0ET  
[www.gov.uk/beis](http://www.gov.uk/beis) | [twitter.com/beisgovuk](https://twitter.com/beisgovuk)

\*\*\*\*\*  
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3. 1b document 3 - Email 15 September

**From:** [Scottish Government official]

**Sent:** 15 September 2022 10:10

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]; Wightman S (Scott) [Redacted]; Strang F (Frank) [Redacted]; Cameron DA (Donald) (Constitution and UKR) [Scottish Government officials]

**Cc:** Crawford E (Ewan) [Scottish Government officials] MacInnes J (John) (Special Adviser) [Redacted]

**Subject:** RE: Correspondence from Minister Rees-Mogg: REUL Bill

Thanks [Redacted]

For the meeting:

David Rogers / Scott Wightman

Ewan Crawford

[Redacted]

For the pre meet:

David Rogers

Scott Wightman

Frank Strang

[Redacted]

Ewan Crawford

[Redacted]

Deadline for briefing noted.

[Redacted]

**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

**Sent:** 15 September 2022 10:06

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]; Wightman S (Scott) [Scottish Government official] Strang F (Frank) [Redacted]; Cameron DA (Donald) (Constitution and UKR) [Scottish Government officials]

**Cc:** Crawford E (Ewan) [Scottish Government officials] MacInnes J (John) (Special Adviser) [Redacted]

**Subject:** RE: Correspondence from Minister Rees-Mogg: REUL Bill

Hi all

This has now been re-scheduled for the 28<sup>th</sup> at 3pm – just awaiting link from JRM's office.

Grateful if you can confirm who will join to support ? I'll also set up a pre-meet just before if you can let me know who should join ?

Additionally, grateful for any briefing by COP on the 26<sup>th</sup>

Many thanks,

[Redacted]

**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

**Sent:** 05 September 2022 16:29

**To:** Wightman S (Scott) [Scottish Government official]; Strang F (Frank) [Redacted]; Cameron DA (Donald) (Constitution and UKR) [Scottish Government officials]

**Cc:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]; Crawford E (Ewan) [Scottish Government officials] MacInnes J (John) (Special Adviser) [Redacted]

**Subject:** FW: Correspondence from Minister Rees-Mogg: REUL Bill

Hi all

Can I just get advice on this ? Are we ok to stick to the 14<sup>th</sup> ?

Mr Robertson has cabinet in the morning and then we're supposed to be in the chamber all afternoon for PfG

Thanks,

[Redacted]

**From:** [Cabinet Office official] **On Behalf Of** PS Jacob Rees Mogg Mailbox

**Sent:** 05 September 2022 16:04

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Subject:** Re: Correspondence from Minister Rees-Mogg: REUL Bill

Afternoon [Redacted]

I hope you are well.

Due to the changing timeline of the REUL Bill. Minister Rees-Mogg has availability tomorrow to meet between 10:00 - 11:00 or 15:00 - 15:45.

Please do let me know if this is suitable on your end. If Mr Robertson is unavailable at this time we will proceed with the meeting in the diary on 14th September.

Kind regards,  
[Redacted]

On Tue, 2 Aug 2022 at 10:34, [Redacted] wrote:

Thanks [Redacted] – now in the diary.

[Redacted]

**From:** [Cabinet Office official] **On Behalf Of** PS Jacob Rees Mogg Mailbox  
**Sent:** 01 August 2022 13:51  
**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]  
**Subject:** Re: Correspondence from Minister Rees-Mogg: REUL Bill

Many thanks, [Redacted] for confirming this availability.

Our preference would be an in person meeting but are more than happy to accommodate a virtual meeting.

I have sent through a meeting invite with dial in details for 14th September at 16:00.

Kind regards,  
[Redacted]

On Mon, 1 Aug 2022 at 13:40, [Redacted] wrote:

Hi [Redacted]

Thank you for your email.

Would you be able to confirm whether this will be a virtual meeting or a face to face meeting ?

The 14<sup>th</sup> September at 1600 would suit Mr Robertson best if this is to be virtual

Many thanks,

[Redacted]  
Deputy Private Secretary  
Cabinet Secretary for Constitution, External Affairs and Culture

Email: [Redacted]

**From:** [Cabinet Office official] **On Behalf Of** PS Jacob Rees Mogg Mailbox  
**Sent:** 01 August 2022 12:08  
**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]  
**Subject:** Re: Correspondence from Minister Rees-Mogg: REUL Bill

Afternoon team,

I'm looking to find some time for Minister Rees-Mogg to meet with Angus Robertson to discuss the REUL Bill.

Please advise if any of the following times are suitable for this meeting to take place.

Tuesday 6th September between 15:00 - 16:00

Thursday 8th September between 9:30 - 10:30

Wednesday 14th September between 9:30 - 10:30 or 16:00 - 17:00

Kind regards,

[Redacted]

On Fri, 29 Jul 2022 at 14:29, PS Jacob Rees Mogg Mailbox [Redacted] wrote:

Good afternoon,

Please see attached correspondence from Minister Rees-Mogg regarding the REUL Bill.

Thanks,

[Redacted]

--

**Private Office: Rt Hon. Jacob Rees-Mogg MP  
Minister of State (Minister for Brexit  
Opportunities and Government Efficiency)**

**Head of Office/Senior Private Secretary:**

[Redacted]

**Private Secretary:** [Redacted]

**Private Secretary:** [Redacted]

**Private Secretary:** [Redacted]

**Diary and Office Manager:** [Redacted]

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4. 1b document 4 - Email 1<sup>st</sup> September

**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

**Sent:** 01 September 2022 08:00

**To:** [Scottish Government official] Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Cc:** Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine [Redacted]; Wightman S (Scott) [Redacted]; Johnson M (Martin) [Redacted]; Rogers D (David) (Constitution and Cabinet Director) [Redacted]; Crawford E (Ewan) [Redacted]; Smith J (Joni) [Redacted]; Strang F (Frank) [Redacted]; MacKinnon D (Donna) [Redacted]; Cameron DA (Donald) (Constitution and UKR) [Scottish Government officials]

**Subject:** RE: OFF SEN: Letter to Jacob Rees Mogg

Thanks [Redacted]

Updated letter you sent this morning has now issued – however I received a bounce back for Wales – do you have a different address?

Thanks,

[Redacted]

**From:** [Scottish Government official]

**Sent:** 31 August 2022 13:14

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Cc:** Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine [Redacted]; Wightman S (Scott) [Redacted]; Johnson M (Martin) [Redacted]; Rogers D (David) (Constitution and Cabinet Director) [Redacted]; Crawford E (Ewan) [Redacted]; Smith J (Joni) [Redacted]; Strang F (Frank) [Redacted]; MacKinnon D (Donna) [Redacted]; Cameron DA (Donald) (Constitution and UKR) [Scottish Government officials]

**Subject:** OFF SEN: Letter to Jacob Rees Mogg

Hi [Redacted]

Please see attached draft letter on retained EU law for Mr Robertson to send Mr Rees Mogg. Given the pace at which this draft legislation is moving, it would be preferable if the letter could be sent today / tomorrow. SpAds are content.

If Mr Robertson is content to send, the email addresses for JRM, the Welsh Government and NIE officials are:

[Redacted]

Thanks [Redacted]

[Redacted]

Head of EU Secretariat | Directorate of External Affairs | Scottish Government  
Victoria Quay, 2H South, Edinburgh, EH6 6QQ



5. 1b document 5 - Email 27 September

**From:** [Scottish Government official]

**Sent:** 27 September 2022 10:28

**To:** [Scottish Government official]

**Subject:** Draft briefing for JRM

[Redacted]

Link for the draft briefing for tomorrow (a few style things I'm not sure is the norm for Mr R, so please feel free to delete/edit as required): [REUL - September 2022 - Draft briefing: Mr Robertson/Mr Rees-Mogg meeting details - Objective ECM \(scotland.gov.uk\)](#)

Also updated the work list after our chat this morning: [REUL - September 2022 - Retained EU Law Bill Work List details - Objective ECM \(scotland.gov.uk\)](#)

[Redacted]

6. 1b document 6 - Email 28 September

**From:** [Scottish Government official]

**Sent:** 28 September 2022 17:22

**To:** Wightman S (Scott) [Redacted]; Rogers D (David) (Constitution and Cabinet Director) [Redacted]; Johnson M (Martin) [Redacted]; Fisher G (Graham) [Redacted]; Solicitor General [Redacted]; Hynd JS (James) [SG officials] Crawford E (Ewan) [Redacted]; Lord Advocate [Redacted]; Deputy Director European Relations [Redacted]; Cameron DA (Donald) (Constitution and UKR) [Redacted]; Smith J (Joni) [Scottish Government officials] Lloyd E (Elizabeth) [Redacted]

**Cc:** Strang F (Frank) [Redacted]; Cameron DA (Donald) (Constitution and UKR) [Scottish Government officials] Rogers D (David) (Constitution and Cabinet Director) [Redacted]; Johnson M (Martin) [Redacted]; Crawford E (Ewan) [Redacted]; Barnes D (David) [Scottish Government officials] ;Strang F (Frank) [Scottish Government officials] Gallego J (Jesus) [Scottish Government officials]

**Subject:** OFF SEN: REUL update

All,

Update:

1. **Mr Robertson – Mr Rees-Mogg meeting.** A readout of the meeting between Mr Robertson and Mr Rees Mogg from this afternoon is attached. Mr Robertson landed the points in the brief (available on request). There is a recognition within UKG of the need to work urgently on the reserved / devolved split of REUL, which we intend to pursue vigorously. We can expect the Bill 2<sup>nd</sup> reading by the end of October.
2. **Legislative consent.** [Redacted] Further internal discussion on this will now take place. We intend to request an extension to the 2 week standing order period with the Scottish Parliament, in order to confirm our position on consent.
3. **Bill clauses interpretation.** [Redacted] EU Secretariat, SGLD, PLU, CUKR colleagues will now progress a first pass at what this means with regard to consent and implementation – noting that there is a Director level discussion next Tuesday to be led by Scott Wightman and David Rogers (please encourage Directors to participate if you have concerns in this area).
4. **(Developing) negotiating position.** For information, attached is our developing negotiating position, based on the briefing collated for the Mr Rees-Mogg bilateral mentioned above. This may be helpful in discussing the implications of REUL within directorates. [Redacted]

Thanks for your forbearance as we grapple with this fast-moving, complex and significant legislation. We are very much still in the phase of trying to shape the bill. We will increasingly and urgently turn attention to the legislative consent process and implementation issues for SG. Many thanks to those across many teams providing support.

In the meantime, we encourage policy leads to take every opportunity to engage with your stakeholders to mobilise their vocal opposition to the bill, and seek common purpose in doing so with their UK counterparts.

