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22 July 2024

Dear Finlay,

**THE ANIMAL HEALTH AND GENETICALLY MODIFIED ORGANISMS (AMENDMENT) REGULATIONS 2019 – DEFRA APH/04**  
**THE APPROVED LISTS (ANIMALS AND ANIMAL PRODUCTS) (AMENDMENT) REGULATIONS 2021 – DEFRA AH/047**  
**THE APPROVED COUNTRY LISTS (ANIMALS AND ANIMAL PRODUCTS) (AMENDMENT) (NO. 2) REGULATIONS 2021 – DEFRA AH/062**  
**THE OFFICIAL CONTROLS (TEMPORARY MEASURES) (CORONAVIRUS) (AMENDMENT) (NO. 3) REGULATIONS 2021 – DEFRA AH/063**  
**THE APPROVED COUNTRY LISTS (ANIMALS AND ANIMAL PRODUCTS) (AMENDMENT) REGULATIONS 2023 – DEFRA APH/078**

## **EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT**

As part of the Scottish Government's review of the operation of the SI Protocol, and to ensure a comprehensive audit trail is in place for each of SI notification, this correspondence is being sent in relation to the above named UK Statutory Instruments. I will turn to each instrument in turn.

### The Animal Health and Genetically Modified Organisms (Amendment) Regulations 2019<sup>1</sup>

The Scottish Parliament agreed on 18 September 2019 that it was content for Scottish Ministers to give their consent to the Animal Health and Genetically Modified Organisms (Amendment) Regulations 2019 including Scottish devolved matters, as set out in the notification to the Parliament.

The Animal Health and Genetically Modified Organisms (Amendment) Regulations 2019 were made on 5 September 2019 under section 8(1) of, and paragraph 21 of Schedule 7 to,

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<sup>1</sup> S.I. 2019. No.1229

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 European Union (Withdrawal) Act 2018<sup>2</sup>. I can confirm that this SI is consistent with the consent granted.

### The Approved Lists (Animals and Animal Products) (Amendment) Regulations 2021<sup>3</sup>

The Scottish Parliament agreed on 24 February 2021 that it was content for Scottish Ministers to give their consent to the Approved Lists (Animals and Animal Products) (Amendment) Regulations 2021 including Scottish devolved matters, as set out in the notification to the Parliament.

The Approved Lists (Animals and Animal Products) (Amendment) Regulations 2021 were made on 26 February 2021 under regulations 6 to 9, 11 and 12 of the Trade in Animals and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019<sup>4</sup>. I can confirm that this SI is consistent with the consent granted.

### The Approved Country Lists (Animals and Animal Products) (Amendment) (No. 2) Regulations 2021<sup>5</sup>

The Scottish Parliament agreed on 15 December 2021 that it was content for Scottish Ministers to give their consent to the Approved Country Lists (Animals and Animal Products) (Amendment) (No. 2) Regulations 2021 including Scottish devolved matters, as set out in the notification to the Parliament.

The Approved Country Lists (Animals and Animal Products) (Amendment) (No. 2) Regulations 2021 were made on 16 December 2021 under regulation 7 of the Trade in Animals and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019<sup>6</sup>. I can confirm that this SI is consistent with the consent granted.

### The Official Controls (Temporary Measures) (Coronavirus) (Amendment) (No. 3) Regulations 2021<sup>7</sup>

The Scottish Parliament agreed on 19 January 2022 that it was content for Scottish Ministers to give their consent to the The Official Controls (Temporary Measures) (Coronavirus) (Amendment) (No. 3) Regulations 2021 including Scottish devolved matters, as set out in the notification to the Parliament.

The Official Controls (Temporary Measures) (Coronavirus) (Amendment) (No. 3) Regulations 2021 were made on 30 December 2021 under Article 141 of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products. I can confirm that this SI is consistent with the consent granted.

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<sup>2</sup> 2018. c. 16

<sup>3</sup> S.I. 2021 No.211

<sup>4</sup> S.I. 2019 No.1225

<sup>5</sup> S.I. 2021 No.1454

<sup>6</sup> S.I. 2019 No.1225, as amended by S.I. 2020 No.1462.

<sup>7</sup> S.I. 2021 No.1491

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## The Approved Country Lists (Animals and Animal Products) (Amendment) Regulations 2023<sup>8</sup>

The Scottish Parliament agreed on 1 February 2023 that it was content for Scottish Ministers to give their consent to the Approved Country Lists (Animals and Animal Products) (Amendment) Regulations 2023 including Scottish devolved matters, as set out in the notification to the Parliament.

The Approved Country Lists (Animals and Animal Products) (Amendment) Regulations 2023 were made on 27 February 2023 under regulations 6, 7 and 9 of the Trade in Animals and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019<sup>9</sup>. 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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<sup>8</sup> S.I. 2023 No.217

<sup>9</sup> S.I. 2019 No.1225

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