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## **Health and Sport Committee Comataidh Slàinte is Spòrs**

# **The Fishery Products (Official Controls Charges) (EU Exit) (Scotland) (Amendment) Regulations 2019 [draft]**



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# Health and Sport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Sport.



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**Deputy Convener**  
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Scottish Conservative  
and Unionist Party

# The Fishery Products (Official Controls Charges) (EU Exit) (Scotland) (Amendment) Regulations 2019 [draft]

1. The Fishery Products (Official Controls Charges) (EU Exit) (Scotland) (Amendment) Regulations 2019 [draft] was laid before the Scottish Parliament on 7 February 2019 and referred to the Health and Sport Committee.
2. The purpose of these Regulations is to make minor, technical amendments to the Fishery Products (Official Controls Charges) (Scotland) Regulations 2007 to ensure that they continue to function as required after the UK exits the European Union. It is made in the context of the Official Controls for Feed, Food and Animal Health and Welfare (Amendment etc.) (EU Exit) Regulations 2009 (recently laid before the UK Parliament). The current policy position is unchanged by this instrument.
3. A [protocol](#) has been agreed between the Scottish Government and Scottish Parliament on the process for considering SSIs laid under the European Union (Withdrawal) Act 2018 (the Act).
4. Scottish Ministers have discretion about whether instruments made in exercise of the powers in Schedule 2 to the Act should be subject to the affirmative or the negative procedure, unless the instrument makes provision falling within one of the categories which attracts the mandatory affirmative procedure.
5. This instrument is required under the European Union (Withdrawal) Act 2018 “Act” to be laid under the affirmative procedure on the basis that certain amendments to the 2009 Scottish Regulations relate to a fee in respect of a function exercisable by a public authority in the UK.
6. This instrument therefore is not subject to the process of ‘sifting’ which applies to certain instruments made under powers conferred by Schedule 2 of the Act. It is mandatory under paragraph 1(6) of Schedule 7 of the Act that this instrument be subject to affirmative procedure.
7. The protocol referred to above also sets out three different levels of prioritisation based on the significance of an SSI.
8. Standard scrutiny processes still apply to the consideration of this SSI. This SSI has been considered by the DPLR Committee from a technical perspective irrespective of the category it falls into. It has been referred to the Health and Sport Committee as the lead Committee.
9. The protocol does not prescribe a process that lead committees should apply to the scrutiny of matters falling into the different categories, but by categorising instruments it provides committees with a guide as to what they might wish to prioritise.
10. This particular SSI has been categorised as low.

11. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on 19 February 2019. The Committee agreed that the instrument had been given the appropriate categorisation. It also determined that it did not need to draw the attention of the Parliament to this instrument on any grounds within its remit. <sup>1</sup>
12. At the Health and Sport Committee's seventh meeting on 5 March 2019, the Committee agreed the Fishery Products (Official Controls Charges) (EU Exit) (Scotland) (Amendment) Regulations 2019 [draft] had been given the appropriate categorisation.
13. The Committee then took evidence from –
  - Joe FitzPatrick, Minister for Public Health, Sport and Wellbeing;
  - Neel Mojee Solicitor, Legal Directorate, Scottish Government; and
  - Steve Hardie, Regulatory Policy Branch Head, Food Standards Scotland.
14. Motion S5M-15927 was lodged by Joe FitzPatrick, Minister for Public Health, Sport and Wellbeing and supported by Jeane Freeman, Cabinet Secretary for Health and Sport and Clare Haughey, Minister for Mental Health. Following the evidence session, Joe FitzPatrick moved motion S5M-15927.

That the Fishery Products (Official Controls Charges) (EU Exit) (Scotland) (Amendment) Regulations 2019 [draft] be approved.

The motion was agreed to without division.

15. The evidence taken and the debate held can be found in the Official Report for 5 March 2019.
16. The Health and Sport Committee recommends the Fishery Products (Official Controls Charges) (EU Exit) (Scotland) (Amendment) Regulations 2019 [draft] be approved.

**Health and Sport Committee**

The Fishery Products (Official Controls Charges) (EU Exit) (Scotland) (Amendment) Regulations 2019 [draft], 5th Report, 2019 (Session 5)

1 [Delegated Powers and Law Reform Committee, 9<sup>th</sup> Report, 2019 \(Session 5\)](#)

