



The Scottish Parliament  
Pàrlamaid na h-Alba

## Rural Affairs, Islands and Natural Environment Committee

Mairi Gougeon  
Cabinet Secretary for  
Rural Affairs and Islands

c/o Clerk to the Committee  
The Scottish Parliament  
Edinburgh  
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***By email only***

27 October 2022

Dear Cabinet Secretary,

### **Trade in Animal and Related Products (Amendment and Legislative Functions) Regulations 2022**

Thank you for your response, dated 12 October, providing further information relating to the notification for the above UKSI.

There remain, however, a few outstanding areas where the Committee would appreciate further information ahead of its consideration of the notification—

- The response indicates that a number of functions are not being retained because “alternative legislative provision has already been made”. Can you indicate what these alternative provisions are and highlight whether they are equivalent to those functions that are not being retained. The Committee notes that the explanatory memorandum for the draft SI states that the SI does not change policy.
- The explanatory memorandum to the proposed SI indicates that, though the Welsh Government intends to consent for the Secretary of State to have concurrent powers in relation to Wales to be exercised with the consent of Welsh Ministers, the Welsh Government plans to lay an equivalent Welsh SI which amends the Welsh TARP regulations. We understand from a Welsh Government written statement that the equivalent Welsh SI will also create a number of regulation-making powers for the Welsh Ministers. Why has the Scottish Government chosen to make all amendments, including to TARP Scotland, by UKSI, rather than taking the Welsh approach?
- The explanatory memorandum sets out that the EU made changes to its animal health laws which were not captured in retained EU law. It states that this instrument “preserves and maintains the policy and legislative regime as of exit day and does not try to align itself with the EU’s Animal Health Law”. Why have the

four governments taken a decision not to align with EU law? Where does the EU's Animal Health Law now differ from the UK's?

The Committee intends to consider the notification at its meeting on 9 November. In order to be included in the meeting papers, it would be **helpful if you could respond by Wednesday 2 November**.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Finlay Carson', with a long horizontal flourish extending to the right.

**Finlay Carson MSP**

Convener

Rural Affairs, Island and Natural Environment Committee