Dear Minister,

The Animals and Food (Transfer of Functions) (EU Exit) Regulations 2018

Thank you for your letter, dated 12 December 2018, relating to the consent notification for the above proposed SI.

The Committee intends to consider the notification at its meeting on 8 January 2019. In advance of its consideration, however, members would find it helpful to have some further information on a number of points; these are set out in the annexe to this letter. It would be helpful if a response could be provided by close of play on Friday 4 January 2019.

I am copying this letter to the Convener of the Rural Economy and Connectivity Committee for his information.

Yours sincerely,

Gillian Martin MSP
Convener
Environment, Climate Change and Land Reform Committee
In the section of the notification titled ‘Impact on devolved areas’—

The notification sets out “some examples of functions that post-exit will be exercised by the ‘appropriate authority’”.

It would be helpful to have confirmation of all the functions that, post exit, would be exercised by the ‘appropriate authority’.

The notification goes on to state that “the ‘appropriate authority’ is defined in the case of Scotland as the Scottish Ministers or the Secretary of State with consent from Scottish Ministers”.

On what basis will the decision be taken as to whether functions will be exercised by the Secretary of State or Scottish Ministers?

Where functions will be exercised by the Secretary of State with consent from Scottish Minister, how will this consent process work? What scope will there be for scrutiny of this process by the Scottish Parliament?

Legislative functions exercised by Scottish Ministers would be by Regulations. Which parliamentary procedure would apply to these Regulations?

In the section of the notification titled ‘Are there governance issues in relation to this proposal, and how will these be regulated and monitored post-withdrawal?’

The notification states—

“We have been engaged in framework discussions in many of the policy areas covered by the Proposed SI with all the administrations of the UK and the relevant regulators. These framework discussions are progressing.”

It would be helpful to be kept up to date on the progress of these discussions.