



The Scottish Parliament
Pàrlamaid na h-Alba

Net Zero, Energy and Transport Committee

Gillian Martin MSP
Cabinet Secretary for Climate Action and Energy
Scottish Government

12 February 2026

Dear Cabinet Secretary,

UK Subordinate Legislation

Thank you to you and your officials for providing evidence on the Scottish Government's consent notification relating to two proposed UK statutory instruments relating to post-Brexit regulation of chemicals:

- The Chemicals (Health and Safety) (Amendment, Consequential and Transitional Provision) Regulations 2026; and
- The REACH (Amendment) (No. 2) Regulations 2026.

As you will be aware, the Committee agreed that it is content for the Scottish Government to consent to UK Ministers making regulations in devolved areas in relation to both instruments. (In the case of the first instrument, this was by division.¹)

In reaching that view, however, the Committee agreed to draw your attention to some concerns raised during our consideration, taking into account the cumulative nature of post-Brexit changes to the regulatory framework, the importance of maintaining high standards of environmental and health protection, and the fact that the window of opportunity for the Committee to give proper consideration to proposals such as these under the Protocol on UK SIs is limited.

UK REACH

The Committee recognises the rationale for extending the current UK REACH² transitional registration deadlines to allow development of the alternative transitional registration model, and evidence that, without doing so, businesses could face significant compliance costs. We also accept that setting up a UK regime is complex and technical work.

¹ Bob Doris, Douglas Lumsden, Michael Matheson, Edward Mountain and Kevin Stewart voted to support the Scottish Government consenting in the relevant areas; Mark Ruskell voted no, clarifying that this was against the principle of the legal changes being made rather than the manner in which they were being made.

² "REACH" relates to EU Regulation 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals which, after Brexit, became assimilated domestic law.

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However, repeatedly pushing back deadlines creates other risks and has led to a situation where hazardous substances could be un-registered for 8 years longer than was originally proposed. This will prolong gaps in access to full hazard and exposure data, with implications for regulatory certainty, environmental protection and public confidence.

In evidence, you and your officials said you expected there to be no further delays in creating a GB-only system and that any more would, in any case, be “unacceptable”. You said there should be an “intense mirroring” of EU REACH as far as possible. However, it is possible that in future UK REACH will diverge further from EU REACH. We also heard that it is challenging to monitor divergence and that the Health and Safety Executive had progressed only 2 new restrictions during a post-Brexit period when the EU had progressed 13. We heard that, even with the 2 that had been progressed, there were ‘necessary differences’ from the EU regime in the UK REACH classifications.

1. The Committee would welcome further information on how the Scottish Government will monitor divergence from EU REACH going forward, and what safeguards are in place to ensure that environmental and human health protections are not weakened during the extended transitional period?

Chemicals (Health and Safety) (Amendment, Consequential and Transitional Provision) Regulations 2026

The Committee noted that this proposed instrument will make many amendments across the GB Classification, Labelling and Packaging (CLP) Regulation, the GB Biocidal Products Regulation and the GB Prior Informed Consent Regulation, using powers under the Retained EU Law (Revocation and Reform) Act 2023.

The Committee understands that, taken together, the amendments are intended to support the functioning of the GB chemicals regime, reduce pressure on regulators and industry, and, in some areas, increase or speed up alignment with EU approaches. However, we also noted stakeholder concerns about accountability, transparency, regulatory capacity and potential regression of standards.³

One change is the proposed introduction of “fast track” proposals under the GB CLP regime, with no requirement for HSE to form an opinion on new EU classification proposals. Members noted that these changes appear to introduce greater discretion for HSE in deciding whether, and on what timescale, EU developments are taken forward in Great Britain.

2. The Committee would welcome further clarification on the basis on which Scottish Ministers are satisfied that these changes will support, rather than undermine, alignment with EU chemicals standards, how “fast track” proposals will be identified, and how the role of Scottish Ministers is affected where proposals are deemed non-contentious.

³ [Submission from Fidra](#)

We also noted that the instrument will remove the requirement for HSE to send its recommendations on classification proposals to Scottish Ministers prior to consent being sought or for HSE to host a database of self-classifications. In your 10 February evidence, you suggested these were largely questions for the UK Government and for HSE itself to answer.

Overall, Committee Members noted the complexity of chemicals regulation, which engages both devolved and reserved competence on technical matters where scientific knowledge is constantly developing, and the importance of ensuring the Scottish Parliament has meaningful opportunity to be involved both in monitoring the current regime and in further reforms to it.

We noted during the evidence session that there had been a delay in publishing HSE's response to its 2025 consultation on chemicals legislative reform but that the Scottish Government had been assured by the UK Government that it would in due course be made publicly available alongside the UKSI being laid in the UK Parliament.

3. The Committee would welcome your views on the HSE response, and the extent to which you consider it has addressed stakeholder concerns on matters such as regulatory transparency, accountability and product safety, once it has been published.

Ongoing engagement

As is clear from the above, whilst the Committee has signalled consent for developed aspects of these instruments, we do so with some reservations as to the level of informed democratic oversight that has so far been possible, and at the pace of development. We hope that in the 2026-31 session, the Scottish Parliament is kept fully informed of progress, anticipated timescales, and any further legislative proposals that may require the consent of Scottish Ministers.

I am copying this letter to the HSE to underline the importance of the Scottish Parliament being an effective partner in the development and monitoring of an effect GB regime and I expect this to be an issue the Committee comments upon in our forthcoming "legacy report" as this Parliamentary session comes to an end.

Yours sincerely,



Edward Mountain MSP

Convener

Net Zero, Energy and Transport Committee