If you have any queries, please contact myself or [Redacted]

[Redacted] Head of EU Secretariat | Directorate of External Affairs | Scottish Government  
Victoria Quay, 2H South, Edinburgh, EH6 6QQ



7. 1b document 7 - Attachment to document 6

**Scottish Government: Negotiating Position (developing) – Retained EU Law Bill**

### Overarching concerns informing our key asks:

- **Ideological divergence:** Scottish Ministers remain fundamentally opposed to the bill and its ideological foundations, given Scottish Government's commitment to maintain alignment with the European Union, where appropriate.
- **De-regulation:** This bill puts at risk the high standards people in Scotland have rightly come to expect from EU membership. The UK Government appear to want to row back 47 years of protections in a rush to impose a deregulated, race to the bottom, society and economy. This is clearly at odds with the wishes of the vast majority of the people of Scotland who will be dismayed at the direction the UK Government is taking.
- **Devolution:** This bill represents a significant further undermining of devolution. By allowing UK Government ministers to act in policy areas that are devolved, and to do so without consultation or the consent of Scottish Ministers or the Scottish Parliament, is in direct contradiction to devolution.
- **Democratic deficit:** The democratic deficit is staggering. The Bill grants Ministers (including Scottish Minister) powers to amend or abandon legislation with minimal democratic scrutiny.
- **Legislative Consent:** Mr Rees-Mogg said in May that the Sewel Convention would be respected, but the lack of engagement at Ministerial level during the bill drafting process, along with the arrangement of powers within the bill, gives cause for great concern. A number of Brexit-related bills have passed at Westminster without the consent of at least one of the devolved legislatures. Since 2018, the Scottish Parliament have withheld consent on seven occasions. The UKG have pressed ahead and legislated anyway. Devolution principles are being eroded.

### Priority areas for negotiation

- **Sunsetting.** The sun-setting date of 2023 is completely impractical and will lead to confusion and unintended consequences as well as massive resource implications, and knock on effects to Parliamentary time. Review of 47 years of legislation should be done in a considered way. **The sun-setting provision should not apply to devolved REUL**, which should be carved out. It is for SG and Scottish Parliament to consider how to handle REUL in devolved areas, not UKG and Westminster.
- **Devolved competences.** The bill gives UK Ministers the power to act in areas of devolved competence without consent or even consultation. **This should be changed.**
- **Extension powers.** While there is a power to extend the sunset date to June 2026, this power rests solely with UK Ministers, not devolved Ministers. **We would expect to see Scottish Ministers invested with the same power.**
- **Scottish Law Officers.** We have made representation to UKG Bill team regarding the referencing of Scottish Law Officers in the legislation. **We expect**

**the Bill to accurately reflect their roles within Scotland's separate legal system.**

- **Implementation.** There is great uncertainty around the reserved/devolved split in the list of REUL compiled by UK Government. **We – and UKG – need for the Brexit Opportunities Unit to coordinate rapid and comprehensive work in Whitehall to clarify where responsibilities lie.**

8. 1b document 8 - Email 28 September

**From:** [Scottish Government official]

**Sent:** 28 September 2022 14:38

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Cc:** Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine [Redacted]; Wightman S (Scott) [Redacted]; Rogers D (David) (Constitution and Cabinet Director) [Redacted]; Johnson M (Martin) [Scottish Government official] Solicitor General [Redacted]; Hynd JS (James) [Scottish Government officials] Crawford E (Ewan) [Redacted]; Lord Advocate [Redacted]; Deputy Director European Relations [Redacted]; Cameron DA (Donald) (Constitution and UKR) [Redacted]; Smith J (Joni) [Scottish Government officials]

**Subject:** RE: OFF SEN: Mr Rees-Mogg meeting, 28 September, briefing

**PO/ Constitution Secretary**

*cc Europe Minister for awareness*

As discussed during our comms meeting this morning, I've pulled together a tweet to issue following the meeting with Mr Rees-Mogg today.

The tweet text has been cleared by policy colleagues and SpAds. Mr Robertson had suggested a different format for the graphic which I've discussed with social media colleagues and we will take forward this request for future meetings but suggest sticking with the current format for this meeting. I recommend using the same graphic as last week to reiterate the deregulated race to the bottom message. I've also linked to the letter from last week to provide further context on why we're concerned for people that may not have seen last week's tweet.

Grateful for confirmation Mr Robertson is content for the below to issue following the meeting.

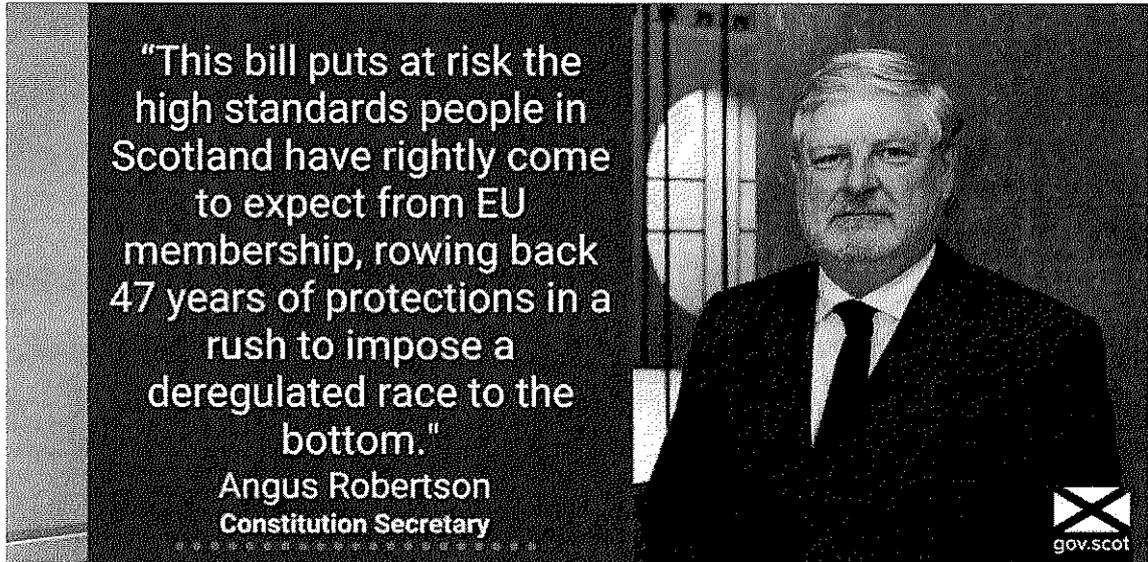
Thanks

**@scotgovinter**

Constitution Secretary @AngusRobertson met UK Government minister Jacob Rees-Mogg today to outline @scotgov concerns at the Retained EU Law Bill.

Scottish Ministers continue to oppose the Bill, which puts over 2,400 laws at risk.

Find out more: [bit.ly/3xGyVZy](https://bit.ly/3xGyVZy)



[Redacted]

News | Senior Media Manager

Constitution, External Affairs and Culture Communications

The Scottish Government, St Andrew's House, Edinburgh

[Redacted]



**From:** [Scottish Government official]

**Sent:** 27 September 2022 18:31

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]; Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine [Redacted]

**Cc:** Wightman S (Scott) [Redacted]; Rogers D (David) (Constitution and Cabinet Director) [Redacted]; Johnson M (Martin) [Redacted]; Fisher G (Graham) [Redacted]; Solicitor General [Redacted]; Hynd JS (James) [Scottish Government officials] Crawford E (Ewan) [Redacted]; Lord Advocate [Redacted]; Deputy Director European Relations [Redacted]; Cameron DA (Donald) (Constitution and UKR) [Redacted]; Smith J (Joni) [Scottish Government officials]

**Subject:** OFF SEN: Mr Rees-Mogg meeting, 28 September, briefing

**Importance:** High

Evening [Redacted],

Apologies for the delay.

Briefing for the Mr Robertson's meeting Mr Rees-Mogg tomorrow attached here. Approved by Scott Wightman and David Rogers. Ewan is content.

If anything is needed in advance of the pre-meet at 1430, please let me know

[Redacted]

Head of EU Secretariat | Directorate of External Affairs | Scottish Government  
Victoria Quay, 2H South, Edinburgh, EH6 6QQ



9. 1b document 9 - Attachment to email of 27 September in Document 8

<b>What</b>	<b>Meeting with Jacob Rees-Mogg</b>
<b>Who</b>	Cabinet Secretary for the Constitution, External Affairs and Culture – Angus Robertson MSP Secretary of State for Business, Energy and Industrial Strategy, Jacob Rees-Mogg MP
<b>Where</b>	Teams
<b>When</b>	1500-1530
<b>Key messages</b>	<ul style="list-style-type: none"><li>• The Retained EU Law (Revocation and Reform) Bill is reckless. It puts at risk the high standards people in Scotland have rightly come to expect as a result of EU membership and will create massive uncertainties for business. It threatens to eliminate 47 years of vital environmental protections, food standards, workers' rights and much else, in a rush to impose a deregulated, race-to-the-bottom economy and society.</li><li>• The Bill represents a significant further undermining of devolution, by allowing UK Government Ministers to act in policy areas that are devolved, without consultation or the consent of Scottish Ministers or the Scottish Parliament.</li><li>• The democratic deficit threatened by the Bill is staggering. It grants Ministers powers to amend or abandon a huge swathe of legislation with minimal democratic scrutiny when Brexit was supposed to be about restoring Parliament's sovereignty.</li><li>• Scottish Ministers are deeply concerned by the Bill. As it stands, we will need to see changes to the bill before we can recommend consent to it.</li></ul>
<b>Supporting officials &amp; SPADs</b>	Scott Wightman Ewan Crawford [Redacted]
<b>Media handling</b>	None
<b>Briefing contents</b>	<b>Annex A – Overview / handling</b> <b>Annex B – Speaking notes</b> <b>Annex C – Background</b> <b>Annex D – External commentators</b> <b>Annex E – Mr Robertson letter to Mr Rees Mogg, 22 September</b>

## ANNEX A: Overview / handling

The Bill introduced to the House of Commons is at the extreme end of what we could have expected. The scope of retained EU law to be sunset is wider than set out in UKG policy briefings, and the deadline for sun-setting has been brought forward from previously suggested dates of 2028 and 2026.

The 2023 sunset date was widely considered unrealistic – even within the UKG – when it was first raised by Liz Truss during the conservative party leadership debates. We understand that No10 were intent on meeting the commitment.

[Redacted]

The pace at which the bill has been delivered will mean that unintended policy consequences are ill-considered at best. [Redacted] the interactions of this Bill with the Internal Market Act, despite the interaction likely to be both broad and significant. Similarly, the interaction with Common Frameworks and the Trade and Cooperation Agreement is critical and unknown.

The bill has been received negatively by a wide range of stakeholders (Annex E).

- Prominent legal experts raised concerns about the sweeping powers the Bill would grant Ministers with minimal oversight;
- Food Standards Scotland highlighted the risks related to consumer protections on food;
- The head of trade union law at Thompsons Solicitors called the bill “*the biggest, and most catastrophic, demolition of workplace rights in generations*”;
- RSPB England have accused the UKG of an “attack on nature”.

[Redacted] In May this year, Mr Rees-Mogg provided verbal assurance that Sewel would be respected in the course of this legislation.

You may wish to open with these overarching points, before raising specific issues we would like addressed.

- The Bill is a major concern, and Scottish Ministers remain fundamentally opposed to the Bill being brought forward. Our preference remains for a **carve out** for devolved competences from any sunset arrangements.
- **De-regulation:** This bill puts at risk the high standards people in Scotland have rightly come to expect from EU membership. The UK Government appear to want to row back 47 years of protections in a rush to impose a deregulated, race to the bottom, society and economy.
- This is clearly at odds with the wishes of the vast majority of the people of Scotland who will be dismayed at the direction the UK Government is taking.
- **Devolution:** This bill represents a significant further undermining of devolution. By allowing UK Government ministers to act in policy areas that are devolved, and to do so without consultation or the consent of Scottish Ministers or the Scottish Parliament, is in direct contradiction to devolution.
- **Democratic deficit:** The democratic deficit is staggering. The Bill grants Ministers (including Scottish Minister) powers to amend or abandon legislation with minimal democratic scrutiny.

