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25 November 2025

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

Dear Finlay,

Thank you for your letter of 10 November and your questions in relation to the SSI on Specified Functions and Descriptions. The laying of this draft SSI before Parliament is the culmination of the work to implement the sections of the Good Food Nation (Scotland) Act 2022 that relate to the national Good Food Nation Plan and associated duties on the Scottish Ministers. Drafting this SSI has required extensive collaboration across ministerial portfolios and has further embedded awareness of Good Food Nation, before the 'have regard' duty takes effect.

As you have acknowledged in your letter, this is the first time that a duty to have regard has been managed through specifying in legislation when Scottish Ministers must have regard to a Plan. We do hope that you concur that this draft SSI captures a broad range of topics that relate to the food system and represents a comprehensive starting point for our ambitions for Scotland to be a Good Food Nation. A full analysis of the policies in the plan and how they are captured by a specified function or description is included at Annex A.

Please find responses to your questions in turn below.

1. Why have these areas not been included (or if they have been included, can you explain where)? What factors influenced whether a function or policy area has been included in the terms of the SSI?

You specifically asked about areas that were considered for inclusion as part of the consultation process. At the time of consultation, we were in the early exploratory phase of understanding specified functions and descriptions and how they would work in practice.

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The functions and descriptions put forward at consultation had not undergone full legal consideration and as we developed the SSI a few issues with the way the initial suggestions were set out at consultation emerged. For example, referring to certain legislative provisions which did not contain relevant functions of the Scottish Ministers that the statutory 'have regard' duty could apply to. Another common issue was that some of the legislation suggested in the consultation, on further consideration did not refer to the most appropriate legislative provision.

A commentary has been provided at Annex B, table 1 to explain this further (this is an annotated version of Annex A from your letter). In relation to specified descriptions, we adjusted our approach to focus on areas of activity of the Scottish Ministers and describe the topics in relation to those. Some of the descriptions, as they were drafted at consultation stage, did not capture areas in which the Scottish Ministers have power to act. Since the consultation, we have identified that some of the descriptions would be better captured if incorporated into one overarching description. This is why the descriptions look different to how they were set out at consultation stage. Please refer to Annex B, table 2 for a commentary.

You asked specifically about:

Food (Scotland) Act 2015:

- We considered including reference to [some of] the Scottish Ministers functions under the Food (Scotland) Act 2015. However, the Act is mainly concerned with the functions of Food Standards Scotland. Food Standards Scotland is currently not a relevant authority under the Good Food Nation (Scotland) Act 2022 and as a non-ministerial office it operates independently from the Scottish Government.
- By specifying functions under this Act or by having a description on food safety and food standards (which was also considered), it was not clear how the 'have regard' duty would be practically applied in this context. In addition, advice to the Scottish Ministers on these matters comes mostly from Food Standards Scotland. However, this is a topic area that we will keep under consideration.

Agriculture Reform Programme/agriculture more generally:

- We consulted before the [Agriculture and Rural Communities \(Scotland\) Act 2024](#) had been passed by the Scottish Parliament. The Act contains the following provision:
3(1) The Scottish Ministers must have regard to the following matters when preparing or amending a rural support plan under section 2.
3(2)(f) "the objectives of a plan produced under section 1 of the Good Food Nation (Scotland) Act 2022.
- We consider that in practice, this provision is equivalent to a specified function, and as such it was not felt necessary to include a specified function in relation to the Rural Support Plan.
- The Rural Support Plan will become the guiding document for agricultural policy and while we considered outlining specific agricultural policies we decided, in consultation with agriculture colleagues, that through the Rural Support Plan, consideration of Good Food Nation will likely filter through all agriculture related

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policy. This is why no additional specified description in relation to agriculture topics has been included. We will keep this under review and adjust if needed in the future.

