14th March 2019

Dear Gillian,

THE ANIMALS (LEGISLATIVE FUNCTIONS) (EU EXIT) REGULATIONS 2019

EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT

The Scottish Parliament’s Environment, Climate Change and Land Reform Committee and the Rural Economy and Connectivity Committee recommended on 8 and 14 January 2019 respectively that The Animals and Food (Transfer of Functions) (EU Exit) Regulations 2018 include Scottish devolved matters, as set out in the notification to the Scottish Parliament dated 12 December 2018.

This Statutory Instrument (SI) was to be subject to the affirmative procedure, as reflected in the Scottish Government’s notification and was laid as such in the UK Parliament on 21 January 2019.

As you may recall, your Committee wrote to the Scottish Government on 19 December 2018 requesting clarification on aspects of the notification. A response was sent dated 7 January 2019:

https://www.parliament.scot/S5_Environment/General%20Documents/ECCLR_2019.01.07_Animal_Health_MinisterRANE_IN.pdf

Details in relation to the changes which have occurred since the SI was laid in the UK Parliament are explained overleaf.
Notification to REC and ECCLR Committees, 12 December 2019: subsequent changes

I can now confirm that this SI varies in some respects from the original proposal as set out in the notification but the variation is not so significant as to need any further process. Firstly, the SI’s title has changed from The Animals and Food (Transfer of Functions) (EU Exit) Regulations 2018 to The Animals (Legislative Functions) (EU Exit) Regulations 2019.

In addition, amendments to Council Regulation (EC) 2160/2003 have been removed from this SI and are instead included alongside other related provision in the Zoonotic Disease Eradication and Control (Amendment) (EU Exit) Regulations 2019 (which was the subject of separate notification to the REC Committee) and a link is attached (please see page 24 of the attached REC Committee agenda meeting dated Wednesday 5 December):


Finally, a saving and transitional provision has now been inserted into this SI but this also does not constitute a change in policy.

Follow-up letter to ECCLR Committee, 7 January 2019: subsequent changes

Annex B of the letter to ECCLR committee dated as above refers to the aforementioned Council Regulation (EC) 2160/2003 on page 10 and this is no longer relevant for the purposes of this SI.

In terms of the asterisk which had been marked in Annex B under Regulation (EC) 1089/2009 17(2) (first subparagraph), this was notified as being under discussion at the time the letter was sent. I can now confirm that this has been amended to reflect approach 3 as per the key in Annex B.

I shall also be writing to the Rural Economy and Connectivity Committee for their interests in this instrument and I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

MAIRI GOUGEON

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