June 2019

Dear Edward,

THE IMPORT OF AND TRADE IN ANIMALS AND ANIMAL PRODUCTS (AMENDMENT ETC) (EU EXIT) REGULATIONS 2019

EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT

Further to my letter of 27 February confirming the laying date, parliamentary procedure and final title of the above statutory instrument (SI), I am writing to update you with regard to subsequent developments that required to be addressed via an additional SI ("the New Instrument").

The New Instrument amends The Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019 ("the Original Instrument"), which your committee consented to and which was laid as a draft affirmative instrument, approved through debates in UK Parliament and made in the first week of April.

After the Original Instrument was approved but before it was made, DEFRA identified a number of administrative errors therein that required correction before exit day in order for it to work as intended and as outlined in my notification to the Scottish Parliament. Following consultation with the devolved administrations, official consent was given for DEFRA to proceed with the New Instrument on the basis that it would contain no substantive changes that would result in the Original Instrument becoming incompatible with the notification to the Scottish Parliament.

The New Instrument, entitled The Animal Health, Alien Species in Aquaculture and Invasive Non-native Species (Amendment) (EU Exit) Regulations 2019, corrects the errors in the Original Instrument to ensure that the relevant EU regulations and decisions are transposed.
correctly. The Original Instrument and the New Instrument were both made on 4 April, the former under the draft affirmative procedure and the latter under the made affirmative urgency procedure. The New Instrument was debated in the House of Commons and House of Lords on 9 and 13 May respectively.

Although a formal notification for the New Instrument was not required as its effect was simply to ensure that the Original Instrument operates as intended, in order to ensure that the Scottish Parliament is fully apprised of developments I am sending letters to the relevant Committees to alert them to the existence of the New Instrument. As such, I have also sent a copy of this letter to the Environment, Climate Change and Land Reform Committee and to the Convener of the Delegated Powers and Law Reform Committee.

MAIRI GOUGEON