Environmental Impacts in relation to food:

- We considered including a specified description on this matter. However, for the following, interconnected, reasons we decided against this:
 - Under the UK Withdrawal from the European Union (Scotland) (Continuity) Act 2021 there is already a statutory duty on the Scottish Ministers to have due regard to the guiding principles on the environment when making policies.
 - Consideration of environmental impacts also forms a key element of the national Good Food Nation Outcomes, in particular Good Food Nation Outcome 2.
 - The specified description in relation to the food-business sector captures the whole supply chain, and as such any environmental considerations arising from the food chain. As the Scottish Ministers have regard to the national Good Food Nation Plan, they will consider the Good Food Nation Outcomes which as highlighted above will capture environmental impacts.
- We decided to include a specified function in relation to the environmental policy strategy. This means that regard must be had to the national Good Food Nation Plan when reviewing or revising the strategy.

Planning decisions:

- Planning decisions are largely a competency of local authorities with a limited role for the Scottish Ministers.
- Where the Scottish Ministers do have powers is in setting the overall Planning Framework. This is why a specified function in relation to the National Planning Framework has been included.

Fair Work Standards:

- While fair work standards are of great importance to the Scottish Government, in the context of specified functions and descriptions we were unable to identify a suitable power of the Scottish Ministers. This is because fair work standards are largely a matter reserved to Westminster. Where there are powers, i.e. in relation to Fair Work First in the context of public sector grants and public procurement, these apply to all sectors and not just the food system. A have regard duty to the national Good Food Nation Plan in this context would be disproportionate.

2. Can the Scottish Government explain the rationale behind what has been included in Schedule 1 compared to Schedule 2?

The decision whether to include a specified function or description was preceded by extensive engagement across the Scottish Government, which has helped reach consensus in relation to those functions and descriptions that were included.

The primary purpose of identifying a specified function or a specified description is to identify areas that are of particular relevance to the food system. For some topic areas, relevant functions exist within legislation that are targeted and of relevance to the food system. While for other topic areas, such as for public procurement, this is not the case. Public procurement legislation is very broad and covers all public procurement across all

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sectors. By introducing a specified description on the public procurement of food we can help ensure that the Scottish Ministers consider the national Good Food Nation Plan in the relevant context.

For other policy areas, the best place to attach a duty was on an existing statutory function. Each inclusion was discussed on a case-by-case basis. In the case of crofting, the identified functions were deemed of relevance and enabled a focused approach to apply the have regard duty where it adds most value.

3. Is there a difference in the Scottish Ministers' duty in relation to the items in Schedule 1 compared to Schedule 2? Is there a stronger duty in relation to the more specific items in Schedule 1?

There is no difference in the have regard duty in relation to the items in schedule 1 or 2. The only difference is in the activities of the Scottish Ministers that they capture.

4. The Scottish Government has said that "It is our intention that policy areas mentioned in the Plan will be captured by a specified function or description, where appropriate". However, it is unclear to the Committee whether the areas touched on in the good food nation plan and listed in Annexe B are covered in Schedule 1 and 2. Can the Scottish Government clarify if these areas are covered?

Please refer to Annex C, which is an annotated version of your Annex B. Please also refer to Annex A which includes a full analysis of all policy areas mentioned in the plan and how they are reflected in the SSI. It also flags where a function or description was added that is currently not mentioned in the Plan.

To provide additional context, in drafting specified descriptions we considered broad topic areas rather than names of individual policies. The name of a policy could change in the future, i.e. Best Start Foods may not always be called Best Start Foods. Instead, where a specific grant or fund or project is mentioned in the Plan, we considered what broader topic this would fall under. For Best Start Food we settled on Welfare Food Schemes, which also captures other policy areas such as Scottish Milk and Healthy Snack Scheme, and any future welfare food schemes that might be developed. By having broader topic names this will assist us in future proofing the have regard duty and will assist in our goal of becoming a Good Food Nation.

5. The descriptions provided in the instrument are generally broader than the descriptions set out in the consultation. For example, the instrument lists 'food waste' as a specified description; the consultation stated "the consideration of the environmental impact (including mitigation of, and adaptation to, climate change and the halting and reversing of biodiversity loss) in the management of food waste". What are the reasons for this approach?