*If pressed*

**Legislative consent:** I would like to set out areas where we want to see changes. It is too early to comment on consent.

Specific points we would like to discuss

- **Consent.** You gave me a commitment in May that the Sewel Convention would be respected, but the lack of engagement at Ministerial level during the bill drafting process, along with the arrangement of powers within the bill, gives me cause for great concern.
- **Sunsetting.** The sun-setting date of 2023 is completely impractical and will lead to confusion and unintended consequences as well as massive resource implications, and knock on effects to Parliamentary time. Review of 47 years of legislation should be done in a considered way. The sun-setting provision should not apply to devolved REUL, which should be carved out. It is for SG and Scottish Parliament to consider how to handle REUL in devolved areas, not UKG and Westminster.
- **Devolved competences.** The bill gives UK Ministers the power to act in areas of devolved competence without consent or even consultation. This should be changed.
- **Extension powers.** While there is a power to extend the sunset date to June 2026, this power rests solely with UK Ministers, not devolved Ministers. We would expect to see Scottish Ministers invested with the same power.

- **Scottish Law Officers.** We have made representation to UKG Bill team regarding the referencing of Scottish Law Officers in the legislation. We expect the Bill to accurately reflect their roles within Scotland's separate legal system.
- **Implementation.** There is great uncertainty around the reserved/devolved split in the list of REUL compiled by UK Government. We – and UKG – need for Brexit Opportunities Unit to coordinate rapid and comprehensive work in Whitehall to clarify where responsibilities lie.

Without a change to these positions, it is hard to see how the Scottish Government could provide consent.

### Bill introduction

- The Retained EU Law (Revocation and Reform) Bill was published on Thursday 22 September. It seeks to repeal or replace over 2,400 articles of retained EU law (REUL), and to remove the supremacy of remaining REUL over domestic law. Without action by 31 December 2023, most REUL not in primary legislation will be “sunset” and drop off the UK statute book.
- A 2023 “sunset” date is unnecessary and seemingly arbitrary, for ideological needs. It puts an immense amount of pressure on Whitehall and devolved departments at a time of resource stretch and with several crises to deal with, not least cost-of-living and energy.
- While engagement at official level has been broadly open, there is a lack of understanding and planning within UKG for such a major and intensive cross-government exercise. UKG’s retained EU Law dashboard is merely a start, and does not identify what retained EU Law is devolved or reserved.

### Legislative Consent

- A request for legislative consent has been received from UKG. In its current form, the bill is extremely unlikely to be afforded consent from Scottish Ministers. You are committed to writing to Mr Rees Mogg once the Bill has been analysed by officials.

### Powers

- The Bill as introduced would give Scottish Ministers powers to preserve REUL within devolved competence, together with powers to revoke, replace or update REUL with other laws as they “consider appropriate”. UK Ministers (only) will have a power to extend the sunset date for specified REUL up to 23 June 2026.

### Regulatory standards

- Retained EU Law provides Scotland with a high standard of regulation. It is Scottish Ministers’ view that the approach the UK Government is taking to this legislation will be hugely damaging to people and business in Scotland. Scottish Ministers will continue to align regulation in Scotland with EU regulation where appropriate and in a manner that contributes towards maintaining and advancing standards across a range of policy areas.
- If Mr Rees-Mogg argues that this will be a positive for businesses and people in Scotland, Mr Robertson can point to George Eustice’s letter of only June this year to Mr Rees-Mogg, when Mr Eustice was SoS at DEFRA. Mr Eustice said that “messing around” with some rules would mean an additional cost to businesses and be a waste of officials’ time. Mr Robertson can also note environmental groups’ response to the bill so far, with environmental stakeholders describing it as “legislative vandalism”.

### Implementation

- The Bill will place considerable resource demands on SG directorates (and Whitehall counterparts) to identify REUL which needs to be preserved and to

make any changes to account for the loss of supremacy, and risks significant disruption of the Scottish Parliament timetable. The 2023 sunset date (previous Bill drafts had 2026 and 2028 as the earliest date thought feasible by Whitehall departments), has been strongly resisted by Devolved Governments.

Unintended consequences:

- We have pushed for an explanation from UKG officials on how this bill might interact with the Internal Market Act, Common Frameworks and the UK's obligations under the Trade and Cooperation Agreement. [Redacted] For example, we were told to expect a case by case review for 2400+ pieces of legislation on their interaction with the Internal Market Act. This seems highly unfeasible given the 2023 sunset date and the amount of work officials will have to do just to identify and save the most important retained EU law. UKG must provide us with clarity on this.

**Prof Sir Jonathan Jones KC** (Hon Prof, Durham Law School + ex head of UKG Legal Dept) [twitter thread](#) – some quotes:

- “my summary would be: it’s a very bad way to legislate”
- “Parliament will have minimal input... At most a short debate (often not even that) with no power to amend. So much for taking back control.”
- “So to put it mildly, the Bill is very concerning from the point of view of both legal certainty and democratic accountability”

**George Peretz KC** (barrister and legal commentator) [twitter threads \(1 and 2\)](#) – some quotes:

- “REUL contains vital and popular protections for the environment, consumers, and employees. The current government dislikes much of this. Be - very - suspicious.”

**Stanley Johnson** (former MEP who played a key role drafting the EU legislation) said:

- “It’s a totally inappropriate idea. I think it has nothing to commend it. It’s a mistake. Not only a mistake in environmental terms, but positive madness in economic terms.”

**Wildlife and Countryside Link** (umbrella body including National Trust, WWF, Greenpeace, Friends of the Earth, RSPCA & RSPB - “largest environment and wildlife coalition in England”) [tweet](#):

- “The Retained EU Law Bill is a huge risk to nature, people, & the economy. Ditching key environmental laws could lead to UK going backwards in restoring nature & curbing the climate crisis. It will also create uncertainty & instability for business”.

**Greener UK, a coalition of 12 conservation groups**, said Defra officials would be able to spend just one day on each piece of legislation to hit the 2023 deadline — and even then would be required to work all bank holidays and weekends.

**The Wildlife Trusts** (federation of 47 charities, over 870k members) [twitter thread](#) – some quotes:

- “We face an urgent nature and climate crisis. But instead of a plan for nature's recovery on land and at sea, the UK Government is pursuing a dangerous agenda of deregulation that puts the very laws protecting wildlife at risk. We cannot let the UK Government pretend that it can have it both ways – that it can gut environmental laws whilst also positioning itself as a climate and nature leader on the world stage.”

**RSPB England**: “Make no mistake, we are angry. This Government has today launched an attack on nature.....We are entering uncharted territory.”

**ANNEX E: Mr Robertson letter to Mr Rees Mogg**

**Under separate cover**

10. 1b document 11 - Email 28 September

**From:** [Scottish Government official]

**Sent:** 28 September 2022 14:31

**To:** [Scottish Government officials] Crawford E (Ewan) [Redacted]

**Cc:** Wightman S (Scott) [Redacted]; Rogers D (David) (Constitution and Cabinet Director) [Redacted]; Deputy Director European Relations [Redacted]

**Subject:** RE: OFF SEN: Mr Rees-Mogg meeting, 28 September, briefing

Thanks – can whoever is sitting in on the meeting drop me a message when it ends to let me know if ok to post? Just in case anything happens during the meeting that might require a tweak to the text.

[Redacted]News | Senior Media Manager

Constitution, External Affairs and Culture Communications

The Scottish Government, St Andrew's House, Edinburgh

[Redacted]

[www.gov.scot/news](http://www.gov.scot/news)



**From:** [Scottish Government official]

**Sent:** 28 September 2022 14:21

**To:** [Scottish Government officials] Crawford E (Ewan) [Redacted]

**Cc:** Wightman S (Scott) [Redacted]; Rogers D (David) (Constitution and Cabinet Director) [Redacted]; Deputy Director European Relations [Redacted]

**Subject:** RE: OFF SEN: Mr Rees-Mogg meeting, 28 September, briefing

Ok for policy, thanks [Redacted]

**From:** [Scottish Government official]

**Sent:** 28 September 2022 14:14

**To:** [Scottish Government official] Crawford E (Ewan) [Redacted]

**Subject:** RE: OFF SEN: Mr Rees-Mogg meeting, 28 September, briefing

Thanks, [Redacted]

Mr Robertson is keen we tweet about this meeting. I've pulled together the below, can you let me know you're ok with this?

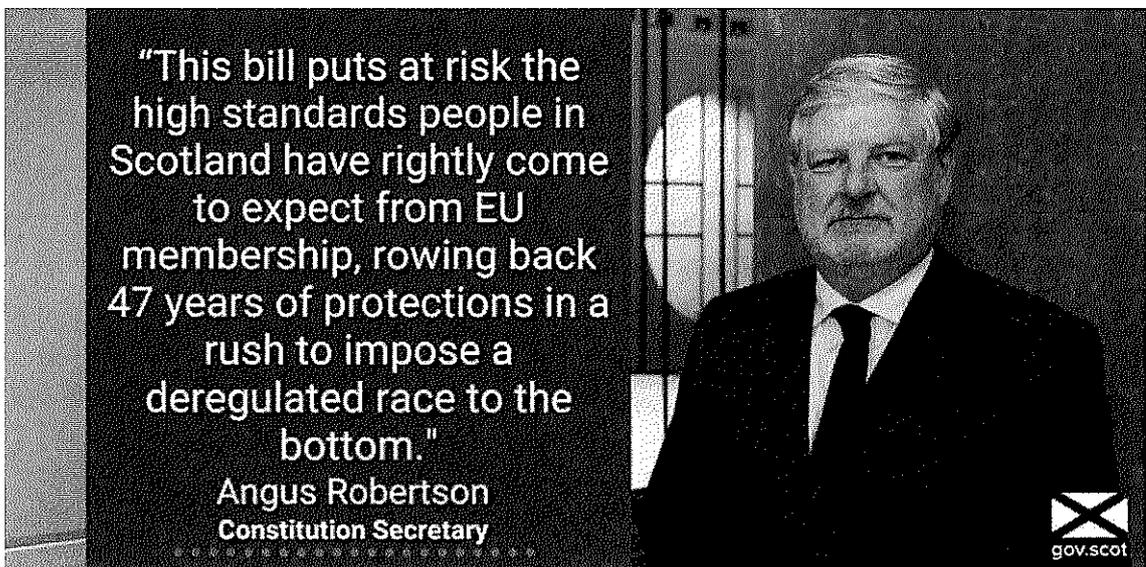
I suggest using the same graphic as last week to reiterate the deregulated race to the bottom message. I've also linked to the letter to provide further context on why we're concerned for people that may not have seen last week's tweet.

Thanks

Constitution Secretary @AngusRobertson met UK Government minister Jacob Rees-Mogg today to outline @scotgov concerns at the Retained EU Law Bill.

Scottish Ministers continue to oppose the Bill, which puts over 2,400 laws at risk.

Find out more: [bit.ly/3xGyVZy](https://bit.ly/3xGyVZy)



[Redacted]News | Senior Media Manager  
Constitution, External Affairs and Culture Communications  
The Scottish Government, St Andrew's House, Edinburgh

[Redacted] 

**From:** [Scottish Government official]  
**Sent:** 28 September 2022 07:17  
**To:** [Scottish Government official]  
**Subject:** FW: OFF SEN: Mr Rees-Mogg meeting, 28 September, briefing  
**Importance:** High

Hi [Redacted]

Forwarding the briefing for Mr R's meeting today with Mr Rees-Mogg.

