November 2018

Dear Gillian,

EU EXIT LEGISLATION - PROTOCOL WITH SCOTTISH PARLIAMENT
POLICY AREA: ANIMAL HEALTH

- AH/11 - The Equine (Records, Identification and Movement) (Amendment) (EU Exit) Regulations 2018
- AW/01 - The Animal Welfare (Amendment) (EU Exit) Regulations 2018
  (n.b. please note that only the transport section refers to non-agricultural animals and will be of interest to the ECCLR)

I am writing in relation to the protocol on obtaining the approval of the Scottish Parliament to the exercise of powers by UK Ministers under the European Union (Withdrawal) Act 2018 in relation to proposals within the legislative competence of the Scottish Parliament.

As you know, the Cabinet Secretary for Government Business and Constitutional Relations, Michael Russell wrote to the Conveners of the Finance & Constitution and the Delegated Powers & Legislative Reform Committees on 11 September setting out the Scottish Government’s views on EU withdrawal. That letter also said that we must respond to the UK Government’s preparations for a No-Deal scenario as best we can, despite the inevitable widespread damage and disruption that would cause. It is our unwelcome responsibility to ensure that devolved law continues to function on and after EU withdrawal.

I attach 2 notifications (as detailed in the heading above) which set out the details of the SI’s which the UK Government proposes to make and the reasons why I am content that Scottish devolved matters are to be included in this instrument. These are part of a series of such notifications that myself and Ministerial colleagues will be sending to Parliamentary committees over the coming weeks. Please note, we are yet to have sight of the final SIs and they are 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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These particular notifications and Instruments ensure that:

- **AH/11**: current EU-wide rules that are necessary to govern the system of identification of equidae have been set down into UK statute and

- **AW/01**: the retained EU Regulations protecting the welfare of animals whilst being transported, kept at control posts or at the time of their killing will continue to be operable and enforceable in the UK, after the UK leaves the EU in a no deal scenario. While slaughter is a matter for the REC Committee, the legislation on transport being amended relates to the transport of any vertebrate animal for commercial purposes, and is therefore applicable beyond the scope of agricultural animals.

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

I look forward to hearing from you within 28 days from the date of this letter.


MAIRI GOUGEON