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Edward Mountain MSP
Convener of the Rural Economy and Connectivity
Committee
The Scottish Parliament
Edinburgh
EH99 1SP

18th February 2019

Dear Edward,

THE ANIMAL WELFARE (AMENDMENT) (EU EXIT) REGULATIONS 2019 EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT

The Scottish Parliament Rural Economy and Connectivity Committee recommended on 22 November 2018 that the Animal Welfare (Amendment) (EU Exit) Regulations 2018 should include Scottish devolved matters, as set out in the notification to the Parliament.

The SI was laid in the UK Parliament as the Animal Welfare (Amendment) (EU Exit) Regulations 2019 on 31 January 2019. I can now confirm that this SI varies in some respects from the original proposal but that the variation is not so significant as to need any further process.

The notification indicated that the proposed SI would be laid under the negative procedure, however on the recommendation of the UK Commons sifting committee, the SI was laid in draft under the affirmative procedure.

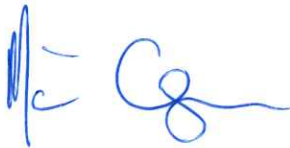
In the notification I outlined that the SI would make amendments to the various EU Regulations affected that introduced a new definition of “Appropriate Authority” (Scottish Ministers for Scotland) and amended definitions of “competent authority”, referring to the Appropriate Authority. As a result of subsequent drafting changes, the final term used was “Appropriate Minister” rather than “Appropriate Authority”. In addition, the definitions of “competent authority” leave the nomination of competent authorities to be made in domestic legislation, as is currently the case. For Scotland this will be Scottish Ministers except where responsibilities are delegated to specific organisations. In practice these drafting changes have no impact on who actually holds responsibility for functions.

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The notification also referred to the transfer of certain non-legislative functions of Member States or Competent Authority as previously defined, including issuing guidelines. The transfer of the functions concerning the issuing of guidelines is now being dealt with in a separate SI, referred to in the notification, that also deals with transfer of legislative functions.

I shall also be writing to the Environment, Climate Change and Land Reform 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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