**From:** [Scottish Government official]

**Sent:** 27 September 2022 18:31

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]; Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine [Redacted]

**Cc:** Wightman S (Scott) [Redacted]; Rogers D (David) (Constitution and Cabinet Director) [Redacted]; Johnson M (Martin) [Scottish Government official]; Solicitor General [Redacted]; Hynd JS (James) [Scottish Government officials] Crawford E (Ewan) [Redacted]; Lord Advocate [Redacted]; Deputy Director European Relations [Redacted]; Cameron DA (Donald) (Constitution and UKR) [Redacted]; Smith J (Joni) [Scottish Government officials]

**Subject:** OFF SEN: Mr Rees-Mogg meeting, 28 September, briefing

**Importance:** High

Evening [Redacted]

Apologies for the delay.

Briefing for the Mr Robertson's meeting Mr Rees-Mogg tomorrow attached here. Approved by Scott Wightman and David Rogers. Ewan is content.

If anything is needed in advance of the pre-meet at 1430, please let me know

[Redacted]Head of EU Secretariat | Directorate of External Affairs | Scottish Government  
Victoria Quay, 2H South, Edinburgh, EH6 6QQ



11. 1b document 12 - Email 28 September

**From:** [Scottish Government official]

**Sent:** 28 September 2022 12:54

**To:** Wightman S (Scott) [Redacted]; Rogers D (David) (Constitution and Cabinet Director) [Redacted]

**Cc:** Johnson M (Martin) [Scottish Government official] Hynd JS (James) [Redacted]; Crawford E (Ewan) [Redacted]; Deputy Director European Relations [Redacted]; Cameron DA (Donald) (Constitution and UKR) [Scottish Government officials]

**Subject:** RE: OFF SEN: Mr Rees-Mogg meeting, 28 September, briefing

Removing Ministers.

Some quick feedback from WG, to inform how we might expect JRM to approach the meeting this afternoon.

- [Redacted]
- Suggested that ministers remain in touch, as officials work on the bill clauses. Amendment stage to be taken forward after conference season.

My reactions:

1. [Redacted]

2. We must get the precise changes we wish to see to UKG ministers and officials urgently, before end of conference season. AR should flag again that he will be writing direct to JRM to set these out.
3. The verbal assurance that UKG do not want to take powers in devolved areas needs to be reflected in the bill – at the moment the bill does the exact opposite. AR should push back on this point in the meeting.
4. AR should press, if/when JRM acknowledges the ‘significant’ workload for officials, for better central coordination from UKG to avoid ensuing chaos.

[Redacted]

**From:** [Scottish Government official]

**Sent:** 27 September 2022 18:31

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]; Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine [Redacted]

**Cc:** Wightman S (Scott) [Redacted]; Rogers D (David) (Constitution and Cabinet Director) [Redacted]; Johnson M (Martin) [Scottish Government official] Solicitor General [Redacted]; Hynd JS (James) [Scottish Government officials] Crawford E (Ewan) [Redacted]; Lord Advocate [Redacted]; Deputy Director European Relations [Redacted]; Cameron DA (Donald) (Constitution and UKR) [Redacted]; Smith J (Joni) [Scottish Government officials]

**Subject:** OFF SEN: Mr Rees-Mogg meeting, 28 September, briefing

**Importance:** High

Evening [Redacted]

Apologies for the delay.

Briefing for the Mr Robertson’s meeting Mr Rees-Mogg tomorrow attached here. Approved by Scott Wightman and David Rogers. Ewan is content.

If anything is needed in advance of the pre-meet at 1430, please let me know

[Redacted] Head of EU Secretariat | Directorate of External Affairs | Scottish Government  
Victoria Quay, 2H South, Edinburgh, EH6 6QQ



12. 1b document 13 - Email 30 September

**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

**Sent:** 30 September 2022 15:40

**To:** Secretary Of State (Jacob Rees-Mogg) [Redacted]; Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Cc:** [Scottish Government, BEIS and Cabinet Office officials] Rogers D (David) (Constitution and Cabinet Director) [Redacted]; Robertson A (Angus) [Scottish Government officials] Crawford E (Ewan) [Scottish Government official]

**Subject:** RE: SOS BEIS/Cabinet Secretary Angus Robertson: REUL Bill - 28.9.22 - Readout

Good afternoon [Redacted]

Thank you for sharing the readout of the meeting. We have collated some amendments from our side if you are able to include them in the record of the meeting.

**SOS BEIS/Cabinet Secretary Angus Robertson: REUL Bill**

**28.9.22**

**15:00-15:30**

[Redacted]

Kind regards

[Redacted]

**Deputy Private Secretary**

Office of Angus Robertson MSP, Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

St Andrew's House, Regent Road, Edinburgh EH1 3DG [Redacted]



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**From:** Secretary Of State (Jacob Rees-Mogg) [Redacted]

**Sent:** 29 September 2022 11:33

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Cc:** [Cabinet Office, Scottish Government and BEIS officials] Rogers D (David) (Constitution and Cabinet Director) [Redacted]; Robertson A (Angus) [Scottish Government officials] Crawford E (Ewan) [Redacted]

**Subject:** SOS BEIS/Cabinet Secretary Angus Robertson: REUL Bill - 28.9.22 - Readout

Good morning,

Please see below the readout for yesterday's meeting.

I am the PS in SOS's office leading on the REUL Bill and REUL reform more widely, please reach out if you have any queries.

Many thanks,

[Redacted]

SOS BEIS/Cabinet Secretary Angus Robertson: REUL Bill  
28.9.22  
15:00-15:30

[Redacted]



Department for  
Business, Energy  
& Industrial Strategy

[Redacted]  
[www.gov.uk/beis](http://www.gov.uk/beis) | <https://twitter.com/beisgovuk>

13. 1b document 14 - Email 5<sup>th</sup> October

**From:** [Redacted]

**Sent:** 05 October 2022 21:12

**To:** Secretary Of State (Jacob Rees-Mogg) [Redacted]

**Cc:** [Welsh Government and Northern Ireland Executive officials] Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Subject:** Correspondence from Angus Robertson, Cabinet Secretary for Constitution, External Affairs and Culture

Good evening

Please find attached correspondence from Angus Robertson, Cabinet Secretary for Constitution, External Affairs and Culture for the attention of the Secretary of State.

Kind regards

[Redacted]

**Deputy Private Secretary**

Office of Angus Robertson MSP, Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

St Andrew's House, Regent Road, Edinburgh EH1 3DG | [Redacted]



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14. 1b document 16 - Email 10 October

**From:** Secretary Of State (Jacob Rees-Mogg) [Redacted]

**Sent:** 11 October 2022 09:07

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Cc:** [Cabinet office officials]

**Subject:** Correspondence from the Secretary of State: REUL Bill

Good morning,

Please see attached correspondence from the Secretary of State for the Cabinet Secretary.

I would be grateful if you could confirm receipt.

Many thanks,  
[Redacted]

15. 1b document 18 - Email 11 October

**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

**Sent:** 11 October 2022 09:19

**To:** [Scottish Government officials]

**Cc:** Wightman S (Scott) [Redacted]; Rogers D (David) (Constitution and Cabinet Director) [Redacted]; Johnson M (Martin) [Scottish Government official] Solicitor General [Redacted]; Hynd JS (James) [Scottish Government officials] Crawford E (Ewan) [Redacted]; Lord Advocate [Redacted]; Deputy Director European Relations [Redacted]; Cameron DA (Donald) (Constitution and UKR) [Redacted]; Smith J (Joni) [Scottish government officials] Lloyd E (Elizabeth) [Redacted]; Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]; Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine [Redacted]

**Subject:** RE: OFF SEN: Retained EU Law - letter from Mr Robertson to Mr Rees-Mogg - response letter

**Importance:** High

Morning

Please find attached the response we have just received from Mr Rees-Mogg

I will acknowledge receipt, grateful for advice on the contents of the letter and if a follow up response is required.

Thanks

[Redacted]Private Secretary

Office of Angus Robertson MSP, Cabinet Secretary for Constitution, External Affairs and Culture

[Redacted]St Andrew's House | Regent Road | Edinburgh | EH1 3DG | [Redacted]



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**From:** [Scottish Government official]

**Sent:** 05 October 2022 20:42

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]; Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine [Redacted]

**Cc:** Wightman S (Scott) [Redacted]; Rogers D (David) (Constitution and Cabinet Director) [Redacted]; Johnson M (Martin) [Scottish Government official] Solicitor General [Redacted]; Hynd JS (James) [Scottish Government officials] Crawford E (Ewan) [Redacted]; Lord Advocate [Redacted]; Deputy Director European Relations [Redacted]; Cameron DA (Donald) (Constitution and UKR) [Redacted]; Smith J (Joni) [Scottish government officials]; Lloyd E (Elizabeth) [Redacted]

**Subject:** OFF SEN: Retained EU Law - letter from Mr Robertson to Mr Rees-Mogg

Evening [Redacted],

Priority: **Immediate**

At the meeting last week with Mr Rees Mogg, Mr Robertson committed to follow up in writing outlining where the REUL Bill needed improvement.

That letter is attached for approval and sending please. It has been approved by Scott Wightman and David Rogers, and Ewan is content (Ewan – to flag, this version has evolved from the one I shared earlier).

For reasons I will explain on Teams, it would be helpful to send the letter as quickly as possible please.

[Redacted]Head of EU Secretariat | Directorate of External Affairs | Scottish Government  
Victoria Quay, 2H South, Edinburgh, EH6 6QQ



16. 1b document 19 – attachment to document 18

**From:** Secretary Of State (Jacob Rees-Mogg) [Redacted]

**Sent:** 11 October 2022 09:07

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Cc:** [Cabinet Office officials]

**Subject:** Correspondence from the Secretary of State: REUL Bill

Good morning,

Please see attached correspondence from the Secretary of State for the Cabinet Secretary.

I would be grateful if you could confirm receipt.

Many thanks,  
[Redacted]

17. 1b document 21 - Email 8 November

**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

**Sent:** 08 November 2022 10:49

**To:** [Grant Shapps]

**Cc:** Cabinet Secretary for Constitution, External Affairs and Culture [Welsh Government and Northern Ireland Executive officials]

**Subject:** Retained EU Law (Reform and Revocation) Bill - Letter from Cabinet Secretary for Constitution, External Affairs and Culture - 8th Nov

**FAO Rt Hon Grant Shapps MP Secretary of State for Business, Energy and Industrial Strategy**

Please find attached correspondence from Mr Angus Robertson, Cabinet Secretary for Constitution, External Affairs and Culture

Thanks,

[Redacted]

[Redacted]  
Deputy Private Secretary  
Cabinet Secretary for Constitution, External Affairs and Culture

[Redacted]

18. 1b document 23 - Email 2<sup>nd</sup> December

**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

**Sent:** 02 December 2022 17:13

**To:** [Scottish Government official] Cabinet Secretary for Constitution, External Affairs and Culture  
[Redacted]

**Subject:** RE: FOI trawl - returns by COP 1st December

Hi [Redacted]

Sorry for not responding sooner, I hadn't seen this request come in.

I can confirm that we have had one meeting with UKG Ministers regarding the REUL Bill since its introduction, this was on 28 September 2022 with Mr Jacob Rees-Mogg, SoS BEIS. The meeting was conducted virtually via Teams.

I've attached the original email request for the meeting from the SoS' office.

