



The Scottish Parliament
Pàrlamaid na h-Alba

Cabinet Secretary for the Rural
Economy and Tourism

Minister for Rural Affairs and the
Natural Environment

By e-mail only

**Rural Economy and Connectivity
Committee**

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20 April 2020

Dear Fergus & Mairi,

UK SI NOTIFICATIONS – EU EXIT

The Rural Economy and Connectivity Committee has considered the notification below (by email correspondence as opposed to at a formal committee meeting given present circumstances) which outlines the Scottish Government's intent to consent to UK Ministers making regulations on its behalf. The Committee can confirm that it is content for the consent to be given to:

- The Direct Payments to Farmers (Legislative Continuity) Act (Consequential Amendments) Regulations 2020

However, in considering the consent notification, the Committee would like to raise certain related broader policy issues, which are outlined in the Annex.

The Committee would be grateful if you could respond to the points raised by Monday 18 May 2020.

Kind regards

Edward Mountain
Convener

Annex

Broader policy issues on UK SI notification considered by REC Committee - The Direct Payments to Farmers (Legislative Continuity) Act (Consequential Amendments) Regulations 2020

Timing

The Scottish Parliament has not been given the expected 28 days (clear of recess periods) to consider this notification. The Committee notes that this has become something of a regular occurrence. The notification states that timing is tight in this case as the Scottish Government only recently received the necessary information from the UK Government to enable them to make this notification.

The notification also states that the Scottish Government asked the UK Government to delay the laying date to allow the full 28 day period, but the UK Government explained that this would not be possible in this case as they needed the SI to be made and laid as soon as possible so they can lay a further emergency instrument.

The Committee would like to ask whether the further emergency instrument referred to includes devolved matters and whether it will be also subject to a notification, and (if so) what time is likely to be available to the Scottish Parliament to consider it?

The Committee would also be grateful if the Scottish Government could communicate the Committee's concerns to the UK Government regarding the increasing lack of adherence to the 28 day period for Scottish Parliament scrutiny. Any reduction in an already tight timescale creates further difficulties in ensuring effective parliamentary scrutiny.

Agriculture (Retained EU Law and Data) (Scotland) Bill

The Committee also asks whether the instrument covered by this notification has any impact on the Agriculture (Retained EU Law and Data) (Scotland) Bill, currently progressing through the Scottish Parliament?