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Finlay Carson MSP  
Convener of the Rural Affairs and Islands  
Committee  
The Scottish Parliament  
Edinburgh  
EH99 1SP  
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(by email only)

6 November 2023

Dear Finlay,

**UK SIs: EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT  
The Direct Payments Ceilings Regulations 2020**

The Scottish Parliament agreed that it was content for the Scottish Ministers to give their consent to the Direct Payments Ceilings Regulations 2020 including Scottish devolved matters on 13 May 2020 as set out in the notification to the Parliament on 4 May 2020 to the Rural Economy and Connectivity Lead Committee.

The Direct Payments Ceilings Regulations 2020 were made under Articles 6(3) and 7(3) of Regulation (EU) No. 1307/2013 and laid on 9 June 2020.

I can now confirm that this SI is consistent with the consent granted.

**The Direct Payments to Farmers (Amendment) Regulations 2020**

The Scottish Parliament agreed that it was content for the Scottish Ministers to give their consent to the Direct Payments to Farmers (Amendment) Regulations 2020 including Scottish devolved matters on 13 May 2020 as set out in the notification to the Parliament on 30 April 2020 to the Rural Economy and Connectivity Lead Committee.

The Direct Payments to Farmers (Amendment) Regulations 2020 were made under section 3(1)(a), (7) and (9) of the Direct Payments to Farmers (Legislative Continuity) Act 2020 and laid on 9 June 2020.

I can now confirm that this SI is consistent with the consent granted.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)



**The Spirit Drinks, Wine and European Union Withdrawal (Consequential Modifications) (Amendment) (EU Exit) Regulations 2020  
(Previously known as the the Direct Payments, Spirit Drinks and Wine (Amendment) Regulations 2020)**

The Scottish Parliament agreed that it was content for the Scottish Ministers to give their consent to the Direct Payments, Spirit Drinks and Wine (Amendment) Regulations 2020 including Scottish devolved matters on 2 December 2020 as set out in the notification to the Parliament on 20 November 2020 to the Rural Economy and Connectivity Lead Committee.

The Direct Payments, Spirit Drinks and Wine (Amendment) Regulations 2020 were subsequently renamed the Spirit Drinks, Wine and European Union Withdrawal (Consequential Modifications) (Amendment) (EU Exit) Regulations 2020 and were made under section 2(2) of the European Communities Act 1972 and section 6(1) of the Direct Payments to Farmers (Legislative Continuity) Act 2020 and laid on 23 December 2020.

Please note that we only notified the Scottish Parliament in respect of the provision contained in Part 3 of the SI for Direct Payments. The other provisions in the SI (which relate to spirit, drinks and wine) were made under section 2(2) of the European Communities Act 1972 are 'business as usual' provisions, as opposed to EU deficiency provisions. To the extent that there were any devolved interest in these provisions, they were subject to the normal procedure for the exercise of section 2(2) powers by a Minister of the Crown in accordance with section 57(1) of the Scotland Act 1998, and are not therefore subject to notification for the purposes of the Withdrawal Act protocol.

I can now confirm that this SI is consistent with the consent granted.

I do apologise that this confirmation has not been made timeously in terms of the protocol and I have asked my officials to ensure that this omission on our part does not happen again.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

Yours sincerely,



**MAIRI GOUGEON**