[Redacted]

Private Secretary

Office of Angus Robertson MSP, Cabinet Secretary for Constitution, External Affairs and Culture

[Redacted]

St Andrew's House | Regent Road | Edinburgh | EH1 3DG | [Redacted]



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**From:** [Scottish Government official]

**Sent:** 02 December 2022 16:54

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Subject:** FW: FOI trawl - returns by COP 1st December

Good afternoon,

I appreciate that it's the responsibility of each policy area, rather than PO, to record meetings. However, given the nature of the request some confirmation of searches from PO will be necessary to show we have done our due diligence.

Regards,

[Redacted] EU Secretariat |

DEXA, Scottish Government

[Redacted]Address: 2H South, Victoria Quay, Edinburgh, EH6 6QQ

Please note I am working from home and can be most easily reached by email or Teams.

**From:** [Scottish Government official]

**Sent:** 24 November 2022 11:38

**To:** [Scottish Government officials]

**Subject:** FOI trawl - returns by COP 1st December

Dear all,

We have received an FOI request for:

- “How many meetings (both in person and virtual) has Angus Robertson had with UK Government Ministers regarding the Retained EU Law (Reform and Revocation) Bill since its introduction by the UK Government.
- How many of these meetings have been [initiated] by Angus Robertson?
- How many of these meetings have been initiated by UK Government Ministers?”

If you have led on any meetings in scope please let me know by 1<sup>st</sup> December.

Grateful if SGLD, CUKR, PLU, EU Secretariat and PO provide nil returns (if appropriate). Nil returns are not required from other teams.

Regards,

[Redacted] | EU Secretariat |

DEXA, Scottish Government

[Redacted]

Address: 2H South, Victoria Quay, Edinburgh, EH6 6QQ

Please note I am working from home and can be most easily reached by email or Teams.

1. 1c Document 1 - Email 24 October

**From:** Baird L (Lisa) [Redacted]

**Sent:** 24 October 2022 09:31

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Cc:** [Scottish Government officials] DG Strategy and External Affairs [Redacted] Gollan J (Jennie) [Redacted]; Communications Constitution & Culture [Scottish Government official] Director of Culture and Major Events [Redacted]; Mckechnie R (Rachael) [Scottish Government official]

**Subject:** RE: Diary availability - meeting BBC Director General

**Importance:** High

PO,

As discussed, please see briefing for this afternoon's meeting.

I have confirmed with the BBC that and I will attend in support.

Kind Regards,

Lisa

[Broadcasting - Briefing - CabSec CEAC meeting with Tim Davie BBC - 24 October 2022 \(A41079165\)](#)

**Lisa Baird** | Deputy Director, Culture and Historic Environments | [Redacted]

**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

**Sent:** 21 October 2022 13:28

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Scottish Government official]  
Baird L (Lisa) [Scottish Government officials]

**Subject:** RE: Diary availability - meeting BBC Director General

Apologies – correction – this coming **Monday 24<sup>th</sup> October**

[Redacted]

Assistant Private Secretary to Angus Robertson MSP, Cabinet Secretary for Constitution, External Affairs and Culture

Ministerial Private Office

St Andrews House

Edinburgh

[Redacted] | [www.gov.scot](http://www.gov.scot) |

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**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

**Sent:** 21 October 2022 13:25

**To:** [Scottish Government official] Baird L (Lisa) [Scottish Government officials]

**Cc:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Subject:** RE: Diary availability - meeting BBC Director General

**Importance:** High

Hi all,

Can I please confirm that this meeting is going ahead at SAH on Monday 24<sup>th</sup> November 15:30 with BBC Director General and Mr Robertson and if yes when we can receive a short brief for Mr Robertson?

Best wishes,

[Redacted]

Assistant Private Secretary to Angus Robertson MSP, Cabinet Secretary for Constitution, External Affairs and Culture

Ministerial Private Office

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**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

**Sent:** 19 October 2022 12:21

**To:** [Scottish Government officials ]

**Cc:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Subject:** RE: Diary availability - meeting BBC Director General

Hi,

Can I just confirm who will be coming to this meeting so that I can organise hospitality and inform reception?

Could you also ask them to bring ID with them so they can be signed in.

Best wishes,

[Redacted]

Assistant Private Secretary to Angus Robertson MSP, Cabinet Secretary for Constitution, External Affairs and Culture

Ministerial Private Office

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Edinburgh

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**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

**Sent:** 11 October 2022 10:07

**To:** [Scottish Government official] Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Cc:** [Scottish Government officials]

**Subject:** RE: Diary availability - meeting BBC Director General

Thanks [Redacted], yeah it will be SAH.

Best wishes,

[Redacted]

Assistant Private Secretary to Angus Robertson MSP, Cabinet Secretary for Constitution, External Affairs and Culture

Ministerial Private Office

St Andrews House

Edinburgh

[Redacted] | [www.gov.scot](http://www.gov.scot) |

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**From:** [Scottish Government official]

**Sent:** 11 October 2022 09:59

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Cc:** [Scottish Government officials]

**Subject:** RE: Diary availability - meeting BBC Director General

Great thanks. Could we book 3.30 – is it at SAH?

Kind regards

[Redacted]

**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

**Sent:** 11 October 2022 09:57

**To:** [Scottish Government official] Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Cc:** [Scottish Government officials]

**Subject:** RE: Diary availability - meeting BBC Director General

Hi [Redacted]

Thanks for letting me know. 15:30 still works for Mr Robertson.

Best wishes,

[Redacted]

Assistant Private Secretary to Angus Robertson MSP, Cabinet Secretary for Constitution, External Affairs and Culture  
Ministerial Private Office  
St Andrews House  
Edinburgh

[Redacted] | [www.gov.scot](http://www.gov.scot) |

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**From:** [Scottish Government official]

**Sent:** 11 October 2022 09:46

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Cc:** [Scottish Government officials]

**Subject:** RE: Diary availability - meeting BBC Director General

Hello [Redacted]

Unfortunately the BBC have just informed me that the DG won't be available till after 3.30pm for a meeting could that work for Cab Secs diary at all? Apologies for the change.

Kind regards

[Redacted]

**From:** [Scottish Government official]

**Sent:** 29 September 2022 16:38

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Cc:** [Scottish Government officials]

**Subject:** RE: Diary availability - meeting BBC Director General

Hi [Redacted]

They are expecting the DG from early afternoon (1pm). Anything from then on we could offer?

Kind regards

[Redacted]

**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

**Sent:** 29 September 2022 13:49

**To:** [Scottish Government official] Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Cc:** [Scottish Government officials]

**Subject:** RE: Diary availability - meeting BBC Director General

Hi [Redacted]

We could look at the afternoon of Monday 24<sup>th</sup> October, are they flexible for time?

Best wishes,

[Redacted]

Assistant Private Secretary to Angus Robertson MSP, Cabinet Secretary for Constitution, External Affairs and Culture  
Ministerial Private Office  
St Andrews House  
Edinburgh

[Redacted] | [www.gov.scot](http://www.gov.scot) |

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**From:** [Scottish Government official]

**Sent:** 28 September 2022 11:02

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Cc:** [Scottish Government officials]

**Subject:** Diary availability - meeting BBC Director General

Good morning PO,

Apologies if this is a duplicate request I'm covering broadcasting due to leave/sickness. I've been contacted by the BBC regarding a request for the Cabinet Secretary to meet with the BBC Director General, Mr Davies. They have suggested Tuesday 27 October or afternoon Monday 26 October for an in-person meeting. Could you advise how this looks for diary and if possible tentatively block out a time?

If a meeting is possible I can send some further information on the purpose for this meeting to be considered by the Cabinet Secretary.

Kind regards

[Redacted]

2. 1c Document 2 – attachment to document 1

<b>Date &amp; Time of Engagement</b>	Monday 24 October 2022 15:30 – 16:30
<b>Where</b>	Conference rooms A&B, St Andrew's House, Edinburgh
<b>Key Messages</b>	The Scottish Government supports public service broadcasting but the BBC must do more to deliver for Scottish audiences and support Scotland's creative industries.
<b>Who</b>	Tim Davie CBE, Director- General, BBC Steve Carson, Director, BBC Scotland
<b>Why</b>	The BBC confirmed that Tim Davie would be in Scotland and asked if the Cabinet Secretary could meet. This meeting is your second meeting with Tim Davie (last met on 30 June 2021). This will be an opportunity to hear from the Director-General on the priorities and challenges for the BBC,

	particularly in the context of the current financial challenges, the Media Bill and other UKG activity.
<b>Official Support</b>	Lisa Baird [Redacted]
<b>Media Handling</b>	Private Meeting – No comms planned
<b>Annexes</b>	<p><b>Annex A:</b> Agenda and Points you may wish to raise</p> <p><b>Annex B:</b> Broadcasting White Paper / Media Bill</p> <p><b>Annex C:</b> BBC Licence Fee</p> <p><b>Annex D:</b> SG response to Ofcom's consultation on modernising the BBC licence fee - September 22</p> <p><b>Annex E:</b> Ofcom's Annual Report on the BBC</p> <p><b>Annex F:</b> Letter to Nadine Dorries, White Paper, <i>Up Next</i> 25/05/22</p> <p><b>Annex G:</b> Note from meeting with Steve Carson, BBC Scotland Director 19/05/22</p> <p><b>Annex H:</b> Biographies</p>

## AGENDA AND POINTS YOU MAY WISH TO RAISE

### Agenda

1. Updates from the BBC (including progress and current challenges)
2. Priorities and opportunities in Scotland
3. Media Bill
4. AOB

### Points you may wish to raise:

#### **1) BBC Scotland update – including progress and current challenges**

This is your second meeting with Tim Davie (last met June 2021). You most recently met with Steve Carson, BBC Scotland Director, on 19 May 2022 (see Meeting Note in Annex G).

You may wish to ask Tim Davie about the BBC's progress on the *Across the UK* strategy, and the BBC's future plans.

You may wish to note your continued opposition to freezing the licence fee before raising it in line with inflation, and ask for the BBC's thoughts on the likely impacts, particularly at a time of high inflation.

Last May, the BBC set out that the inflation freeze represented a £285 million funding gap through to 2027-28. At the CEEAC Committee last month, the BBC highlighted that inflation has moved the figure for the funding gap to £400-500m.

You may wish to ask, given the overall pressures on BBC budgets, how the BBC will safeguard investment in Scotland and the creative sector here.

#### **2) Priorities and opportunities in Scotland**

You may also wish to ask what activity is taking place to build stronger links with network commissioners in Scotland and to improve representation in Scotland.

You may wish to ask about the BBC's plans to do more to ensure that the social, cultural, and economic benefits of the BBC deliver for Scottish audiences and support Scotland's creative industries.

#### **2) Media Bill and Prominence**

DCMS published their broadcasting White Paper, *Up Next*, on 28 April. You responded to the SoS for the DCMS on 26 May 2022 (see Annex F).

You may wish to ask what are the particular areas of concern and priority for the BBC within the White Paper. You may wish to note your general agreement with the Paper's proposals in relation to prominence for PSBs on Smart TVs and other devices.