As set out earlier, the consultation draft was very much the start of the process. As we refined the draft it was realised that we need to identify areas of activity for the Scottish Ministers and through a process of refinement we settled on "Making policies (including proposals for legislation), strategies, plans or guidance about any of the following matters" followed by a list of topics. We consider that this approach makes it clearer when regard must be had to the national Good Food Nation Plan.

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For instance, in the example from the consultation included in your question “the consideration of the environmental impact (including mitigation of, and adaptation to, climate change and the halting and reversing of biodiversity loss) in the management of food waste”, this limits the have regard duty to areas of environmental impact in the context of food waste. However, by having the simple description of “food waste” this means that when developing any policy on food waste the national Good Food Nation Plan must be considered. This provides a degree of clarity and reduces the need to repeat the same topic area within the SSI.

6. How does the Government intend to monitor whether the duty to have regard to the Plan has been engaged?

We are intending to introduce a reporting mechanism for colleagues across the Scottish Government to indicate when they have had regard to the national Good Food Nation Plan and what function or description was exercised. This will be managed by the Good Food Nation Team. It should be noted, however, that responsibility to have regard to the national Good Food Nation Plan or indeed other have regard duties rests with individual policy areas and ultimately the Scottish Ministers.

7. Who is responsible for oversight of when and how the Scottish Government’s duty to have regard has been engaged?

This is a standard Scottish Government process, with responsibility across the Scottish Ministers in the context of their portfolios.

8. What is the process for ensuring that the list of specified functions/descriptions is kept up to date?

As part of the statutory monitoring process, the Good Food Nation team will also keep general legislative developments under review and consider whether including new specified functions or descriptions is necessary. As we are monitoring our progress in relation to national Good Food Nation Plan, additional areas of relevance to the food system transformation may become apparent. Should this be the case the SSI can be amended as needed to capture these new areas. We will also listen to our stakeholders as well as the committee’s views for priority areas for inclusion in future amendments to the SSI.

I hope you find this response helpful and it provides greater clarity on the process of arriving at the specified functions and descriptions included in the SSI as well as plans for keeping the lists up to date in the future. The current lists represent a comprehensive attempt to capture relevant policy areas where feasible.

Yours sincerely,



MAIRI GOUGEON

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Annex A – Full analysis of policy areas in plan with corresponding specified functions or description

Policy Area	Specified Function	Specified Description	Comment
Breastfeeding and Infant Feeding	Making arrangements or disseminating information for the purposes of section 38A(1) and (2) of the National Health Service (Scotland) Act 1978 (arrangements and information to support, promote and encourage breastfeeding).	Breastfeeding Nutrition, including nutritional recommendations, information or requirements	
Early Nutrition and Diet		Nutrition, including nutritional recommendations, information or requirements	
Best Start Foods	Making regulations for the purposes of section 13(1) of the Social Security Act 1988(benefits under schemes for improving nutrition: pregnant women, mothers and children)	Welfare Food Schemes Nutrition, including nutritional recommendations, information or requirements	
Scottish Milk and Healthy Snack Scheme (SMHSS)	Preparing/revising guidance for the purposes of regulation 17 of the Milk and Healthy Snack Scheme (Scotland) Regulations 2021 (guidance for local authorities) Issuing guidance for the purposes of regulation 18 of the Milk and Healthy	Welfare Food Schemes Nutrition, including nutritional recommendations, information or requirements.	

