



OFFICIAL REPORT
AITHISG OIFIGEIL

Rural Economy and Connectivity Committee

Wednesday 27 February 2019

Session 5



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Pàrlamaid na h-Alba

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RURAL ECONOMY AND CONNECTIVITY COMMITTEE
7th Meeting 2019, Session 5

CONVENER

*Edward Mountain (Highlands and Islands) (Con)

DEPUTY CONVENER

*Gail Ross (Caithness, Sutherland and Ross) (SNP)

COMMITTEE MEMBERS

*Peter Chapman (North East Scotland) (Con)

*John Finnie (Highlands and Islands) (Green)

Jamie Greene (West Scotland) (Con)

*Richard Lyle (Uddingston and Bellshill) (SNP)

*John Mason (Glasgow Shettleston) (SNP)

*Mike Rumbles (North East Scotland) (LD)

*Colin Smyth (South Scotland) (Lab)

*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*Maureen Watt (Aberdeen South and North Kincardine) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

John Scott (Ayr) (Con) (Committee Substitute)

CLERK TO THE COMMITTEE

Steve Farrell

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Rural Economy and Connectivity Committee

Wednesday 27 February 2019

[The Convener opened the meeting at 09:00]

European Union (Withdrawal) Act 2018

Aquatic Animal Health and Alien Species in Aquaculture (EU Exit) (Scotland) (Amendment) Regulations 2019

Fertilisers and Pesticides (EU Exit) (Scotland) (Miscellaneous Amendments etc) Regulations 2019

Fisheries (EU Exit) (Scotland) (Amendment) Regulations 2019

Animal Welfare (EU Exit) (Scotland) (Amendment) Regulations 2019

The Convener (Edward Mountain): Good morning, everyone, and welcome to the Rural Economy and Connectivity Committee's seventh meeting in 2019. I ask members to ensure that their mobile phones are on silent. Jamie Greene sends his apologies for not being able to attend the meeting, and I welcome John Scott as his substitute. John, would you like to declare any interests?

John Scott (Ayr) (Con): Thank you for making me welcome. I am a farmer, a member of a farming partnership, a member of NFU Scotland and a founder member of the Scottish farmers markets. For my various other interests, I refer colleagues to my entry in the register of members' interests.

The Convener: Because we will come on to a statutory instrument that deals with agriculture, I remind members that I am a member of a farming partnership. It is not necessary for other members to make a declaration unless they want to speak on the instruments. Peter Chapman has indicated that he would like to make a declaration.

Peter Chapman (North East Scotland) (Con): As most folk know, I, too, am a member of a farming partnership, but I have no intention of speaking on the SIs.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I have a very small registered

agricultural holding, from which I derive no income.

The Convener: Agenda item 1 is the sift of four Brexit-related negative instruments that have been laid under the European Union (Withdrawal) Act 2018. As this is the committee's first consideration of Brexit-related statutory instruments, I will explain the procedure.

For any Brexit-related statutory instrument, under a protocol that has been agreed between the Parliament and the Scottish Government, the lead committee has the opportunity, in advance of the usual policy consideration, to consider whether the parliamentary procedure that the Scottish Government has allocated to the instrument—whether affirmative or negative—is appropriate. The lead committee can agree with the Scottish Government's view on the procedure or recommend that it be changed. That process is known as the sift.

The Scottish Government has allocated the negative procedure to all four of the instruments before us. Does the committee agree that it is content with the parliamentary procedure that the Scottish Government has allocated to the instruments?

Members indicated agreement.

Subordinate Legislation

Aquatic Animal Health and Alien Species in Aquaculture (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/9)

Fertilisers and Pesticides (EU Exit) (Scotland) (Miscellaneous Amendments etc) Regulations 2019 (SSI 2019/25)

Fisheries (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/24)

Animal Welfare (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/34)

Plant Health (Import Inspection Fees) (Scotland) Amendment Regulations 2019 (SSI 2019/28)

09:02

The Convener: Agenda item 2 is the consideration of five negative instruments, in relation to which no motions to annul have been received. Do members have any comments?

Stewart Stevenson: I do not oppose any of the instruments, but I have some questions about SSI 2019/24 that the committee might consider putting to the Government.

I note that there is a commencement provision in regulation 1, under which parts 1 and 2 of the regulations will come into force on 28 March 2019. That is one day before the date on which the United Kingdom expects to leave the European Union. I would like to know whether, if the exit date were to change, that would have a consequence for the regulations. I cannot see one, but I think that that is a proper question to ask.

Regulation 1 goes on to say:

“Parts 3 and 4 come into force on exit day.”

That is fair enough—that is whatever day it is. However, there are other parts of the regulations, about the commencement of which nothing is said. I would like to be confident about when the regulations from regulation 5 onwards will come into force.

Regulation 4 is about reporting requirements. It amends the Sea Fishing (EU Recording and Reporting Requirements) (Scotland) Order 2010. Essentially, regulation 4(2)(a)(vii) will keep EU vessels as a separate category from non-EU and non-UK vessels. I wonder why the provision has

been constructed in that way. I accept that, according to the advice from the legal eagles, the effect of the instrument will be to leave things the same, but I would like confirmation that the way in which that provision has been constructed will not introduce a little difference from what I think that the fishermen, in particular, and any of us might expect.

However, SSI 2019/24 is a deeply technical instrument, and I do not confess to having got my mind around every part of it—hence my questions.

The Convener: As no one else has any comments, I suggest that we write to the Scottish Government to seek clarification on the issues that Stewart Stevenson has raised to do with commencement dates and the definition of the nationality of vessels.

Those separate issues aside, does the committee agree that it does not want to make any recommendations in relation to the instruments?

Members indicated agreement.

European Union (Withdrawal) Act 2018

Animal Health, Plant Health, Seeds and Seed Potatoes (Amendment) (EU Exit) Regulations 2019

Food and Farming (Miscellaneous Amendments) (EU Exit) Regulations 2019

09:06

The Convener: Agenda item 3 is consideration of two consent notifications in relation to two UK statutory instruments, which cover animal health and control measures relating to African swine fever and legislation relating to wines, spirits, genetically modified organisms and common agricultural policy direct payments at the point of EU exit. All the instruments are being laid in the UK Parliament under the European Union (Withdrawal) Act 2018.

Do members have any comments?

Members: No.

The Convener: Does the committee agree to write to the Scottish Government to confirm that it is content for consent to be given for the UK SIs that are referred to in the notifications, and to note and request a response from the Scottish Government on the wider policy matters that have been identified in the briefing paper?

Members *indicated agreement.*

09:07

Meeting continued in private until 11:10.

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