## BROADCASTING WHITE PAPER / MEDIA BILL

## Top Lines:

- We note the wide-ranging proposals in the Broadcasting White Paper and we will be responding shortly to the UK Government in relation to how they might affect the public service broadcasting system, which we wholeheartedly support.
- We still see no reason whatsoever to privatise Channel 4, especially not at the very time it has shown its resilience in weathering the pandemic and strengthened its content spend and investment in Scotland.
- Ideologically-driven threats to destabilise the BBC's funding puts this valuable asset at risk at a time when it is already facing unprecedented competition in a challenging marketplace.
- I am concerned that the planned freeze to the licence fee will have serious and ongoing implications for the BBC's investment in Scotland, which I believe should be increasing to better reflect revenue raised in Scotland, rather than decreasing as a response to unnecessary budgetary pressures.
- The Scottish Ministers have a role in any review of the BBC Charter, and I hope that we will be given appropriate standing in the proposed review of the licence fee funding model ahead of the next Charter period.
- I welcome the recognition in the White Paper of the importance of minority language broadcasting, and the acknowledgement of the valuable contribution that MG ALBA makes to the lives and wellbeing of Gaelic speakers across Scotland and the UK.
- I also welcome in principle the White Paper's commitment to making clear in legislation the importance of minority and indigenous regional languages, through inclusion in the new public service remit for television.
- As we noted in our response to Ofcom's *Small Screen, Big Debate* consultation last year, the Scottish Government supports maximising prominence for PSBs, and I am pleased to see the White Paper take on board Ofcom's recommendation to introduce legislation to ensure that PSBs' on-demand services and content – as well as their existing broadcast TV channels – are given prominence.
- I would expect any legislation introduced by the UK Government to take into account that audiences in Scotland should not be disadvantaged by prominence rules, which must adequately reflect the role of regional broadcasters such as STV.

**Background:**

On 27 April, the Secretary of State for DCMS, Nadine Dorries MSP, wrote to you to advise that on 28 April, DCMS would be publishing their broadcasting White Paper, *Up Next*.

On 10 May, the Queen's Speech advised of a forthcoming Media Bill, the listed purpose and benefits of which are drawn from the White Paper. There are some non-legislative elements of the Paper that do not appear in the forthcoming Media Bill, such as plans to consult on community radio and the listed events regime.

The official timescale for the Media Bill is to proceed when Parliamentary time allows, and officials understand from colleagues in DCMS that they intend to introduce the Bill before April 2023. DCMS

officials have undertaken to remain in contact with SG officials as work progresses around the Bill, and around all other areas of interest within the Paper.

You responded to the SoS for the DCMS on 26 May 2022 (see Annex F). The response sets out key areas of priority and concern for the Scottish Government, including:

- A proposed change of remit for Public Service Broadcasters
- The proposed privatisation of Channel 4
- The future of the BBC funding model

The response also notes some key areas for agreement and ongoing engagement and interest, including:

- Rules for prominence of Public Service Broadcasters on Smart TVs
- Reform of the listed events regime
- A consultation on community radio
- Consideration of the impact of smart speakers on radio services
- Enhanced content regulation and audience complaint processes for streaming services

#### Key Points of the White Paper, *Up Next*:

The UKG says it is introducing major reforms to protect the successful broadcasting sector, update the rules for a digital era and enable public service broadcasters to thrive in a streaming age.

The key proposals in the White Paper are:

- Change of remit for the PSBs; the purposes and objectives of PSBs are to be overhauled and simplified with a new definition of what a public service broadcaster is, with a focus on producing content that is 'distinctively British'
- Plans for the privatisation of C4 that allow it to be sold to a private owner and carry out in-house production changing its 'publisher-broadcaster' model
- Begin review on new funding model for BBC after the mid-term Charter Review
- Put into law rules on the prominence which must be given to PSB content by introducing into statute that this content should be easy to find on connected devices and platforms (such as Smart TVs)
- Protect viewers in the UK from any harmful content of the TV-like streaming services with a new streaming Video-on-Demand (SVOD) code for Ofcom to enforce.
- Reform the listed events regime – consideration may mean PSBs get exclusive access to some listed events.

## BBC LICENCE FEE

### Top Lines: UK Government plans to replace licence fee

- While the licence fee model may not be perfect, it is the best option at the moment to deliver stable funding and enable the BBC to fulfil its purposes of serving all its audiences and drive sustainable creative growth.
- The UK Government should stop and think again. Scottish Ministers and the Scottish Parliament are meant to have a role in any review of the BBC's Charter.
- Public service broadcasting plays a vital role in supporting press freedom by encouraging media plurality, and countering misinformation and disinformation by providing impartial, editorially independent news.
- I wrote to the Secretary of State for DCMS in January, to express my concerns about the licence fee freeze and the planned review of the licence fee model.
- That letter noted that the £285 million shortfall caused by the UK Government's proposals will have a direct impact on outputs, and may have serious implications for the BBC's investment in Scotland.

### **Background**

On 17 January 2022, the UKG announced the licence fee will be frozen for the next two years and will remain at £159 until 2024. The licence fee will then rise in line with inflation until 2027 when the current Royal Charter concludes. Following the announcement on 17 January, the BBC's Director-General Tim Davie warned the licence fee freeze would leave the BBC with a shortfall of £285m by 2027/28 and have a direct impact on output.

The UK government announced in the White Paper **they will be carrying out a review of the licence fee funding model ahead of the next Charter period**. DCMS intend to set out more detailed plans for this review, which will be designed to complement the previously announced Mid-Term Review of the BBC Charter, in the coming months

In 2019/20 the BBC raised £3.52bn in revenue from the licence fee, a drop of 5% from previous year due to the phased reduction in UKG funding for the over-75s.

## **OFCOM CONSULTATION ON MODERNISING THE BBC'S OPERATING LICENCE - RESPONSE FROM THE SCOTTISH GOVERNMENT – SEP 2022**

The Scottish Government welcomes the opportunity to respond to Ofcom's consultation on modernising the BBC's Operating Licence. We have a strong interest in ensuring that the BBC is able to deliver its vital public service remit and that the BBC is held to account on its responsibilities to ensure it provides a service that meets the requirements of audiences in Scotland and across the whole of the UK. We have opted to provide an overall response to this consultation, rather than responding to individual questions, and have included below some general comments, as well as responses to the sections detailed in the consultation.

### **General comments – measuring BBC performance**

We understand that the BBC's Operating Licence can be improved so that it can more effectively reflect how media is delivered and consumed today. While we welcome benefits to audiences and broadcasters, any changes which provide greater flexibility to the BBC would need to be transparently monitored to ensure that audiences and the creative industries in Scotland are not adversely impacted by changes.

The Scottish Government is clear about the need to protect essential public services such as fact-based news programming, and maximise the benefit of investment in high-quality, original and authentic content for audiences. It is crucial that the value of public service broadcasting and the benefits that the BBC brings as part of this system are preserved and enhanced as a result of any changes to its Operating Licence.

The Scottish Government supports Ofcom's proposed changes to set new requirements on the BBC's online services, requiring them to make important content, including content for the nations and regions and at-risk programming (arts, children's, comedy, music, religion, and specialist factual), available for online audiences, and make such content easily discoverable. We also support Ofcom's proposal to introduce a new licence objective which will require the BBC to report on its representation and portrayal obligations publicly, rather than to Ofcom only. An outcomes focused approach could help stimulate innovation and creativity, and increase quality to ensure more genuine and authentic services for audiences in the nations.

### **Quotas, flexibility and transparency**

We understand the BBC's ongoing focus on modernising, remaining relevant to audiences and improving transparency. We also recognise the priority for the BBC to continue to develop its online services while maintaining the delivery of distinctive and original UK content that reaches and remains relevant to viewers and listeners across the UK. The Scottish Government agrees that regulation must not create a barrier to the BBC transforming and modernising its services to adapt to changing audience behaviour across the UK. It is important that any changes are appropriately monitored so that there is no detrimental impact to audiences that rely on broadcast services. People in Scotland watched the most broadcast TV in the UK in 2021 and this was particularly driven by older viewers.

The Scottish Government believes that broadcasting must deliver for all audiences, including the many that are still reliant on broadcast services, such as older people and those in rural areas with limited access to online media.

It should be recognised that across the UK there are some differences in audience need and expectations. There are also some factors that are particularly important in different nations and regions, for example local news and minority language content.

### **News and current affairs**

The provision of impartial news to the highest editorial standards, including dedicated minority language, local, regional, national and international news reporting, is essential. Levels of interest in news about respondent's own nations remain high in Scotland, with 90% of respondents to Ofcom's 2022 news consumption report saying that they are interested in news about their nation.

The Scottish Government supports Ofcom's proposed changes to retain quotas for news and current affairs across TV and radio services and set new requirements on the BBC's online services, requiring them to make important content, including news and current affairs available for online audiences, and make such content easily discoverable. We also support the introduction of transparency requirements for the BBC to set out its plans to provide such services and the transparent reporting of outcomes.

However, we note that the consultation document proposes the removal of the condition on the BBC News channel to provide more international news and more local/regional news than other main continuous news channels in the UK, and we believe that this condition should be retained, and indeed strengthened, to ensure coverage of news relevant to the nations and regions is increased rather than reduced. The BBC, unlike the other main continuous news channels, receives licence fee funding to provide services for all of the UK that would not otherwise be provided. Other commercial operators are not providing comprehensive coverage of all nations of the UK and therefore it is incumbent that the BBC, which is funded by the licence fee, delivers this service.

### **Supporting learning**

The value of the BBC was demonstrated during the pandemic, when broadcasters filled the gap left by the closure of schools with education programming to support home-schooling. The Scottish Government supports Ofcom's proposed changes to retain requirements related to the delivery of content which supports children and learning, and for the BBC to provide informal learning content for adults and children of all ages across its services, and make such content easily discoverable. We also support the introduction of transparency requirements for the BBC to set out its plans to provide such services and the transparent reporting of outcomes.

This should apply evenly across the UK so that learning outcomes are tailored where relevant so that, for example, conditions related to Gaelic-language learning are retained and the same improvements for online and transparency apply.

### **UK-original content**

Investment in new original UK content is central to the BBC's ability to deliver distinctiveness and its Mission and Public Purposes, and the Scottish Government agrees that those outputs must be safeguarded.

While quotas should not negatively impact audience experience, the Scottish Government is clear that quotas remain important in many areas and we consider them necessary to ensure that the BBC is delivering its public purposes, and in particular that it remains distinctive, supports content made by and for the regions and nations, supports learning, and provides essential news and current affairs content. Quotas are important to measure compliance and we continue to believe that change should avoid any negative shift in the structural imbalance between Scotland and London, so that locally-based companies throughout the nations and regions can thrive and improve the offer to audiences. Without quotas, it may be more challenging to hold the BBC to account, particularly in relation to its

nations and regions commitments, and therefore any flexibility would need to be closely monitored and transparently reported. It is important that the BBC clearly sets out its plans for content in the nations and regions and that this is laid out in its Annual Plan.

We agree with stakeholder comments in the consultation document that without quotas, the availability of content that is less commercially viable, but valued by audiences, may decline and that audiences, as well as producers and writers who rely on the BBC to commission this type of content, could lose out.

### **Reflecting, representing and serving the diverse communities of all of the UK's nations and regions**

Content spending from the BBC continues to be a vital source of investment in the nations. While that is the case, the BBC's investment in Scotland continues to fall short of achieving a proportionate share. The BBC's most recently published Annual Report shows total BBC spend in Scotland was £241m, still only 77.5% of the licence fee raised in Scotland.<sup>3</sup> The money contributed in licence fees continues to be unequal across the nations and the BBC should be doing more for Scottish audiences, and to deliver jobs and opportunities here in Scotland for those involved in our creative industries.

The BBC's Operating Licence should strengthen equity across the nations so that we see more network productions devised and produced in Scotland to support the creative economy and to authentically reflect Scotland's diverse communities. Ofcom is proposing to introduce a new licence objective to expand the network TV production quotas for the nations and regions, specifying how much of the BBC programming should be new, as opposed to repeats. Ofcom is also proposing to include first-run programming in the requirements. We support these measures to improve network spend in Scotland.

