

Delegated Powers and Law Reform Committee

5th Meeting, 2021 (Session 6), Tuesday 21 September 2021

Instrument Responses

Official Controls (Transitional Staging Period) (Miscellaneous Amendments) (Scotland) Regulations (SSI 2021/297):

On 10 September 2021, the Scottish Government was asked:

The Protocol on the scrutiny of SSIs made using powers under the European Union (Withdrawal) Act provides at paragraph 28 that SSIs made under this Act must include a statement setting out the Scottish Ministers' reasons for their choice of procedure to attach to the regulations. This was not included within the Policy Note. Could this please be provided?

On 14 September 2021, the Scottish Government responds as follows:

Negative procedure is considered appropriate as regulation 3 makes minor amendments to provisions for the transitional staging period provided for in schedule 5 of the Trade in Animals and Related Products (Scotland) Regulations 2012. It is also considered appropriate because the powers under Article 144(6) of, and paragraph 2 of Annex 6 to, Regulation (EU) 2017/625 to make provision incidental and supplementary to appointing the end date of the transitional staging period (and which the powers under the European Union (Withdrawal) Act 2018 are being exercised together with) are subject to negative procedure. Regulation 3 does not include provisions which fall within paragraph 1(2) of schedule 7 of the European Union (Withdrawal) Act 2018.