

Rural Affairs and Islands Committee

6th Meeting, 2024 (Session 6), Wednesday, 28 February

Subordinate legislation

Introduction

1. This paper supports the Committee's consideration of the draft Scottish Food Commission (Appointment) Regulations 2024.

Scottish Food Commission (Appointment) Regulations 2024

Title of instrument:	Scottish Food Commission (Appointment) Regulations 2024
Type of instrument:	Affirmative
Laid date:	1 February 2023
Reporting deadline:	20 March 2024
Coming into force:	21 April 2024
Motion to approve:	S6M-12052
Instrument drawn to Parliament's attention by DPLRC:	<u>No</u>
Instrument made using powers conferred by:	Good Food Nation (Scotland) Act 2022
Supporting documentation:	Explanatory note – Annexe A

Purpose of the instrument

2. These Regulations set out the criteria that the Scottish Ministers must have regard to when making appointments to the Scottish Food Commission.

Policy objective

3. The Scottish Food Commission is established by the Good Food Nation (Scotland) Act 2022, the schedule of which requires that appointments of its

members are to be made in accordance with regulations made by Scottish Ministers.

4. The regulations provide that the Scottish Ministers must have regard to the desirability of a board including a member who is representative of interests in the food business sector or food-related third sector bodies. Additionally, they also provide that the Scottish Ministers must have regard to the desirability of a board including a member who has expertise in or experience of food-related issues, including—
 - Social and economic wellbeing
 - The environment
 - Health and physical and mental wellbeing (especially through health and social care services)
 - Economic development
 - Animal welfare
 - Education
 - Child poverty

Consultation

5. No consultation has been carried out in relation to this instrument. The policy note states that there is no legislative requirement to consult on this instrument.

Impact assessments

6. No impact assessments were prepared for this instrument as its impact is limited to the appointment of members to the Scottish Food Commission. The regulations provide a set of criteria for appointments but do not exclude anyone from applying. The Scottish Food Commission is listed in schedule 2 of the Public Appointments and Public Bodies etc. (Scotland) Act 2003, meaning its appointment process is regulated and monitored by the Commissioner for Ethical Standards in Public Life in Scotland. The Scottish Ministers must comply with the Commissioner's code of practice when making appointments.

Consideration by the Delegated Powers and Law Reform Committee

7. [The Delegated Powers and Law Reform Committee considered the instrument at its meeting on 20 February 2024 and agreed that no points arose.](#)

Procedure

8. Under the Scottish Parliament's Standing Orders (Rules 10.6.1 (a) and 10.10), the instrument is subject to affirmative resolution before it can be made. It is for the RAI Committee to recommend to the Parliament whether the instrument should be approved.

9. The Cabinet Secretary for Rural Affairs, Land Reform and Islands has, by motion [S6M-12052](#) (as set out in the agenda), proposed that the Committee should recommend the approval of this instrument.
10. The Cabinet Secretary for Rural Affairs, Land Reform and Islands will attend to explain the purpose and policy objective of the instrument and to answer any questions from members at **agenda item 1**. She will then be invited to speak to and move the motion seeking approval at **agenda item 2**. The formal debate on the motion may last for up to 90 minutes.
11. At the end of the debate, the Committee must decide whether it agrees or disagrees with the motion and then report to Parliament accordingly.
12. The lead committee must report its recommendation to the Parliament within 40 days of the SSI being laid; where the lead committee recommends the instrument be approved, the Parliamentary Bureau will propose a motion that the instrument be agreed.

For decision

13. The Committee is invited to—

- **take evidence from the Cabinet Secretary and Scottish Government officials on the instrument (agenda item 1);**
- **invite the Cabinet Secretary to move, and then to debate, the motion on the instrument (agenda item 2); and**
- **delegate authority to the Convener to sign off the Committee's report on its consideration of the instrument to the Parliament.**

**Rural Affairs and Islands Committee clerks
February 2024**

Policy Note

The Scottish Food Commission (Appointment) Regulations 2024

SSI 2024/XXX

1. The above instrument was made in exercise of the powers conferred by paragraph 13(2) of the schedule of the Good Food Nation (Scotland) Act 2022. In accordance with section 27(12) of that Act, a draft of this instrument has been laid before the Scottish Parliament.

Purpose of the Instrument

2. These Regulations set out criteria that the Scottish Ministers must have regard to when making appointments of members of the Scottish Food Commission.

Policy Objectives

3. The Good Food Nation (Scotland) Act 2022 establishes the Scottish Food Commission.
4. The schedule of the Act stipulates that appointments of members of the Scottish Food Commission are to be made in accordance with regulations made by Scottish Ministers.
5. This instrument provides that the Scottish Ministers must have regard to the desirability of the Scottish Food Commission including members who are representative of interests in relevant areas or who have experience or expertise of food-related issues in relation to a range of relevant matters.

EU Alignment Consideration

6. This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

7. No consultation has been carried out in relation to this instrument. There is no statutory duty to consult on this instrument.

Impact Assessments

8. Impact assessments have not been prepared for this instrument. The impact of these regulations is limited to the appointment of members to the Scottish Food Commission. The regulations do not exclude individuals from applying but provide a set of criteria that the Scottish Ministers must have regard to when making appointments. This instrument has limited scope and impact

beyond this process, as such it was not considered necessary to conduct impact assessments.

9. In addition, the Scottish Food Commission is listed in schedule 2 of the Public Appointments and Public Bodies etc. (Scotland) Act 2003. This means the appointment process is regulated and monitored by the Commissioner for Ethical Standards in Public Life in Scotland. When making appointments to the Scottish Food Commission, the Scottish Ministers must comply with the code of practice on public appointments produced by the Commissioner for Ethical Standards in Public Life in Scotland.

Financial Effects

10. The Cabinet Secretary for Rural Affairs, Land Reform and Islands confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Agriculture & Rural Economy Directorate
January 2024