

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

Dean Lockhart MSP
Convener
Committee for Net Zero, Energy and Transport,
Scottish Parliament
Email: netzero.committee@parliament.scot
cc: dplr.committee@parliament.scot

21 March 2022

Dear Dean

THE WASTE AND AGRICULTURE (LEGISLATIVE FUNCTIONS) REGULATIONS 2022 EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT

This letter updates the Committee on the above UK Statutory Instrument relating to devolved matters to which Scottish Ministers gave their consent following consideration by the relevant committees (Net Zero, Energy and Transport Committee, the Rural Affairs, Islands and Natural Environment Committee and the Local Government, Housing and Planning Committee) as per the agreed protocol between the Scottish Government and the Scottish Parliament on EU Exit Statutory Instruments.

The UK Statutory Instrument was made on the 25 February 2022 and is largely consistent with the consent granted. The content only varies in one respect from the proposal considered by the Scottish Parliament, but that variation does not relate to Scottish interests.

The variation relates to the NI Department for Infrastructure not agreeing to the provisions in Chapter 4 of the SI in relation to Directive 2006/21/EC on the management of waste from extractive industries applying to Northern Ireland. As a consequence of this, the original laying date of 25 November 2021 was delayed while Defra amended the SI to exclude Northern Ireland from the application of Chapter 4.

This amendment does not have any impact on the application to Scotland of any of the provisions in the SI as notified to the Parliament.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

A similar letter is being sent to the Convener of the Rural Affairs, Islands and Natural Environment Committee, the Convener of the Local Government, Housing and Planning Committee, copied to the Convener of the Delegated Powers and Law Reform Committee.

Kind regards

LORNA SLATER

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St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



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