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The Presiding Officer  
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27 June 2019

Dear Presiding Officer

**The Welfare Foods (Best Start Foods) (Scotland) Amendment Regulations 2019**

The Welfare Foods (Best Start Foods) (Scotland) Amendment Regulations 2019 SSI 2019/193 was made by the Scottish Ministers under section 13 of the Social Security Act 1988. It is being laid before the Scottish Parliament today, 27 June 2019 and comes into force on 11 August 2019.

Section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 sets out that a negative SSI must be laid before the Scottish Parliament at least 28 days before the instrument comes into force. On this occasion, this has not been complied with and to meet the requirements of section 31(3) of that Act, this letter explains why.

The Regulations are required to amend the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019 (“the principal instrument”) in order to offer greater clarity in respect of regulation 18 of the principal instrument. The Regulations are being brought forward following queries from the Delegated Powers and Law Reform Committee (“DPLRC”).

The Committee drew the principal instrument to the attention of SGLD on account of a disconnect between regulation 17 and regulation 18, in reference to offences, and their enabling powers. In order to provide clarity to the application of section 113 of the 1992 Act to regulation 18 by section 13(9) of the 1988 Act it is necessary to lay an amending SSI. The Scottish Government have given full consideration to DPLRC comments and wish to cooperate fully with the Scottish Parliament in order to make clear, effective and accessible law. The amendment is technical in nature and does not change the policy intention. It merely seeks to clarify a particular provision in relation to offences.

We apologise for breaching Standing Orders on this occasion, however it is considered that it is necessary in order to ensure this clarification is in place for the coming into force of the principal instrument on 12 August 2019. For these reasons we are unable to meet the 28 day requirement.

**Brodie Wilson**