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

24 January 2023

Dear Finlay,

**THE TRADE IN ANIMALS AND RELATED PRODUCTS (AMENDMENT AND LEGISLATIVE FUNCTIONS) REGULATIONS 2022 (Defra APH/024)  
EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT**

The Scottish Parliament agreed on 9 November 2022 that it was content for Scottish Ministers to give their consent to [the Trade in Animals and Related Products \(Amendment and Legislative Functions\) Regulations 2022](#) (“the instrument”) including Scottish devolved matters, as set out in the notification to the Parliament.

The instrument was made on 12 December 2022 under section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018. The instrument varies in one respect from the description in the notification to the Parliament but the variation is not so significant as to need any further process.

In the notification to the Parliament it was stated on page 6 that the instrument would include provision to confer functions on the appropriate authority relating to the establishment of special import conditions and other rules under Article 12 of Council Directive 2009/156/EC (on animal health conditions governing the movement and importation from third countries of equidae). This provision was omitted from the final version of the instrument due to a drafting error. In order to rectify this omission, regulation 8 of [the Plant Health and Trade in Animals and Related Products \(Amendment\) Regulations 2022](#) includes provision that will amend the instrument in order to ensure that the functions relating to the establishment of special import conditions and other rules under Article 12 of Council Directive 2009/156/EC will be conferred on the appropriate authority. The Plant Health and Trade in Animals and Related Products (Amendment) Regulations 2022 were made on 19 December 2022, and regulation 8 will come into force on 4 February 2023.

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)

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The instrument is otherwise 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**

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