

T: 0300 244 4000
E: scottish.ministers@gov.scot

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

15 June 2022

Dear Finlay

EU EXIT LEGISLATION – PROTOCOL 2 WITH SCOTTISH PARLIAMENT THE OFFICIAL CONTROLS (PLANT HEALTH) (FREQUENCY OF CHECKS) REGULATIONS 2022 (PH/038)

I refer to today's Committee evidence session on the above, where the Committee highlighted a discrepancy between the specified frequency rates listed in the Notification, and the frequency rates in Annex 2 which included some frequencies other than these.

As outlined in the Notification for this SI, there are a number of principles which will be adhered to when considering compliance data and setting frequency rates. The SI itself does not set out percentage rates of inspection. It requires that the appropriate authority must review annually the baseline frequency rates of checks.

At an official level it was initially agreed that in practice there would only be five frequency rates (3%, 5%, 10%, 50% and 100%) and this is the information that is included at pages 4 and 10 of the Notification. However, after further consideration, it was agreed that to give greater flexibility the rates need not be restricted to these five specified frequencies. In practice it is likely that these five frequency rates will be the most commonly used, but the updated approach allows for nuance to be applied in specific circumstances when appropriate. The content of the Notification was not updated to reflect this prior to submitting to the Committee, but the frequency rates at Annex 2 are correct.

Please pass on our apologies to the Committee for this oversight.

Kind regards



LORNA SLATER

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