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Finlay Carson MSP
Convener of the Rural Affairs, Islands and Natural
Environment Committee
The Scottish Parliament
EDINBURGH
EH99 1SP

21 November 2022

Dear Finlay,

**THE ANIMALS, FOOD, PLANT HEALTH, PLANT PROPAGATING MATERIAL AND SEEDS
(MISCELLANEOUS AMENDMENTS ETC.) REGULATIONS 2022
EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT**

The Scottish Parliament agreed on 29 June 2022 that it was content for Scottish Ministers to give their consent to the Animals, Food, Plant Health, Plant Propagating Material and Seeds (Miscellaneous Amendments Etc.) Regulations 2022 (Defra APH/008) including Scottish devolved matters, as set out in the notification to the Parliament.

The Animals, Food, Plant Health, Plant Propagating Material and Seeds (Miscellaneous Amendments Etc.) Regulations 2022 were made on 25 October 2022 under section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018. I can now confirm that this SI varies in some respects from the original proposal but that the variation is not so significant as to need any further process.

In the notification that was submitted to the Committee on 7 June 2022 it was stated on page 2 that Scottish Ministers were being asked to consent to the revocation of Commission Implementing Decision 2016/715 setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa. In the revised version of the Regulations this was not included as the Decision has already expired.

Page 3 of the notification also provided that corrective amendments would be made to retained Council Regulation (EC) No 1/2005 to reinstate provisions relating to the delegation of functions by the competent authority to designated bodies in respect of the inspection and approval of vehicles used to transport animals. This provision was omitted on the basis that it was unnecessary as the power to delegate these functions to designated bodies was considered to be sufficiently clear.

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

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

Yours sincerely.



MAIRI GOUGEON

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