6 November 2018

Dear Ken,

I am writing to inform you that the Scottish Government intends to lodge a Legislative Consent Memorandum (LCM) in respect of the UK Government’s Fisheries Bill, introduced on Thursday 25 October 2018.

The Fisheries Bill creates the powers the UK needs to operate as an independent Coastal State after leaving the European Union, including being able to control access to fishing in UK waters and setting fishing opportunities. It includes provisions that apply to the whole of the UK, including changes to devolved competence, in particular in relation to domestic licensing.

Scottish Parliament Standing Orders provide that an LCM should normally be lodged with the Scottish Parliament two working weeks after the introduction of a relevant Bill in Westminster. In the case of this Bill, that deadline would be Thursday 8 November.

While earlier drafts of the Bill had been discussed with the Scottish Government, we only received the final text of the Fisheries Bill on the day of its introduction in Westminster. It contains significant changes from previous versions that still need to be considered and assessed. The Scottish Government is discussing with DEFRA the position on consent and the potential impact of the provisions.

I am afraid that on this occasion we will not therefore be in a position to table a Memorandum by Thursday 8 November. My officials will keep in contact with yours regarding anticipated timescales for lodging the LCM.
I am copying this letter to Michael Russell, Cabinet Secretary for Government Business and Constitutional Relations and Fergus Ewing, Cabinet Secretary for the Rural Economy.

GRAEME DEY