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Finlay Carson MSP  
Convenor of the Rural Affairs, Islands and Natural  
Environment Committee  
The Scottish Parliament  
Edinburgh  
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10 January 2023

Dear Finlay,

You will be aware of the UK Government's Genetic Technology (Precision Breeding) Bill, which is currently at Report Stage in the House of Lords, and the Scottish Government's ongoing concerns about its impacts on Scotland. You will have seen our Legislative Consent Memorandum on Clause 42 of the Bill. Clause 42 would permit the making of regulations which may amend existing legislation (or otherwise make provision) in a devolved policy area, representing an erosion of devolved competence.

However, I separately wish to draw your attention to the likely impacts of this Bill on Scotland as result of the UK Internal Market Act. The effects of this Act are not captured in Legislative Consent Memoranda, as they are not a matter of legislative competence under the Scotland Act 1998, but I feel the Rural Affairs, Islands and Natural Environment Committee would wish to be sighted on its implications for policy in this area. The Internal Market Act, for which the Scottish Parliament withheld legislative consent on 7 October 2020, means that by default the parts of the Precision Breeding Bill related to marketing will impact upon Scotland, and precision-bred products accepted for marketing in England may also be marketed in Scotland.

We are therefore considering how best to prevent those impacts. The Scottish Government remains wholly opposed to the imposition of the UK Internal Market Act and the constraint on the exercise of devolved powers imposed by that Act.

Yours sincerely,

**MAIRI MCALLAN**

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