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24 June 2025

Dear Convener,

## **Animal Welfare (Import of Dogs, Cats and Ferrets) Bill Legislative Consent Memorandum**

Thank you for your letter dated 17 June 2025.

As per your request please find the following information—

### **How decisions will be made regarding whether the Secretary of State or the Scottish Ministers will exercise these powers;**

The Bill provides that regulations under clause 1(1), (6) and (8) of the Bill may only be made, so far as provisions made by the regulations would be within the legislative competence of the Scottish Parliament, by the Secretary of State if the Secretary of State has obtained the consent of the Scottish Ministers. We consider that that SI Protocol 2 agreed with the Parliament would apply, and decisions will be made having regard to whether the policy objectives of UK and Scottish Ministers are aligned, whether there are any good reasons for having separate Scottish regulations, and whether the Scottish Parliament will have adequate opportunity for scrutiny.

### **Whether it considers the powers in clause 1 fall within the scope of [SI Protocol 2](#) and, if so, whether the Scottish Government is content to add those powers to Annex A of SI Protocol 2;**

The Scottish Government is content to agree that whether or not the Bill is listed in Part 2 of Annex A, SI Protocol 2 should apply to the exercise of these powers, as per paragraph 16(e) of the Protocol.

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**If the Scottish Government's position is that the powers do not fall within the scope of SI Protocol 2, how it will facilitate parliamentary scrutiny of its decisions under clause 1 to consent to the making of regulations under these powers.**

As above, the Scottish Government's position is that SI Protocol 2 should apply to the exercise of these powers.

I hope the above gives you the reassurances around the information you are looking for.

Yours sincerely,



**JIM FAIRLIE**

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