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Finlay Carson MSP
Convener of the Rural Affairs, Islands and Natural
Environment Committee
Scottish Parliament
Edinburgh
EH99 1SP

5 October 2021

Dear Finlay,

THE WASTE AND AGRICULTURE (LEGISLATIVE FUNCTIONS) REGULATIONS 2021 ("SI")

EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT

I am writing in relation to the protocol on obtaining the approval of the Scottish Parliament to proposals by the Scottish Ministers to consent to the making of UK secondary legislation affecting devolved areas arising from EU Exit.

That protocol, as agreed between the Scottish Government and the Scottish Parliament, accompanied the letter from the then Cabinet Secretary for Government Business and Constitutional Relations, Michael Russell MSP, to the Conveners of the Finance & Constitution and Delegated Powers and Law Reform Committees on 4 November 2020 and replaced the previous protocol that was put in place in 2018.

I attach a Type 1 notification which sets out the details of the above SI which the UK Government intend to lay before Parliament on 18 November 2021, subject to the affirmative resolution procedure.

This notification also sets out the reasons why Scottish Ministers are content that Scottish devolved matters are to be included in this SI. Please note, we are yet to have sight of the final SI which is not available in the public domain at this stage. We will, in accordance with the protocol, advise you when the final SI is laid and advise you as to whether the final SI is in keeping with the terms of this notification.

Scottish Ministers, special advisers and the Permanent Secretary
are covered by the terms of the Lobbying (Scotland) Act
2016. See www.lobbying.scot

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Please note this is a cross cutting SI which addresses legislative deficiencies across 3 ministerial portfolios. Therefore, we are sending this notification to the following Scottish Parliament committees who will have an interest in this instrument:

| Legislative Functions | Lead Minister | Committee |
|------------------------------------|--|--|
| Agricultural | Mairi Gougeon MSP, Cabinet Secretary for Rural Affairs and Islands | Rural Affairs, Islands and Natural Environment Committee |
| Environmental Waste Regulations | Lorna Slater MSP, Minister for Green Skills, Circular Economy and Biodiversity | Net Zero, Energy and Transport Committee |
| Planning (Extractive waste) | Tom Arthur MSP, Minister for Public Finance, Planning and Community Wealth | Local Government and Communities Committee |

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

The Parliament will have at least 28 days to consider the notification, but it would be helpful to have a response by 10 Nov if at all possible.

Yours sincerely,



MAIRI GOUGEON