

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

By email: rural.committee@parliament.scot

10 December 2025

Dear Mr Carson,

**RE: The Good Food Nation (Specified Functions and Descriptions) (Scottish Ministers)
Regulations 2025**

On the 21st November 2025 the Scottish Food Commission submitted a formal response to a call for views on the draft Regulations from the Rural Affairs and Islands (RAI) Committee of the Scottish Parliament. We expressed support for the novel mechanism utilising Specified Functions and Descriptions making clear when Scottish Ministers must have regard to the National Good Food Nation Plan (rather than framing more generally around the exercising of powers on food-related issues).

However, we expressed concerns in three areas:

1. The apparent narrow range of policy areas covered by Specified Functions and Descriptions
2. Criteria for, and the decision-making process followed, to select or exclude functions and descriptions from the list presented in the draft SSI
3. Process and responsibility for updating the SSI and monitoring the use of Specified Functions and Descriptions

Following our submission, and after the Minister's recent appearance before the Rural Affairs and Islands committee (3rd December 2025), we have had several conversations with officials from the Good Food Nation Team. We also had sight of the Minister's 2nd December 2025 letter in which she responded to you, and provided several helpful explanations and invaluable reference tables. We now have a better and more nuanced understanding of the decision-making process followed, associated technical constraints and legal advice received in particular regarding the distinction between new and existing "have regard duties" including how, and why, these were (or were not) captured in the draft SSI, and the brevity of the accompanying policy note, and the complexity and breadth of policy areas that will be covered by Specified Functions and Descriptions. The Minister's letter to, and recent appearance (and associated detailed questioning) before, the RAI committee (Wednesday 3rd December 2025) and post committee discussions with officials, have provided important clarity and detail regarding plans and responsibility for updating the SSI, and monitoring its use by Scottish Minister. These have

provided important clarity and reassurance regarding why certain specified functions and descriptions were originally excluded (with concerns raised by many stakeholders who responded to the call for views) from the SSI laid before parliament. Officials have advised that legal advice received during drafting confirmed that where due to regard duties were deemed to already exist in other existing legislation, it was not legally appropriate to include these, and/or cross reference them, in this SSI. Annex 3, contained within the Minister's letter (2nd December 2025) of response to the RAI committee, provided a more detailed and cross-referenced table that captured both new specified functions and descriptions and existing have regard duties in other existing legislation. In addition, we understand, and have been reassured, that the SSI will not alter the functions of the Scottish Food Commission as set out in the primary legislation and the Scottish Food Commission will not be constrained by, or to, the list of specified functions and descriptions in this SSI. We have also been reassured as to how the commission can, where deemed appropriate, play a role recommending new or revised have regard duties for future new and/or revised existing legislation.

Consequently, we believe that the concerns we raised during the call for views have been adequately addressed and the Scottish Food Commission is supportive of the draft SSI before Parliament.

Yours sincerely,

Dennis Overton