We believe strengthening investment and ensuring network productions are devised and produced in Scotland will ultimately lead to content which audiences recognise as more authentic and representative. We know that some viewers and listeners in Scotland continue to feel less positive about representation and authenticity of BBC programmes than other UK audiences. Evidence suggests that people in Scotland rate the BBC below the UK average in relation to reflecting the life and culture of communities throughout the UK and 28% of people in Scotland gave a negative rating on the BBC reflecting the lives of people like them (UK average 23%).<sup>4</sup> The Operating Licence should ensure that the BBC is delivering a service that meets the requirements of audiences in Scotland and drives improvements in underperforming areas.

### **BBC ALBA, Gaelic Broadcasting**

The BBC's requirement to support the regional and minority languages of the UK through its output and services and through partnerships with other organisations is important, and MG ALBA makes a valuable contribution to the lives and wellbeing of Gaelic speakers across Scotland, the UK, and beyond. As we have stated previously, it is vital that support for the regional and minority languages through BBC output and services, and in particular in driving growth in rural communities and minority language communities, is strengthened.

We recognise that this exercise is focused on holding the BBC to account and, in particular, looking at how Ofcom regulates the BBC. We note the proposals in the consultation to move away from quotas and ask the BBC to report on its plans. Ofcom will ask the BBC to publish the steps it will take for each public purpose in its annual plan. The consultation paper says that in areas where Ofcom considers there to be particular benefit in increasing transparency, Ofcom will be more 'granular about what the BBC must include in reporting'. Ofcom will retain quotas where it believes specific safeguards are necessary.

The Scottish Government believes that Gaelic, being an indigenous minority language for Scotland, requires safeguarding. Gaelic broadcasting is also an area that would benefit from increasing transparency. We are of the opinion that the proposals to improve safeguarding and transparency could go further. This could be by means of agreed quotas and BBC commitments, planning and reporting. The consultation paper contains a reference to Gaelic learning and the requirement on the BBC to set out its plans to provide programming aimed at the learning of the Gaelic language for BBC ALBA and BBC iPlayer. The Scottish Government is concerned that this requirement does not provide sufficient safeguards for Gaelic content.

There is an obligation on the BBC to provide indigenous content. Minority and vulnerable issues such as Gaelic need special attention and quotas provide an important way of safeguarding that content. Clear commitments and transparency are required and this should not be limited to news and Gaelic learning, but should extend to other content for Gaelic speaking audiences with set quotas to achieve broader commitments to the outputs for audiences to enjoy.

This could be supported by a commitment for the BBC to set out how, in consultation with MG Alba, a Gaelic public service broadcasting service can be delivered. This would be in line with the Framework Agreement which requires the BBC to provide a television service, enabling MG ALBA to fulfil its remit for a 'wide and diverse range of programmes in Gaelic'.

## OFCOM'S ANNUAL REPORT ON THE BBC 2020-21

Ofcom is due to publish the next report on the BBC (for 2021-22) next month.

On 25 November 2021 Ofcom published its fourth Annual Report on the BBC, covering April 2020 to March 2021. The link to the Ofcom report is [here](#)

The BBC's Annual Report 2020/21 shows falling production spend because its operations were adversely affected by the lockdown because of the Covid pandemic. Since this year was in many ways an anomaly it is worth considering underlying trends along with the year-on-year comparisons.

The BBC Annual Report 2020/21, published 6 July 2021, shows that TV network spend in Scotland was £50m (down from £77m in 2019/20). Total local spend was £108m (down from £125m in 2019/20). This includes £34m on the BBC Scotland channel (down from £44m in 2019/20). Total BBC spend in Scotland decreased by £43m to £208m (compared to £251m in 2019/20).

It is calculated that the proportion of the licence fee raised in Scotland and spent in Scotland decreased by 18.1 percentage points to 67.3% (from 85.4% in 2019/20). The last time the percentage was below 70% was in 2017/18 at 68.8%. The 2020/21 calculation for Wales is 89.8%, Northern Ireland 83.8%.

In terms of hours, Scotland's quota of 8% was achieved at 15%. However, the quota for 50% spend outside of London was not met (47.9% in 2020, compared to 50.8% in 2019). Figures on network television programming spend by region/nation as a percentage of eligible spend showed the total spend in the three nations (Scotland, NI, Wales) was down to 16.4% (20/21) compared to 20.8% the previous year.

Some other specific nation and region spend quotas were not met, including Scotland's 8% quota for spend. (Spend in Scotland was 6.5% in 2020, compared to 9.1% in 2019). The BBC stated this was due to the unprecedented and rapid reduction in programme spend from the pandemic. The link to the BBC report is [here](#).

**CABINET SECRETARY'S LETTER TO NADINE DORRIES, WHITE PAPER, *UP NEXT* 25 MAY 2022**

25 May 2022

Dear Nadine,

Thank you for your letter of 27 April, advising of the publication on 28 April of the UK Government's Broadcasting White Paper, *Up Next*. As you will no doubt have anticipated, I have serious concerns about how some of the proposals may impact on Scotland's creative landscape. In particular, the UK Government's plans to privatise Channel 4, and proposals to 'overhaul' the remit of Public Service Broadcasters (PSBs), could have dramatic, and potentially hugely detrimental, effects on our broadcasting and screen sectors.

There are also a number of proposals in the White Paper, and the subsequent Media Bill announced in the Queen's Speech on 10 May, which, subject to further detail, the Scottish Government would be likely to support. In particular, we would be in favour of refreshed rules on prominence for Smart TVs, and increased audience protection from harmful content delivered by streaming services.

I do not intend this letter to set out the Scottish Government's position on every proposal in detail, but I hope it will offer some insight into our areas of greatest interest or concern, and help to inform engagement as your work progresses.

The White Paper is clear on the challenges currently faced by PSBs, primarily as a result of the rise of streaming services. As the Paper says, this changed environment has significant implications for PSBs, and I am relieved to see that the UK Government's recent strategic review has found that public service broadcasting remains vital in the modern media age.

The Scottish Government's clear position is that the invaluable contribution made by the PSBs should mean that they are given the support they need to adapt and survive in this new environment. I am disappointed, therefore, that a number of proposed provisions are likely to put the PSBs at risk of being damaged or diminished. Just when PSBs most need to be focusing on key external market challenges, your proposals will instead mean that they need to defend themselves against policies that seek to undermine the positive outcomes they deliver.

#### Change of Remit for Public Service Broadcasters

The White Paper sets out the UK Government's intention to replace the 'outdated' set of fourteen purposes and objectives that PSBs are currently bound by with a new, shorter remit, and greater flexibility in how they deliver that remit. I hope that any revision to the current remit would guard against the risk of a reduced offer to audiences; as the White Paper notes, PSBs currently produce a wide range of excellent content that is highly valued by audiences – any change to their current remit must ensure that these crucial, and beloved, services continue at the same high standard as they are today. It is also vital that the huge benefits that PSBs bring to our screen sector, and the creative industries more widely, are protected, not eroded, by any changes to the remit, particularly in relation to regional quotas and representation.

The White Paper also notes plans to consult on embedding 'distinctively British content' into the existing quota system. As I have said before, the Scottish Government is clear on the value of PSBs reflecting the diversity of voices and communities across Scotland and the UK. We will of course respond to any consultation, and we will be keen to see how the UK Government intends to define 'British' in this context, noting the importance of reflecting

Scotland's many cultures, including the valuable contribution that New Scots make to our country's cultural tapestry.

#### **The Future of Channel 4**

Turning to proposals to pursue the privatisation of Channel 4, I wrote to your predecessor on 14 September 2021, responding to DCMS's consultation and setting out the Scottish Government's strong opposition to the privatisation of a much-loved and successful public asset. My opposition to these proposals remains, and I note it is a position shared by the overwhelming majority of the circa 55,000 respondents to your consultation.

It is my committed belief that privatising Channel 4 will damage its current remit to deliver new and experimental programmes, and to reach and represent diverse audiences. Your White Paper notes that other PSBs (ITV, STV, and Channel 5) are already privately owned and are successful. While I agree that these broadcasters offer their own valuable contributions to the wider PSB landscape, this only strengthens the case for maintaining Channel 4's current public ownership model – it occupies a unique position that allows it to make exciting programming decisions, and invest in distinct talent and content that may well be considered too high-risk for a private company that would, first and foremost, be beholden to its shareholders.

Further, the White Paper is clear that a privatised Channel 4 would be in a position to move away from its current publisher-broadcaster model, and be able to pursue in-house production. As I have said before, the Scottish Government, taking into account the advice of industry experts, is clear that this is likely to have a serious adverse impact on independent production companies across the UK, including in Scotland. The White Paper acknowledges the significant growth in independent production in recent years, and I am clear that any proposed reform to Channel 4's ownership must prioritise how this valuable growth can be protected and enhanced. Changing Channel 4's model just as we are seeing the benefits from it seems to be entirely the wrong approach.

I will not repeat at length the points set out in my September letter and elsewhere, but I will say again that even in the current challenging times, Channel 4 continues to return a surplus and see growth in advertising. I am therefore not clear on what basis you consider that privatisation is a necessary step to secure the long-term future of Channel 4; I do not believe that your White Paper, or the evidence at hand, points to any danger to the Channel's future if it remains in public ownership. It seems to me that privatisation is a very significant and entirely unnecessary risk, and I ask you what assurances the UK Government is able to give that the consequent risks to Scotland's creative industries will be mitigated.

#### **The Future of the BBC**

I wrote to you in January this year to express my serious concerns about the UK Government's plans to freeze the licence fee for two years, and to subsequently review the licence fee model. As I said then, ideologically-driven threats to destabilise the BBC's funding puts this valuable asset at risk at a time when it is already facing unprecedented competition in a challenging marketplace.

As you know, the BBC have previously said that the planned freeze will result in a shortfall of £285m by 2027/28, which will have a direct impact on outputs across the UK. I am deeply concerned that this will have serious and ongoing implications for the BBC's investment in Scotland, which I believe should be increasing to better reflect revenue raised in Scotland, rather than decreasing as a response to unnecessary budgetary pressures.

As you are aware, the Scottish Ministers have a role in any review of the BBC Charter, and I hope that we will be given appropriate standing in your proposed review of the licence fee funding model ahead of the next Charter period. I am aware that you are now seeking an independent Chair for this six-month review, which you plan to begin before your Parliamentary recess in July. I share concerns, already expressed by others, that it will be

challenging for a meaningful, independent review to be conducted against the backdrop of your clear commitment to abolishing the licence fee. I wish you the best of luck in finding an appropriate, unbiased Chair to take forward this review, and I look forward to engaging with the process where appropriate.

I welcome the recognition in the White Paper of the importance of minority language broadcasting, and the acknowledgement of the valuable contribution that MG ALBA makes to the lives and wellbeing of Gaelic speakers across Scotland and the UK. I am pleased to see that the White Paper recognises the importance of stable future funding for MG ALBA, and I look forward to seeing the detail of these plans as they develop. I also welcome in principle the White Paper's commitment to making clear in legislation the importance of minority and indigenous regional languages, through inclusion in the new public service remit for television.

### **Prominence**

As we noted in our response to Ofcom's Small Screen, Big Debate consultation last year, the Scottish Government supports maximising prominence for PSBs, and I am pleased to see the White Paper take on board Ofcom's recommendation to introduce legislation to ensure that PSBs' on-demand services and content – as well as their existing broadcast TV channels – are given prominence across a wider range of sources, reflecting the new ways that people consume content. I would expect any legislation introduced by the UK Government to take into account that audiences in Scotland should not be disadvantaged by prominence rules, which must adequately reflect the role of regional broadcasters such as STV.

