Edward Mountain MSP
Convenor
Rural Economy and Connectivity Committee
Scottish Parliament
Edinburgh
EH99 1SP

30 May 2019

Dear Edward,

EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT
The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2019 (the “FD06 Regulations”)

I am writing in relation to the protocol on obtaining the approval of the Scottish Parliament to the exercise of powers by UK Ministers under the European Union (Withdrawal) Act 2018 in relation to proposals within the legislative competence of the Scottish Parliament.

As you know, the Cabinet Secretary for Government Business and Constitutional Relations, Michael Russell wrote to the Convenors of the Finance & Constitution and Delegated Powers and Legislative Reform Committees on 11 September setting out the Scottish Government’s views on EU withdrawal. That letter also said that we must respond to the UK Government’s preparations for a No-Deal scenario as best we can, despite the inevitable widespread damage and disruption that would cause. It is our unwelcome responsibility to ensure that devolved law continues to function on and after EU withdrawal.

The FD06 Regulations were previously The Food and Drink (Amendment) (EU Exit) Regulations 2019 and a notification was sent to the Scottish Parliament on 26th March 2019 requesting consideration on an urgent basis, as Defra intended to lay the FD06 Regulations under the urgent made affirmative procedure on 27th March 2019. The Committee helpfully considered the notification at its meeting on 3rd April and were content. However, Defra then delayed laying the FD06 Regulations.

Changes have now been made to the FD06 Regulations which are so significant that a new notification is required. These changes are primarily due to the fact that Defra have now included in FD06 amendments to the new EU spirits drink regulation (Regulation 2019/787) which was published on 17th May 2019.

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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www.gov.scot
Accordingly, I attach a Notification of Intention to Consent which sets out the details of the above named UK SI which the UK Government proposes to make and the reasons why I am content that Scottish devolved matters are to be included in this. Please note, we are yet to have sight of the final SI and it is not available in the public domain at this stage. We will, in accordance with the protocol, advise you when the final SI is laid and advise you as to whether the final SI is in keeping with the terms of this notification.

I am copying this letter to the Convenors of the Environment, Climate Change & Land Reform Committee and the Delegated Powers and Law Reform Committee.

I look forward to hearing from you within 28 days from the date of this letter.

FERGUS EWING