



The Scottish Parliament
Pàrlamaid na h-Alba

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Dear Minister,

SI notification for consent

At its meeting on 4 October 2022, the Committee considered the following UK SI notification:

- The Food and Feed (Miscellaneous Amendments) Regulations 2022

The Committee is content for the Scottish Government to give consent to UK Ministers to make regulations in this devolved policy area, recognising it is required to address issues of deficiency, inoperability and inconsistency, to make the relevant retained EU law appropriate for GB.

However, the Committee is extremely concerned that it has not had sufficient time to fully scrutinise the instrument. In accordance with the [protocol](#), the Scottish Parliament should have a minimum of 28 days to consider type 1 notifications, except in respect of urgent notifications. On this occasion, the Committee only had 12 days to consider the notification, and the Scottish Government provided no explanation for the constrained timetable.

The Committee also notes the following areas of concern with the notification:

Consultation timescales

With regard to transitional periods for Genetically Modified Organisms (GMOs), the Committee notes that an [England & Wales-only consultation](#) on this proposed change to the law was launched on 20 Sept 2022, with a closing date of 4 October 2022.

The Committee notes that an analysis of responses to the consultation is intended to be undertaken quickly to ensure any amendments needed as a result will be done before laying. However, the Committee has serious concerns that they may be consenting to something that might change. The Committee does not feel it is appropriate to be asked to consider proposals before the consultation has concluded and pending potential further unknown changes. The Committee asks the Scottish Government how it intends to obtain the Committee's view on any such changes before the SI is laid?

Consultation responses

The Committee further notes that in relation to the above consultation, details of Scottish stakeholders were supplied to and utilised by the Food Standards Agency. However, the consultation page clearly specifies that it applies to England and Wales and does not mention that legislative changes will apply in Scotland or that Scottish stakeholders are invited to comment. The Committee has concerns and wishes to note this may have limited participation outwith those that received formal communications.

Extensions to transition periods

The Committee further notes that the extensions to the transition periods for the three GMOs (GMOs, Ms1×Rf1, Ms1×Rf2 and Topas 19/2 oilseed rape) constitute policy decisions, and future notifications should be clear regarding the division between technical and policy changes.

Pictogram

The notification received also indicates that no response was received from groups representing visual impairment, Alzheimer's disease, and learning difficulties on removal of the DO NOT EAT pictogram. The Committee welcomes the recognition for further review in this regard and that Food Standards Scotland and the Food Standards Agency will review the implementation of the change to ensure there are no negative impacts on the safety of vulnerable groups from the absence of the pictograph, with an option to introduce a new pictogram if necessary.

Yours sincerely,



Gillian Martin MSP
Convener, Health, Social Care and Sport Committee