### **Reform of the Listed Events Regime**

Your White Paper proposes a review of the framework for broadcasting listed events of national interest, which would consider making qualification for the regime specific to PSBs, and extending the regime to include digital rights. I agree with the Paper's clear position on the importance of access for audiences to listed events, and I have advocated for more Scottish events to be accessible to audiences in Scotland, in particular so that sports fans across the UK have parity to watch their National teams for free. I look forward to further details of the review as it develops, and welcome in principle a refreshed regime that would ensure events continue to be available to a wide audience on a free-to-air-basis.

### **Radio**

I am pleased to see the White Paper's acknowledgement of the continued importance of radio to the public broadcasting landscape, and to audiences. I will await with interest next year's consultation on proposals to champion the community radio sector, and look forward to hearing further details on proposed future legislation to reform the regulatory structure for commercial radio. Equally, while the White Paper suggests that thinking is still in its early stages, consideration of the impact of 'smart speakers' on radio listening is welcomed.

### **Content Regulation for Video-on-Demand Services**

Subject to further information, I anticipate that the Scottish Government would be supportive of the White Paper's proposals to bring large 'TV-like' streamers into line with PSBs in having to adhere to a code to protect viewers from harm, and proposals to give viewers the ability to complain to Ofcom about streamed content. I would hope that, taken together, these new regulations will provide clarity for consumers, and could help to ensure a more level playing field for providers.

As the White Paper notes, any such regulation would require to be carefully balanced against the continued attractiveness of the UK as a market to operate these streaming services - which clearly provide content audiences enjoy - as well as the effects of regulation on future inward investment.

Finally, I would like to thank you for your letter's mention of the collaboration between Scottish and UK Government officials, and your acknowledgement that constructive engagement must continue as this work progresses. To support that, I would like to reiterate my earlier invitation, originally made in October last year, for a meeting to discuss these matters. I am sure you will agree that there is significant work, both outlined in this White Paper and elsewhere, that would benefit from discussion.

**ANGUS ROBERTSON**

**MEETING NOTE BBC SCOTLAND DIRECTOR STEVE CARSON - 19 MAY 2022**

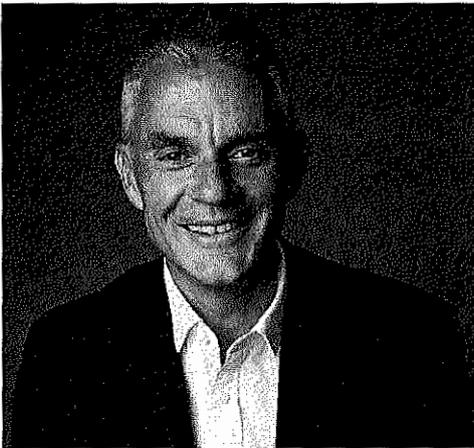
**Cabinet Secretary for Constitution, External Affairs and Culture meeting with BBC Scotland Director Steve Carson – 19 May 2022**

**Attending: Cabinet Secretary CEAC Angus Robertson; BBC Scotland Director Steve Carson; BBC Scotland Head of Corporate Affairs & Public Policy Luke McCullough; [Scottish Government officials]**

Cab Sec welcomed SC and LM, and said he was keen to continue to work constructively with the BBC and be a supportive voice in relation to the UK Government's potentially damaging proposals for reform to the public service broadcasters.

[Redacted]

## BIOGRAPHIES

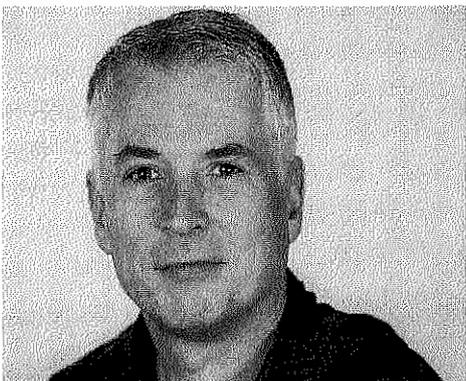


**Tim Davie** became Director-General of the BBC on 1 September 2020. He is the 17th Director-General of the Corporation.

Prior to this, Tim was Chief Executive of BBC Studios, the BBC's principal commercial subsidiary. Responsible for creating and distributing leading British content globally; Tim led BBC Studios from April 2013.

Whilst in the role, he oversaw the merger between the BBC's production arm and BBC Worldwide, the Corporation's distribution company, and was responsible for an annual turnover of over £1.4bn.

Before joining the BBC, he worked at PepsiCo Europe and Procter and Gamble.



**Steve Carson** took up the post of BBC Scotland Director in October 2020. Born and brought up in Northern Ireland, Steve graduated from Manchester University before joining the BBC in a variety of roles; progressing from Youth and Entertainment Features to becoming a producer/director on BBC flagship current affairs programmes Newsnight, Spotlight and Panorama.

Steve returned to Ireland in 1997 and later established the independent production company, Mint Productions. In February 2009, Steve was appointed as Director of Programmes, RTÉ Television, with responsibility for commissioning in-house and independently made content on RTÉ One and Two. He re-joined the BBC in 2013 as Head of BBC Northern Ireland Productions.

Steve joined BBC Scotland as Head of Multiplatform Commissioning in 2017, where his responsibilities included launching a dedicated channel for Scotland. Amongst his commissioning credits were the award-winning drama Guilt, landmark documentaries Yes No: Inside The Indyref and Murder Trial and popular documentaries series Inside Central Station. He expanded BBC Scotland's Sport portfolio with live coverage of the SPFL Championship and the return of top flight football highlights to Saturday nights.

3. 1c document 3 - Email 24 October

**From:** Luke McCullough [Redacted]

**Sent:** 24 October 2022 09:42

**To:** Baird L (Lisa) [Scottish Government and BBC staff]  
**Cc:** [Scottish Government official]  
**Subject:** RE: Meeting with Cabinet Secretary

Thank you Lisa – we'll let the DG and Steve's office know,

Luke.

**From:** [Lisa Baird]  
**Sent:** 24 October 2022 09:38  
**To:** Luke McCullough [BBC staff]  
**Cc:** [Scottish Government official]  
**Subject:** RE: Meeting with Cabinet Secretary

Thanks Luke,

I'm afraid that the meeting will need to be curtailed slightly to 45 minutes as the Cabinet Secretary now has urgent business. Timings will run from 15:30 – 16:15.

Lisa

**Lisa Baird** | Deputy Director, Culture and Historic Environments | [Redacted] – *currently working from home*  
[Redacted]

**From:** Luke McCullough [Redacted]  
**Sent:** 24 October 2022 08:53  
**To:** Baird L (Lisa) [BBC staff]  
**Cc:** [Scottish Government official]  
**Subject:** RE: Meeting with Cabinet Secretary

Good morning Lisa.

Yes – we're still OK for the Director General to meet with the Cabinet Secretary this afternoon and hope all is OK for you too. Mr Davie will be accompanied by Steve Carson, Director BBC Scotland.

With thanks and best wishes,

[Redacted]

**From:** [Lisa Baird]  
**Sent:** 24 October 2022 08:38  
**To:** Luke McCullough [BBC staff]>  
**Cc:** [Scottish Government official]  
**Subject:** RE: Meeting with Cabinet Secretary

Good Morning [Redacted]

Can I please confirm that this meeting still ok for Mr Davie this afternoon and if anyone else from the BBC is attending?

Thanks and Kind Regards,

Lisa

**Lisa Baird** | Deputy Director, Culture and Historic Environments [Redacted]

**From:** [Scottish Government official]  
**Sent:** 24 October 2022 08:31  
**To:** Baird L (Lisa) [Redacted]  
**Subject:** FW: Meeting with Cabinet Secretary

Sent with BlackBerry Work ([www.blackberry.com](http://www.blackberry.com))

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**From:** Luke McCullough [Redacted]  
**Sent:** 12 Oct 2022 10:12  
**To:** [Scottish Government official]  
**Cc:** [BBC staff and SG officials]  
**Subject:** RE: Meeting with Cabinet Secretary  
Good morning [Redacted]. Thank you to you and [Redacted] for making the approach to the Private Office. That's much appreciated.

I've just spoken with Mr Davie's office and they are pleased to confirm the slot you've offered to meet with the Cabinet Secretary for Monday 24<sup>th</sup> October from 1530 to 1630. [Redacted] We'll confirm in due course.

Thanks again,

Luke.

**From:** [Scottish Government official]  
**Sent:** 12 October 2022 09:54  
**To:** Luke McCullough [Redacted]  
**Cc:** [BBC and Scottish Government staff]  
**Subject:** Meeting with Cabinet Secretary

Good morning Luke,

I hope you are well. [Redacted] is not in today, but I understand you were emailing about availability for the upcoming meeting between the Cabinet Secretary and the BBC Director General. I can confirm that Private Office have come back to say that

24 October, 15:30-16:30 at St Andrews House would work. I'll be back in touch shortly with suggested agenda, but please do let me know if there is anything in particular Mr Davie would like to discuss.

Best,

[Redacted] | Senior Policy Manager – Broadcasting and Screen  
Scottish Government | Culture and Historic Environment Division | Area 2-G South | Victoria  
Quay | Edinburgh | EH6 6QQ  
[Redacted]

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4. 1c document 4 - Email 25 October

**From:** Baird L (Lisa) [Redacted]

**Sent:** 25 October 2022 18:16

**To:** First Minister [Redacted]

**Cc:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]; Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine [Redacted]; Gollan J (Jennie) [Redacted]; Spads Admin [Redacted]; Communications Constitution & Culture [Scottish Government officials] Director of Culture and Major Events [Redacted]; DG Strategy and External Affairs [Redacted]

**Subject:** RE: Cab Sec meeting with BBC DG

PO/ FM,

As requested, please see a read out of the meeting with Tim Davie, Director-General BBC this week.

**Date:**

Monday 24 October 22 1530

**Attendees:**

Angus Robertson, Cabinet Secretary for Constitution, External Affairs and Culture  
Tim Davie CBE, Director- General, BBC  
Steve Carson, Director, BBC Scotland  
Lisa Baird, Scottish Government

**Notes from the meeting:**

[Redacted] with 89-90% watching live TV or iPlayer per week. He said numbers were slightly lower in Scotland [Redacted]

Finally, the Cabinet Secretary outlined his planned trip to LA early next year and his plan to convene a roundtable discussion with members of the Scottish Film Diaspora to discuss how they could support film/ screen in Scotland. [Redacted]

Lisa

**Lisa Baird** | Deputy Director, Culture and Historic Environments | [Redacted]

**From:** [Scottish Government official] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

**Sent:** 25 October 2022 16:29

**To:** Baird L (Lisa) [Redacted]

**Cc:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Subject:** FW: Cab Sec meeting with BBC DG

**From:** [Scottish Government official]

**Sent:** 25 October 2022 16:00

**To:** Cabinet Secretary for Constitution, External Affairs and Culture [Redacted]

**Cc:** Nicolson S (Stuart) (Special Adviser) <[Redacted]>

**Subject:** Cab Sec meeting with BBC DG

Hi [Redacted],

Can we get a read-out of Mr Robertson's meeting with the BBC Director General yesterday?

Many thanks,

Emily

**Emily Mackintosh**

Special Adviser to the First Minister

[Redacted]

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