14 November 18

Dear Gillian,

THE MARINE ENVIRONMENT (AMENDMENT) (EU EXIT) REGULATIONS 2018

EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT

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, Michael Russell MSP wrote to the Conveners of the Finance & Constitution and Delegated Powers and 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 a notification which sets out the details of the SI which the UK Government propose to make and the reasons why I am content that Scottish devolved matters are to be included in this SI.

The changes made by the instrument are necessary to ensure that the current legislation continues to operate effectively after we leave the EU. The Regulations make amendments to the Marine and Coastal Access Act 2009, the Marine Strategy Regulations 2010, the Marine Licensing (Exempted Activities) Order 2011 and Commission Decision (EU) 2017/848 in order to correct operability deficiencies which, if not corrected, would mean that the UK would be unable to maintain the current levels of marine environmental protection.

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Màireannach fo chumhachan Achd Colteachaidh (Alba) 2016. Falcibh www.lobbying.scot

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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after exit day. The changes made by the instrument are necessary to ensure that the current legislation continues to operate effectively after we leave the EU in a no-deal scenario. Not all of the amendments being made by these Regulations require the Scottish Ministers’ consent and this notification focuses on those areas in which Scottish Ministers consent is being sought.

This instrument makes minor and technical changes to ensure that the above legislation works sensibly in a UK-only context. It makes no substantive changes to the way the existing legislation operates. All changes make only the technical drafting fixes required to maintain continuity of approach after exit.

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.

Yours,

ROSEANNA CUNNINGHAM