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	Snack Scheme (Scotland) Regulations 2021 (guidance for childcare providers).		
Oral Health		Indirectly captured under specified description for nutrition, including nutritional recommendations, information or requirements	We discussed that it would not be proportionate for oral health to be captured in its entirety. Where nutrition advice, guidance, policy or legislation in relation to oral health is produced this will be captured by the specified description on nutrition, including nutritional recommendations, information or requirements.
Provision of Food in early learning and childcare		Provision of food	
Food Education		Education about food or nutrition,	
Household Food Insecurity		Household food insecurity	
Tackling Child Poverty		Child poverty	
Healthy Diet		Nutrition, including nutritional recommendations, information or requirements Diet-related health conditions Diet-related health inequalities	
Mental Wellbeing for Adults		Nutrition, including nutritional recommendations, information or requirements	

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		Diet-related health conditions	
Eating Disorders		Diet-related health conditions Eating Disorders	
Women's Health		Nutrition, including nutritional recommendations, information or requirements Diet-related health conditions	
Allotments and Community Growing	Making an order under section 112(5) or 112(6) of the Community Empowerment (Scotland) Act 2015 (amendment of local authorities' duty to provide allotments). Issuing guidance for the purposes of section 137(1) of the Community Empowerment (Scotland) Act 2015 (guidance on the functions conferred on local authorities relating to allotments).	Community food growing or allotments	
Community Right to Buy	Not included		The policy on community right to buy is not directly food focused and including a specified description on this topic would have been disproportionate.
Circular Economy	Preparing, reviewing or revising the strategy as required by section 1(1), or section 4(1) or (2) of the Circular Economy		

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	(Scotland) Act 2024 (preparing, reviewing or revising the circular economy strategy).		
Food Waste		Food waste	
Climate Change	Not included		We consider that the national Good Food Nation Plan is one of many policies that contributes to the Climate Change Plan and has a role to play in Scotland's journey towards Net Zero. However, any new food-related action that contributes to Climate Change policy will likely be captured by other specified functions and descriptions, such as the specified description on the food business sector.
Local Food		The food business sector The procurement of food	
Public Procurement		The procurement of food	
Food and Drink in Schools	Making regulations under section 53(8) of the Education (Scotland) Act 1980 (modification of description of pupil entitled to school meals). Making regulations under section 56A(1) of the Education (Scotland) Act 1980 (nutritional requirements for food	The provision of food Nutrition, including nutritional recommendations, information or requirements	

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	and drink in public schools). - Issuing guidance for the purposes of section 56C of the Education (Scotland) Act 1980 (guidance about nutritional requirements). Issuing guidance for the purposes of section 56E(2) of the Education (Scotland) Act 1980 (guidance about the application of the principles of sustainable development).		
Food and Drink for sale in hospitals		The provision of food	
Retail policy		The food business sector	
Out of home		The food business sector	
Tourism		The food business sector	

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Agriculture			The Agriculture and Rural Communities (Scotland) Act 2024 already includes a provision which requires the Scottish Ministers, when preparing or amending the rural support plan, to have regard to the objectives of the national Good Food Nation Plan. As such, it was felt unnecessary for this SSI to include a specific function or description on agricultural policy or the Rural Support Plan.
Agri-climate			See previous
Organics		Organic production or organic standards	
Crofting	Making schemes under section 42(1) of the Crofters (Scotland) Act 1993 (schemes for providing grants to crofters). Making regulations under section 46A(2) of the Crofters (Scotland) Act 1993 (provision of loans to crofters, cottars, owner-occupier crofters and owners of holdings).		
Venison		Deer management	
Coastal change			While these policy areas are of relevance to food, it was not deemed
Water scarcity			
Flooding			

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			proportionate to introduce a have regard duty in relation to these topics, as they go far beyond the food system. It was not possible to identify a suitable function or description limited to food related elements of these topics. However, when new policies are developed the expectation would be that the environmental impact is considered as set out in Outcome 2 of the national Good Food Nation Plan, as part of the policy development process.
New entrants to farming			See comment on agriculture above.
Fisheries management			These will be captured indirectly through the two specified functions relating to the National Marine Plan.
Seafood trade			
Sustainable aquaculture			
Inshore fisheries management			
Animal health and animal welfare	Making codes of practice under section 37(1) of the Animal Health and Welfare (Scotland) Act 2006 (preparing animal welfare codes of practice). Issuing guidance under section 38 of the Animal Health and Welfare (Scotland) Act 2006 (guidance on welfare of protected animals).	The welfare and health of animals in the food system	
Plant health			The plant health regime is complex and linked with reserved matters,

