

Minister for Agriculture and Connectivity
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Convenor
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09 August 2024

Dear Convenor,

SI NOTIFICATIONS - ANNEX H LETTERS

As you are aware the Scottish Parliament in conjunction with the Scottish Government are undertaking a review of the Protocol between the two institutions. As part of this work, the Scottish Parliament has raised missing Annex H letters for a number of SIs. This letter seeks to provide the Committee with an update on the Plant Breeders' Rights (Amendment) (EU Exit) Regulations 2020 and the Vegetable and Ornamental Plant Propagating Material and Fodder Plant Seed (Amendment) Regulations 2021.

For completeness, I attach copies of the original letters sent to Private Offices for signing confirming consent and that the SI is consistent with the consent granted.

PLANT BREEDERS' RIGHTS (AMENDMENT) (EU EXIT) REGULATIONS 2020

The Scottish Parliament agreed on 25 June 2020 that it was content for Scottish Ministers to give their consent to the abovenamed SI, including Scottish devolved matters, as set out in the notification to the Parliament.

Plant Breeders' Rights (Amendment) (EU Exit) Regulations 2020 were made on 20 July 2020 under in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) and the European Union (Withdrawal Agreement) Act 2020 (c. 1) to give effect to separation provisions regarding Community plant variety rights in Part 3 (Title IV on Intellectual Property) of the withdrawal agreement(5), in particular Articles 54(1), (3), and (6), 55(2), 59(2) and 61.. I can 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

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THE VEGETABLE AND ORNAMENTAL PLANT PROPAGATING MATERIAL AND FODDER PLANT SEED (AMENDMENT) REGULATIONS 2021

The Scottish Parliament agreed on 17 March 2021 that it was content for Scottish Ministers to give their consent to the abovenamed SI, including Scottish devolved matters, as set out in the notification to the Parliament.

The Vegetable and Ornamental Plant Propagating Material and Fodder Plant Seed (Amendment) Regulations 2021 were made on 24th March 2021 under section 8C(1) of the European Union (Withdrawal) Act 2018 (c. 16) (the “2018 Act”) to implement the Protocol on Ireland/Northern Ireland to the withdrawal agreement (the “Protocol”), in consequence of Article 1.6 of Decision 3/2020 of the Joint Committee(10) established by that agreement. I can confirm that this SI is consistent with the consent granted.

This correspondence is being sent to you now as the Scottish Government is taking steps, as part of a review of the operation of the SI Protocol, to ensure a comprehensive audit trail is in place for each SI notification.

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

Yours sincerely,



JIM FAIRLIE

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