



The Scottish Parliament
Pàrlamaid na h-Alba

Rural Affairs, Islands and Natural Environment Committee

Cabinet Secretary
for Rural Affairs and
Islands

c/o Clerk to the Committee
The Scottish Parliament
Edinburgh
EH99 1SP

rural.committee@parliament.scot

By email only

29 September 2022

Dear Cabinet Secretary,

**DEFRA APH/024 – THE TRADE IN ANIMALS AND RELATED PRODUCTS
(AMENDMENT AND LEGISLATIVE FUNCTIONS) REGULATIONS 2022**

Thank you for your letter, dated 26 September, relating to the above UK SI.

In advance of the Committee's consideration, it would be helpful if you could provide further information on the following points—

The notification states (top of page 3) that “the instrument will also confer legislative functions of EU entities in those Council Directives on the appropriate authority in Scotland, where it is appropriate to retain the function”. It then goes on to list the functions that are being conferred, but it is not clear from the notification which functions, if any, are not being retained.

- The notification states that provisions “which are relevant to imports” are being retained. Please clarify what is meant by this.
- Please clarify which provisions from the Council Directives listed in Schedule 1 are not being retained and why. Given the short timescales for consideration, please indicate what these provisions achieve in practice, rather than the just the Article numbers.

The notification explains that “the appropriate authority for the exercise of [the specified legislative] functions in relation to Scotland will be the Scottish Ministers, or where consent is given by the Scottish Ministers, the Secretary of State”.

- Please indicate whether all of the legislative functions in the Council Directive articles specified in the notification (pages 3-7) are being conferred in this way, i.e. concurrently on the Scottish Ministers and the Secretary of State, with a statutory requirement for consent where exercised by the Secretary of State.

- Please explain why the Scottish Government considers it appropriate for these further legislative powers to be conferred on the Secretary of State, given that they are exercisable within the Parliament's legislative competence.

A response by close of play on Friday 30 September would be appreciated.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Finlay Carson', with a long horizontal flourish extending to the right.

Finlay Carson MSP

Convener

Rural Affairs, Island and Natural Environment Committee