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Rural Affairs and Islands Committee

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Rural Affairs and Islands Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands, with the exception of matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland, and Royal Botanic Garden.



rural.committee@parliament.scot



0131 348 5985

Committee Membership



Convener
Finlay Carson
Scottish Conservative
and Unionist Party



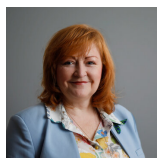
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and Unionist Party



Rhoda Grant
Scottish Labour



Emma Harper
Scottish National Party



Emma Roddick
Scottish National Party



Mark Ruskell
Scottish Green Party



Evelyn Tweed
Scottish National Party



Alasdair Allan
Scottish National Party

Executive summary

1. This report details the Rural Affairs and Islands Committee's consideration of the draft [Good Food Nation \(Specified Functions and Descriptions\) \(Scottish Ministers\) Regulations 2025](#).

2. The motion to recommend that the Good Food Nation (Specified Functions and Descriptions) (Scottish Ministers) Regulations 2025 be approved was not agreed, by division.

The draft Good Food Nation (Specified Functions and Descriptions) (Scottish Ministers) Regulations 2025

3. The instrument gives legal effect to the national Good Food Nation Plan by setting out those specified functions and specified descriptions of functions in the exercise of which Scottish Ministers must “have regard” to the national Good Food Nation Plan. When making regulations under this power for the first time, the regulations are subject to the affirmative procedure; subsequent regulations are subject to the negative procedure
4. The SSI sets out two lists of ‘specified functions’ and ‘specified descriptions’—
 - Scottish Ministers must have regard to the national Good Food Nation Plan when exercising functions which have been specified in regulations; **Schedule 1** lists these statutory functions.
 - Scottish Ministers must also have regard to the national plan when “making policies (including proposals for legislation), strategies, plans or guidance” about any of the matters listed as descriptions. **Schedule 2** sets out a list of ‘descriptions’ of policies.
5. The [Scottish Government consulted on the specified functions between 24 January 2024 to 22 April 2024](#) . The policy note accompanying the instrument included a summary of consultation undertaken by the Scottish Government on the instrument and the anticipated financial effects. The [Scottish Government then published its analysis of the consultation](#) , which listed the functions stakeholders felt were relevant to the national good food nation plan. The analysis also highlighted a key comment, primarily made by third sector organisations and trade associations, questioning the rationale behind the national good food nation plan only relating to specified functions, rather than all the Scottish Ministers’ functions. Feedback also included calls for further information about how the implementation of the national plan would be monitored and the role of the annual report in this process.

Consideration by the Delegated Powers and Law Reform Committee

6. The [DPLR Committee considered the instrument on 11 November 2025 and reported on it in its 84th Report, 2025](#). The DPLR Committee made no recommendations in relation to the instrument. The DPLR Committee, however, noted that it would have been helpful if the accompanying documents had confirmed the intended date for laying the finalised national Good Food Plan given that this instrument depends on the plan being in force to operate as intended.

Consideration by the Rural Affairs and Islands Committee

Written evidence

7. [The Committee issued a call for views on the specified functions and specified descriptions provided for in the draft regulations](#) . A total of [27 responses were received](#) – 3 from individuals, 2 representing public agencies (Food Standards Scotland and the Scottish Food Commission), 12 from civil society or research institutions, and 10 from private sector stakeholders.
8. In response to a request from the Committee, [the Cabinet Secretary provided further details on the Scottish Governments reasons behind its choice of specified functions and descriptions](#) . The response provides a commentary on both schedules, with information about how each function or description suggested during its 2024 consultation was reflected in the SSI or, for those suggested functions or descriptions not included, the reasons for this. The Cabinet Secretary's letter was received after the call for views had closed and, therefore, respondents to the call for views were unable to reflect the Cabinet Secretary's comments.
9. Most respondents felt that the draft instrument is incomplete and called for amended or new functions and descriptions. For example, the NFUS said it was “disappointed that the specified functions are not fully comprehensive or reflect the role of agricultural policy in our food system.” The Scottish Food Commission provided a summary of the omissions in its response, and said—

