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Finlay Carson  
Convener  
Rural Affairs and Islands Committee  
Scottish Parliament  
Edinburgh  
EH99 1SP

17 June 2025

Dear Convener,

## **Animal Welfare (Import of Dogs, Cats and Ferrets) Bill 2024 Legislative Consent Memorandum**

Thank you for your letter dated 16 June 2025.

The Cabinet Secretary did not remain to discuss this Legislative Consent Memorandum as she already had three committee appearances scheduled that week. Given the demands of preparing for each session, officials requested additional dates to allow for appropriate scheduling. The Clerks indicated this would be possible and advised they would be in touch with further options. I therefore welcome your letter in lieu of a rearranged appearance.

I considered it necessary to obtain clarification and assurances from the UK Government regarding some of the proposals contained in the Bill before confirming support to extend it to Scotland. Unfortunately, it took some time to obtain these to my satisfaction. Scottish Government officials alerted the clerks about the LCM as soon as they were able to. I apologise this could not be done any sooner.

Unfortunately during the process of working on this Bill UK Government officials have held separate meetings with devolved administrations and Scottish Government officials have not been sighted on progress made by the Welsh Government on this. It is my view that the Scottish Government have given as much notice to the Scottish Parliament as possible within our processes.

As per your request please find the following information—

### **Whether the Bill's sponsor discussed with the Scottish Government, in advance of introducing the Bill, whether it would apply to Scotland.**

The Bill's sponsor Danny Chambers MP did not discuss this Bill with the Scottish Government before introduction of the Bill. Discussions took place with UK Government

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officials before introduction due to the Scottish Government previously supporting fallen Bills that included similar measures.

### **The reasons for the expedited timetable for consideration in the Scottish Parliament.**

The last stage in the House of Commons for the Animal Welfare (Import of Dogs, Cats and Ferrets) Private Members Bill is Report/Third Reading on 4 July. This will be the final stage at which the UK Government can make amendments to the bill because there are no more Sitting Fridays in the House of Commons if any amendments are made in the House of Lords. The last Sitting Friday is currently scheduled for 11 July.

In practical terms this means that if amendments are requested by the Scottish Government as a result of the Scottish Parliament's consideration of the LCM after 4 July (either as conditions of consent or to remove Scottish Government as consent is not forthcoming), this would leave the UK Government with the very challenging scenario as the UK Parliament would be unable to make changes to the Bill without the Bill falling. This is a scenario we would strongly want to avoid as both the UK Government and Scottish Government are committed to delivering the measures in the Bill.

Therefore, it is our preference that the motion on legislative consent is debated and voted on ahead of 4 July.

### **Given the Scottish Government's support for the policy objective of the Bill, the reasons why the Scottish Government has decided against introducing primary legislation itself.**

Allowing the UK Government to introduce legislation extending to Scotland will be the most efficient way to make these changes as it will avoid the need to develop separate primary legislation in Scotland and ensure that the changes can be introduced as soon as possible and allow them to be brought into force simultaneously throughout Great Britain.

The changes proposed in the Bill address matters of significant public concern for animal welfare. These are areas where consistent changes to legislation in all administrations of Great Britain at the same time will be beneficial. Given the freedom of movement of dogs, cats and ferrets within Great Britain, this will aid enforcement of import requirements by avoiding displacement of movement of animals to circumvent controls in one country via points of entry in another.

I have received a written undertaking from Baroness Hayman of Ullock, the UK Minister for Animal Welfare and Biosecurity, with her strongest assurances of a commitment to working collaboratively with the Scottish Government to agree an appropriate time at which to bring the measures in the Bill into force.

### **Whether the SI protocol would apply for any UK SIs made under powers conferred by the Bill**

It is the Scottish Government's intention to apply the SI protocol for any UK SIs made under powers conferred by this Bill.

### **Other powers in devolved competence in the policy area have been delegated to either UK Ministers or to Scottish Ministers' executive competence**

In the particular area of the non-commercial movement of pet animals, under Regulation 576/2013, the appropriate authority in relation to Scotland, for the exercise of functions,

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including functions of making subordinate legislation under that Regulation, is the Scottish Ministers, or the Secretary of State, if consent is given by the Scottish Ministers. The Bill takes the same approach to the functions it would confer.

To stress this Bill does not give away any powers in regard to the legislative competence of the Scottish Parliament or the executive competence of Scottish Ministers. The powers conferred by the Bill respect devolved competence, in that the powers to make regulations, or to make determinations that a movement should be treated as non-commercial, that apply in relation to Scotland are exercisable by Scottish Ministers, and are only exercisable by the Secretary of State with Scottish Ministers consent.

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; however, the UK Government did not proceed with that Bill.

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

Yours sincerely,



**JIM FAIRLIE**

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