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

24 January 2023

Dear Finlay,

**THE ANIMALS AND ANIMAL HEALTH, FEED AND FOOD, PLANTS AND PLANT HEALTH  
(AMENDMENT) REGULATIONS 2022 (Defra APH/009)  
EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT**

The Scottish Parliament agreed on 2 November 2022 that it was content for Scottish Ministers to give their consent to the Animals and Animal Health, Feed and Food, Plants and Plant Health (Amendment) Regulations 2022 (“the Regulations”) including Scottish devolved matters, as set out in the notification to the Parliament.

The Regulations 2022 were made on 12 December 2022 under section 8(1) of, and paragraph 21 of schedule 7 to, the European Union (Withdrawal) Act 2018.

The Regulations vary in one respect from description in the notification in that 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 was removed from the SI and my colleague the Minister for Green Skills, Circular Economy and Biodiversity wrote to you on 31 October 2022 alerting you to this variation to the terms of what was set out in the original notification. Other than this variation this SI is consistent with the consent granted.

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

Yours sincerely,

**MAIRI GOUGEON**

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)

