



Office of the  
Advocate General  
for Scotland

The Right Honourable  
Lord Stewart of Dirleton KC

Advocate General for  
Scotland

**Lord Falconer of Thoroton**

House of Lords  
London  
SW1A 0PW

06 March 2024

Dear Charles

I am writing to follow up the debate in the Lords on day three of Committee (Official Report, 19 February, column 479) regarding Clause 5 to the Safety of Rwanda (Asylum and Immigration) Bill 2024.

You asked why a decision made by a Minister of the Crown to not follow an Interim Measure from the European Court of Human Rights is not susceptible to Judicial Review.

The Government position is that a decision whether or not to comply with an interim measure is not amenable to a judicial review by virtue of the decision being related to international law, rather than with respect to the provisions of domestic law. As such there is no 'ouster' contained within Clause 5 of the Bill as our position is that this is not necessary.

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 Etherton, Baroness Butler-Sloss, Lord Inglewood, Lord Anderson of Ipswich, Lord Murray of Blidworth, Lord Wolfson of Tredegar, and Lord Ponsonby of Shulbred.

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

Yours sincerely,

**RT HON LORD STEWART OF DIRLETON KC**