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Stuart McMillan MSP  
Convener, Delegated Powers and Law Reform  
Committee  
The Scottish Parliament  
Edinburgh  
EH99 1SP

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13 June 2022

Dear Stuart,

## **GOOD FOOD NATION BILL – ADDITIONAL DELEGATED POWERS**

Amendments 36, 37, 38, 39 and 46 to establish a Food Commission have been lodged at Stage 3 of the Good Food Nation Bill that will, if accepted, introduce new delegated powers. The amendments have been lodged by Ariane Burgess MSP and will be supported by the Scottish Government at Stage 3.

I set out below the new delegated powers and, where necessary, have included an explanation of the reasons for taking the power.

### **Delegated powers**

**Section:** Functions of the Commission (6) – Power to confer functions on, modify functions or remove functions from the Commission

**Power conferred on:** the Scottish Ministers

**Power exercisable by:** regulations made by Scottish statutory instrument

**Parliamentary procedure:** affirmative

### **Provision**

Regulations under section (Functions of the Commission)(6) provides that the Scottish Ministers can modify this section to confer functions on the Commission, modify the functions of the Commission or remove functions from the Commission. (Functions of the Commission)(7) sets out that the regulations made under (6) cannot be exercised in a way that would result in the Commission having a function which relates (wholly or partly) to

something other than the national good food nation plan or the good food nation plans of relevant authorities.

**Reason for taking power**

The reason for taking these powers is to provide for flexibility in case the functions of the Commission require to be refined in order for the Commission to operate effectively.

**Choice of procedure**

The power would be used to modify the terms of primary legislation and we consider that the affirmative procedure is appropriate.

**Section:** Schedule, Part 5, paragraph 12(2) – Power to alter the maximum number of members of the Commission

**Power conferred on:** the Scottish Ministers

**Power exercisable by:** regulations made by Scottish statutory instrument

**Parliamentary procedure:** affirmative

**Section:** Schedule, Part 5, paragraph 13(2) – Power to make appointments to the Commission and specify the criteria required to do so.

**Power conferred on:** the Scottish Ministers

**Power exercisable by:** regulations made by Scottish statutory instrument

**Parliamentary procedure:** affirmative

**Section:** Schedule, Part 5, paragraph 17(2) – Power to add or remove descriptions of persons disqualified from being a member of the Commission

**Power conferred on:** the Scottish Ministers

**Power exercisable by:** regulations made by Scottish statutory instrument

**Parliamentary procedure:** affirmative

Yours sincerely,

**MAIRI GOUGEON**