



The Scottish Parliament
Pàrlamaid na h-Alba

Rural Affairs and Islands Committee

Jim Fairlie MSP
Minister for Agriculture and Connectivity
Scottish Government

Friday 20 June 2025

Dear Minister,

Animal Welfare (Import of Cats, Dogs and Ferrets) Bill legislative consent memorandum

Thank you for [your response, dated 17 June, to my letter asking for further information relating to the above LCM](#). You also provided some further information via email and this is set out in the annexe to this letter for the purpose of transparency.

The Committee discussed your response at its meeting on Wednesday morning and members agreed the Committee does not have the time or capacity to consider the LCM before next week's motion.

Members also agreed, however, that I would write to you again to express the Committee's disappointment with, and concern about, the truncated scrutiny period provided to the Parliament for this LCM and the impact this has had on parliamentary scrutiny. Regardless of the specific reasons for the extremely limited period between the LCM being lodged and motion taken in the Chamber, the result is that the Scottish Parliament has not been given much time to consider properly the matter before being asked to delegate some of its devolved powers to UK Ministers.

In my previous letter to you, I asked for further information about the Scottish Government's decision to consent to these regulation-making powers being made in primary legislation in the UK, rather than the Scottish Parliament and why the regulation-making powers were being given to both UK and Scottish Ministers, rather than just Scottish Ministers. Whilst there are mechanisms to seek the Scottish Parliament's consent to legislation in areas of devolved competence, these can only be effective if the Scottish Parliament has sufficient time and information to scrutinise these properly.

Whilst accepting that UK Ministers and Scottish Ministers will have shared policy objectives on some issues, I note your comment that "*there will be circumstances*

where Ministers will wish to give consent to UK instruments where the policy objectives of UK and Scottish Ministers are aligned and there are no good reasons for having separate Scottish subordinate legislation". It would be helpful if you could provide the Committee with the criteria the Scottish Government would use to inform its decision for when there "no good reasons for having separate Scottish subordinate legislation". It is the Committee's strong preference for any regulations made under powers in this Bill to be made by the Scottish Ministers by SSI for scrutiny in the Scottish Parliament.

I note the CEEAC Committee called for an delegated powers MoU in its [How Devolution is Changing Post EU](#) report so I am copying in that Committee's convener for her information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Finlay Carson', with a long horizontal flourish extending to the right.

Finlay Carson MSP
Convener

Annexe

Response provided via email from Minister for Agriculture and Connectivity to the clerk, dated 18 June 2025.

“As per my response, The Bill as amended in Committee is in similar terms, including in the way it conferred powers, to provisions contained in a previous Bill, the Animal Welfare (Kept Animals) Bill. Legislative consent to the Animal Welfare (Kept Animals) Bill was given by the Scottish Parliament in January 2022.

The powers to make regulations are conferred by the Bill across the whole of the UK so that they can be exercised to avoid or minimise potential loopholes where dogs, cats and ferrets may be trafficked into one country and moved around in order to circumvent legislation, and with consistent or common provision for enforcement and penalties. The Bill allows this to be done by the authorities in each part of the United Kingdom working in conjunction to bring forward separate legislation for their territories, or by the Secretary of State making regulations with the consent of the other national authorities. This is considered appropriate, because, as the SI Protocol recognises, there will be circumstances where Ministers will wish to give consent to UK instruments where the policy objectives of UK and Scottish Ministers are aligned and there are no good reasons for having separate Scottish subordinate legislation.”