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			including the UK's ongoing negotiations with the EU in relation to the Sanitary and Phytosanitary Agreement with the European Union. At this time this topic is not covered by the have regard duty but we intend to consider this again in the future.
Food and drink industry support		The food business sector	
Food trade			The topic intersects with reserved matters and so the Scottish Ministers have limited powers in relation to trade.
National marine plan	Amending a national marine plan under section 8(1) of the Marine (Scotland) Act 2010 (amendment of national marine plan). Preparing a national marine plan as required by sections 5(1) or 9(5) of the Marine (Scotland) Act 2010 (national marine plan and preparation following withdrawal of national marine plan).		
Land use strategy	Revising the strategy as required by section 57(6) of the Climate Change (Scotland) Act 2009 (duty to produce a revised land use strategy).		
National Planning Framework	Reviewing, revising or amending the framework as required by sections		

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	3AA(1), 3AA(3) and 3CC(1) of the Town and Country Planning (Scotland) Act 1997 (reviewing, revising or amending National Planning Framework)		
Community Planning Partnerships	Issuing guidance for the purposes of section 15(1) of the Community Empowerment (Scotland) Act 2015 (guidance on carrying out functions conferred on community planning partnerships).		Not mentioned in proposed plan but identified as a relevant function
Environment Strategy	Reviewing or revising the strategy as required by section 47(9) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (reviewing or revising the environmental policy strategy).		
Food Advertising		Food advertising	Food advertising is not directly mentioned in the national Good Food Nation Plan, however, this was flagged as a potential area of activity by the Scottish Ministers and as such it was included as a specified description.

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Annex B – Specified Functions in consultation draft

Table 1 – Specified Functions in consultation draft (Annex A in RAI committee letter)

Specified Function	Comment by RAI committee	SG Response
Sections 53, 53A, 56A, 56C, 56E Education (Scotland) Act 1980	Partial (53(8), 56A(1), 56C, 56E(2))	The relevant functions of the Scottish Ministers are mentioned in the SSI. But some of the other sections did not contain relevant functions. For example section 53 mainly contains duties that are on Local Authorities – these functions are likely candidates for inclusion in the SSI on specified functions and descriptions for relevant authorities, but this still requires a proper review.
Food (Scotland) Act 2015	No	As discussed above.
Schools (Health Promotion and Nutrition) (Scotland) Act 2007	No	The Act amended the Education (Scotland) Act 1980. Relevant provisions of the 1980 Act are included in the SSI.
Section 13 Housing (Scotland) Act 2006 [repairing standards]	No	This provision relates to the statutory repairing standard that must be met by a private landlord. Upon consideration it was concluded that this was too specific of an issue, and so the have regard duty would unlikely be of relevance in this context.
The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990	No	This Order did not contain functions of the Scottish Ministers.
Section 45C Environmental Protection Act 1990 [separate collection of food waste]	No	This section does not contain functions of the Scottish Ministers but may be of relevance for the SSI on specified functions and descriptions for relevant authorities.
Section 8, 14, 15, 17 Agriculture (Retained EU Law and Data) (Scotland) Act 2020	No	Section 8 and 17 did not contain functions of the Scottish Ministers, and section 8 has now also been repealed. Section 14 and 15 are concerned with data gathering. Upon review these two sections were deemed too specific and so it would not have

