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Finlay Carson MSP
Convener of the Rural
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Environment Committee
The Scottish Parliament
EDINBURGH
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31 October 2022

Dear Finlay

EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT

The Animals and Animal Health, Feed and Food, Plants and Plant Health (Amendment) Regulations 2022 –DEFRA APH/009 (the “SI”)

I refer to my colleague, Mari Gougeon’s notification of 23 September and letter of 6 October regarding the above SI. Since Ms Gougeon’s letter was sent to you, the content of the SI has been amended. An issue was identified with the provision that amended Article 18 of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants (“the Plant Health Regulation”) which allows for the creation of areas of demarcation across GB nation borders to prevent the movement of pests.

Whilst the SI was undergoing final reviews, it was identified that the proposed amendment, which allows for the creation of demarcation areas across borders did not fully resolve the deficiency in the legislation. As a consequence, the proposed amendment to Article 18 has been removed from the SI, and instead will be introduced together with further related amendments in a separate SI that will be notified to the Parliament on or around 15 November.

The other measures in the SI remain unchanged. I would therefore be grateful if the committee could consider the notification for the SI on the 2 November as planned, but bear in mind there will be a further SI and notification covering areas of demarcation in due course.

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Please accept my apologies for these last minute changes.

I am copying this letter to Mairi Gougeon, Cabinet Secretary for Rural Affairs and Islands, Convener of the Delegated Powers and Law Reform Committee and George Adam, Minister for Parliamentary Business.

Kind regards



LORNA SLATER

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