21st February 2019

Dear Gillian,

THE EQUINE (RECORDS, IDENTIFICATION AND MOVEMENT) (AMENDMENT) (EU EXIT) REGULATIONS 2019
EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT

The Scottish Parliament recommended on 5 December 2018 that the Equine (Records, Identification and Movement) (Amendment) (EU Exit) Regulations 2019 should include Scottish devolved matters, as set out in the notification to the Parliament.

The Equine (Records, Identification and Movement) (Amendment) (EU Exit) Regulations 2019 was laid in the UK Parliament on 10 January 2019.

This SI varies slightly to the original proposal outlined in the notification which indicated that the instrument was to be subject to negative procedure in the UK Parliament whereas it has been laid as an affirmative instrument. However, this variation in the procedure to apply to the SI is not considered so significant as to need any further process. The change of procedure does not impact on the substance of what the Scottish Parliament has already consented to as set out in the notification.

The House of Lords sitting committee recommended that the SI be subject to affirmative procedure. The committee noted that the draft Explanatory Memorandum accompanying the instrument referred to an EU Exit Technical Notice ‘taking horses abroad if there’s no Brexit deal’ (link below***) which explained that were the UK to become a Third Country, we would be subject to existing Third Country categorisation by the EU, dependent upon the EU’s assessment of the UK’s disease risk status. If the UK were to become a Third Country, this may lead to possible associated certification and equine blood testing requirements in line with existing EU Third Countries rules. This also explains possible costs to owners if additional blood tests are required as part of the export certification process. For

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

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clarification, these Regulations support the continued movement of equines into and through the EU with the minimum of disruption, any such costs do not result from these Regulations.


I am copying this letter to Graham Simpson, Convener of the Delegated Powers and Law Reform Committee.

MAIRI GOUGEON