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		been meaningful to ask Scottish Ministers to have regard to the national Good Food Nation Plan when exercising data gathering functions.
Section 44 Land Reform (Scotland) Act 2016 [Guidance on engaging communities in decisions relating to land]	No	The guidance referred to under this section is not issued or reviewed on a regular basis. At the time of drafting the SSI, the Land Reform (Scotland) Bill had not been passed and so it was not possible to confirm suitable functions. Following Royal Assent, we will explore whether any specified functions or descriptions, relevant to land reform should be subject to the have regard duty.
Section 13 UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 [Guiding principles on the environment]	Partial (Only 47(9) on environment strategy included)	Section 13 does not contain a relevant function of the Scottish Ministers.
Paragraphs 23, 28, 29 of Schedule 1 of the Environmental Assessment (Scotland) Act 2005	No	These paragraphs did not contain any functions of the Scottish Ministers. As the Scottish Environmental Assessment (SEA) process is well established and applies to a range of projects, it was decided that it was not proportionate to attach a have regard duty to this process. In practice, new projects are likely to reference relevant plans and strategies during their SEAs, irrespective of a have regard duty.
Procurement Reform (Scotland) Act 2014	No	The topic of procurement in relation to Good Food Nation was considered carefully and with support from the procurement team. As the Procurement Reform (Scotland) Act 2014 is concerned with all types of public procurement, not just food, it was decided that it would be better to draft a specified description to

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		ensure only procurement relating to food would be caught by the have regard duty.
Section 2 Nature Conservation (Scotland) Act 2004 [Scottish Biodiversity Strategy]	No	While the food system has an impact on biodiversity and biodiversity itself plays an important role in a resilient food system, it was not deemed appropriate to include a specified description in relation to biodiversity or specified function in relation to the Scottish Biodiversity Strategy. This is because a general duty to further the “conservation of biodiversity” when exercising “any function” already exists (See the Nature Conservation (Scotland) Act 2004 section 1(1)). We are continuing to engage with policy colleagues on biodiversity to ensure that where there are specific connections to food policy, these will be in line with Good Food Nation ambitions.
Section 17, 24 Climate Change (Emissions Reduction Targets) (Scotland) Act 2019	No (57(6) only covers land use strategy)	Section 17 inserted section 8A into the Climate Change (Scotland) Act 2009. This is a technical provision that is concerned with the Nitrogen Balance Sheet. While linked to food, the provision was deemed too narrowly focused on a technical point to be of relevance. Section 24 inserted Sections 35 to 35C into the Climate Change (Scotland) Act 2009, these relate to the Climate Change Plan (CCP). The reasons for not including the CCP in the SSI are explained at Annex C.
Section 54 Aquaculture and Fisheries (Scotland) Act 2013 [Protection and improvement of shellfish waters]	Unclear (may be covered by duty on national marine plan)	It was decided that the more appropriate functions to include were the production of and the amendment of a National Marine Plan. The National Marine Plan, is the guiding strategy for all

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		marine policy, and so by including two specified functions on the National Marine Plan, aquaculture and fisheries will be captured by the duty to have regard to the national Good Food Nation Plan.
Section 29 Local Government in Scotland Act 2003 [Rate reliefs for food stores in rural settlements]	No	This did not contain a clear function of the Scottish Ministers and as such was excluded.

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Table 2 – Specified Descriptions (Annex A in RAI Committee Letter)

Specified Description	Comment by RAI Committee	SG Response
Guidance/support related to acute food shortages or civil contingency emergencies	Unclear (could be covered under food security)	Captured by specified description: food security
Food education through Curriculum for Excellence and related projects	Unclear (could be covered by education about food/nutrition)	Captured by specified description: education about food or nutrition
Guidance, strategies and plans related to seafood catching, harvesting, processing, waste, and distribution	No	Captured by the specified functions in relation to the National Marine Plan. The specified description on the food business sector is also relevant here.
Impacts/opportunities related to Agricultural Reform Programme and financial support	No	This is captured by the provision under the Agriculture and Rural Communities (Scotland) Act 2024 to have regard to the objectives within the national Good Food Nation Plan.
Environmental impact of food production (including climate change and biodiversity)	No	A detailed explanation was provided above
Environmental impact of food processing and distribution	No	
Environmental impact in management of food waste	Unclear (could be covered under food waste)	
Impacts/opportunities regarding land use and management associated with food production	Unclear (could be covered under land use strategy)	Captured by the specified function relating to the land use strategy
Educational materials/advice on sustainable food systems	Unclear (could be covered under food business sector)	Captured by specified description: education about food or nutrition
Collection of agri-food supply chain and agricultural activity data	No	This is captured indirectly by the provision under the Agriculture and Rural Communities (Scotland) Act 2024 to have regard to the objectives within the national Good Food Nation Plan.

