



Office of the  
Advocate General  
for Scotland

The Right Honourable  
**Lord Stewart of Dirleton KC**

**Advocate General for  
Scotland**

**Lord Anderson of Ipswich**

House of Lords  
London  
SW1A 0PW

06 March 2024

Dear David

I am writing to follow up on the debate in the Lords on day three of Committee (Official Report, 19 February 2024, column 482) regarding interim measures.

You asked whether the Government agrees that if a Minister, in compliance with Clause 5, decides not to comply with an interim measure, that would place the United Kingdom in breach of its international obligations.

Clause 5 provides that it is for a Minister of Crown only to decide whether the UK will comply with an interim measure indicated by the European Court of Human Rights in proceedings relating to the intended removal of a person to the Republic of Rwanda under, or purportedly under, a provision of, or made under, the Immigration Acts.

The Bill is in line with international law. The Government takes its international obligations, including under the ECHR, very seriously; and there is nothing in the clause that requires the UK to breach its international obligations.

In any event, it is not correct that a failure to comply with interim measures automatically involves a breach of international law: There are limited circumstances where non-compliance with an interim measure is not a breach of international law.

I am copying this letter to Lord Scriven, Baroness Chakrabarti, Lord Faulks, Lord Kerr of Kinlochard, Lord Jackson of Peterborough, Lord Howard of Lymphe, Lord Hannay of Chiswick, Lord Purvis of Tweed, Lord Hoffman, The Lord Bishop of Chichester, Lord Falconer of Thoroton, Lord Etherton, Baroness Butler-Sloss, Lord Inglewood, Lord Murray of Blidworth, Lord Wolfson of Tredegar, and Lord Ponsonby of Shulbrede.

I will also place a copy of this letter in the library of the House.

Yours sincerely,

*Stewart of Dirleton.*

**RT HON LORD STEWART OF DIRLETON KC**