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28 March 2024

Dear Finlay,

**THE IMPORT OF, AND TRADE IN, ANIMALS AND ANIMAL PRODUCTS
(MISCELLANEOUS AMENDMENTS) (EU EXIT) REGULATIONS 2020 (“DEFRA APH/07”)
EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT**

The Scottish Parliament (the then Rural Economy and Connectivity Committee) agreed on 2 December 2020 that it was content for Scottish Ministers to give their consent to [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020](#) (Defra APH/07) including Scottish devolved matters, as set out in the notification to the Parliament.

The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 were made on 7 December 2020 under section 8(1) of, and paragraph 7 of Schedule 4 and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018. I can now confirm that this SI varies in some respects from the original proposal but that the variation is not so significant as to need any further process.

The final version of Defra APH/07 differs from the notification which was sent to the SP, but not to the degree that further process would be required. The notification stated that the administrative and legislative functions in the legislation being amended would be exercised by “the appropriate authority” (the Scottish Ministers in relation to Scotland, or the Secretary of State with Scottish Ministers’ consent).

In the final version of the instrument, Regulation 71 gave the Secretary of State a power to amend transitional dates in relation to the model forms of health certificate to be used in respect of the importation and movement of animals and animal products into or through Great Britain. While this power was not given to the appropriate authority, it could not be exercised by the Secretary of State without the consent of the appropriate authority.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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This correspondence is being sent to you now as the Scottish Government is taking steps, as part of a review of the operation of the SI Protocol, to ensure a comprehensive audit trail is in place for each SI notification.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

Yours sincerely,

JIM FAIRLIE

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