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Impact of planning decisions on land availability and food processing facilities	Partial (covered in part by land use strategy & planning framework)	Planning decisions are not a function of the Scottish Ministers, instead the preparation of the National Planning Framework has been included as a specified function.
Implementation of fair working standards in food provision in schools, hospitals, prisons, care homes	No	As discussed elsewhere, fair work is a mostly reserved matter.
Guidance to food-related business sector	Unclear (could be covered under food business sector)	Captured by specified description: food business sector
Financial/non-financial support to food-related business sector	Unclear (could be covered under food business sector)	
Guidance/support related to innovation in food-related business sector	Unclear (could be covered under food business sector)	
Skills development/training resources for food producers and food sector workers	Unclear (could be covered under food business sector)	
Appointment and remit of the National Chef	No	Not included, as this is a voluntary position.
Promotion of food and drink in relation to tourism	No	Captured by specified description: food business sector
Consideration of food-related issues in trade policy	No	A reserved matter.
Promotion of fair-trade certified food	No	While we recognise that the promotion of fair trade is an important policy objective, we did not identify any relevant Ministerial activities relating to the promotion of fair trade. As our approach to the SSI has been targeted and related to the Outcomes within the national Good Food Nation Plan, it was decided that it would not be meaningful to include a specified description on the promotion of fair trade.
Delivery of international visits to food-related trade fairs	No	Not included as not deemed relevant.

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Annex C – Policy Areas (Annex B in RAI committee letter)

Policy Area	RAI committee comments	SG comments
Agricultural policy	Unclear (food business sector)	This is captured by a separate provision under the Agriculture and Rural Communities (Scotland) Act 2024. Please refer to explanation above.
Biodiversity	No	While the food system has an impact on biodiversity and biodiversity itself plays an important role in a resilient food system, it was not deemed appropriate to include a specified description in relation to biodiversity. This is because a general duty to further the “conservation of biodiversity” when exercising “any function” already exists (See the Nature Conservation (Scotland) Act 2004 section 1(1)). We are continuing to engage with policy colleagues on biodiversity to ensure that where there are specific connections to food policy, these will be in line with Good Food Nation ambitions.
Children’s oral health	No	We considered including a description on oral health. However, this would have captured areas such as dentistry, where having regard to the national Good Food Nation Plan would not have been appropriate. Instead, elements of oral health that are of relevance such as the “Eat well for oral health” programme of work will be captured under the specified description on nutrition, including nutritional recommendations, information or requirements.
Climate change / Climate change and agriculture	Partial (Land use strategy only)	We consider that the national Good Food Nation Plan is one of many policies that contributes to the Climate Change Plan and has a role to play in Scotland’s journey towards Net Zero. However, any new food-related action that contributes to Climate Change policy will likely be captured by other specified functions and descriptions, such as the specified description on the food business sector.
Community right to buy	No	The policy on community right to buy is not directly food focused and including a specified description on this topic would

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		have been disproportionate. Communities are encouraged to link their applications to Scottish Government policies, so we expect that future food related community right to buy applications will link to the Good Food Nation work.
Community wealth building	No	As an overarching policy, community wealth building focuses on local and regional economies and local supply chains. Relevant elements of this in relation to food are already captured under specified descriptions on the food business sector and the procurement of food. We will keep under review whether a function or description is needed as the Community Wealth Building (Scotland) Bill progresses through the Scottish Parliament.
Crofting	Partial (Grants & loans only)	The relevant functions of Scottish Ministers have been captured through the specified functions on crofting that were included.
Early learning and childcare meal provision	Unclear (provision of food)	The specified description - provision of food - is intended to capture all policy the Scottish Ministers may develop in the context of food provision. This includes early learning and childcare meal provision.
Fair work	No	A reserved matter.
Fisheries management	No	Captured through the two specified functions relating to the National Marine Plan (NMP) – all marine matters must have due regard to the NMP. Marine policy is a complex policy area and including the NMP as a specified function strikes an appropriate balance.
Food and drink in schools/public sites/hospitals	Unclear (Provision & procurement of food)	Captured by specified descriptions: the provision of food and also nutrition, including nutritional recommendations, information or requirements in as far as it links to guidance on nutritional standards
Food and drink industry support	Unclear (Food business sector)	Captured by specified description: food business sector
Food for life	No	Captured by specified descriptions: provision of food, procurement of food, and food business sector

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Food safety	No	Area of responsibility for food safety matters rests with Food Standards Scotland who are not a relevant authority under the Good Food Nation (Scotland) Act 2022.
Human rights	Partial (health inequalities)	Recognition of human rights was built into the Good Food Nation (Scotland) Act 2022, which required Scottish Ministers to have regard to a range of international human rights instruments when drafting the national Good Food Nation Plan. Introducing a duty to have regard to the national Good Food Nation Plan when developing policy on human rights would not have been appropriate.
International trade	No	A reserved matter.
Just transition	No	Just Transition should be seen as a lens that is applied to policy making. As such it is not appropriate to apply a 'have regard duty to the Good Food Nation Plan in the context of Just Transition but rather that Just Transition itself is integrated into thinking about the food system.
Land reform	Partial (Land use strategy)	At the time of drafting the SSI, the Land Reform (Scotland) Bill had not been passed and so it was not possible to confirm suitable functions. Following Royal Assent, we will explore whether any specified functions or descriptions, relevant to land reform should be subject to the have regard duty.
Local food for everyone	No	Captured by specified description: food business sector
Mental wellbeing for adults	No	Captured by specified descriptions: -nutrition, including nutritional recommendations, information or requirements, -diet related health conditions
New entrants to farming	No	This is captured by a separate provision under the Agriculture and Rural Communities (Scotland) Act 2024. Please refer to explanation above.
Oral health	No	See children's oral health
Out of home	No	Captured by specified descriptions: -nutrition, including nutritional recommendations, information or requirements

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		-food business sector
Planning	No	Reviewing, revising and amending the framework as required by sections 3AA(1), 3AA(3) and 3CC(1) of the Town and Country Planning (Scotland) Act 1997 (reviewing, revising or amending the National Planning Framework).
Plant health	No	The plant health regime is complex and linked with reserved matters, including the UK's ongoing negotiations with the EU in relation to the Sanitary and Phytosanitary Agreement. At this time this topic is not covered by the have regard duty but we intend to consider this again in the future.
Population health framework	No	Captured by specified descriptions: -nutrition, including nutritional recommendations, information or requirements and -diet-related health inequalities -diet-related health conditions
Public procurement	Unclear	Captured by specified description: procurement of food
Retail policy	No	Captured by specified description: food business sector
School age childcare food provision	Unclear (provision of food)	Captured by specified description: provision of food
Seafood trade	No	Captured by the two specified functions relating to the National Marine Plan.
Sustainable aquaculture	No	Captured by the two specified functions relating to the National Marine Plan.
Tourism	No	Captured by the specified description: food business sector
Water (coastal change, scarcity and flooding)	No	While these policy areas are of relevance to food, it was not deemed proportionate to introduce a have regard duty in relation to these topics, as they go far beyond the food system. It was not possible to identify a suitable function or description limited to food related elements of these topics. However, when new policies are developed the expectation would be that the environmental impact is considered as set out in Outcome 2 of the national Good Food Nation Plan, as part of the policy development process.
Women's health	No	Captured by specified descriptions:

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		-nutrition, including nutritional recommendations, information or requirements and -diet-related health conditions These two descriptions are particular areas where women's health is connected to the food system.
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