” we believe that the first list presented in the SSI, laid before the Scottish Parliament for scrutiny via the affirmative procedure, must be revised and improved by including multiple additional specified functions and descriptions, including those related to Agriculture and Rural Communities, Social Security, Fair Work, Climate Change, Aquaculture and Fisheries, Community Wealth Building, Animal Health and Welfare, the Food (Scotland) Act 2015, Procurement Reform, Planning, Education, Children and Young People.
10. Many respondents also raised concerns that, as a result of these omissions, the regulations in might create further uncertainty and complexity, thus failing to provide an adequate framework to deliver the central objective of the Good Food Nation Act 2022 of delivering joined-up food policy. The Rowett Institute at the University of Aberdeen told the Committee that, although it “appreciated that these [the suggested additions to the list] may be addressed to some extent through similarly proposed strategies to deliver on the other acts, yet it detracts from the food systems ambition proposed in the plan and the aspiration to move away from the conventional siloed approach”.
11. The Scottish Food Commission raised significant concerns around the lack of information provided alongside the draft regulations, telling the Committee that—

” There is minimal or no clarification on how specified functions and descriptions were chosen for, or omitted from, the draft SSI. This, frankly, is unacceptable considering that the primary aim of this SSI is to guarantee that Scottish Ministers give proper consideration and that the decision-making process regarding this consideration is documented.

12. Several of the responses were made by members of the Scottish Food Coalition. These all took the strong view that the SSI is “unworkable” and “should not be approved” in its current form. The reasons given include—
 - That the approach is too complex, restricting application to specific sections of legislation but not others, which, they feel, “is likely to generate uncertainty rather than clarity”, and “reduce rather than enhance policy coherence”. They propose an alternative approach in their submission.
 - That the SSI will be obsolete very quickly, they suggest even within the current parliament due to the Community Wealth Building Bill and the Natural Environment Bill, among others.
13. Some respondents were more optimistic about this new way of working, however, generally agreeing with what has been included (barring some omissions), or supported the overall intention. The NFUS, for example, stated that it supports “the principles of specified functions as a new way of working which could ensure holistic policy development”. The Rowett Institute also suggested that the “move to direct regard to the GFN is a very positive one in terms of a food systems approach”. Moreover, Food Standards Scotland felt that the overall approach of specifying functions/description “will provide useful clarity to the Scottish Government”.
14. Responses to the call for views also highlighted concerns around a lack of information about how the ‘have regard’ duty would be managed, applied and monitored, as well as how the schedules would be kept up to date. The Scottish Food Coalition questioned the process for updating the schedules. Likewise, the Scottish Wholesale Association raised concerns about “the need for regular review” as well as “mechanisms for oversight”. It noted that this is an “untested approach” and, therefore, recommended “that the framework be flexible, well-governed, and inclusive”. It thought that “emphasis should be placed on regular review, clear oversight, and processes to ensure the list remains comprehensive, while maintaining ongoing engagement with the sector”.
15. Responses also sought clarity on the role of the Scottish Food Commission with regard to monitoring the Scottish Ministers’ duty to ‘have regard’.

Oral evidence

16. On 3 December 2025, the Committee took evidence on the instrument from the Cabinet Secretary. The Cabinet Secretary told members that—

- ” Our aim is to ensure that the legislative duty is effective and focused. This innovative approach avoids a blanket legislative duty, which would create unnecessary bureaucracy and have no meaningful impact. The SSI’s content is intended to provide a focus for better, more joined-up policy making in relation to food. We are going to assess, monitor and likely, no doubt, adjust the policy areas in the SSI to ensure that the national plan is making the greatest possible impact.
17. The Cabinet Secretary emphasised that the approach being taken with the national Good Food Nation plan – for the Scottish Ministers to have regard when exercising specified functions or functions within a specified description, rather than a blanket duty to have regard – is “an innovative approach and quite exciting”. She described the SSI as “a strong starting point” but accepted that “it might not be perfect to start off with, and it might appear that there are gaps as we look to further develop the work”.
 18. The Cabinet Secretary said she could “see that there is a risk that we might miss some duties that we might need to bring back or to consider in future”. She referred to the specified descriptions which “are important, because they are broader, all-encompassing areas, which means that any legislation would also be covered by the broad descriptions set out in that list”.
 19. Members raised stakeholders’ concerns that some policy areas – such as agriculture and planning – were not included in either of the schedules. In response, the Cabinet Secretary explained the policy gaps are because “other legislation already provides what is, in essence, a specified function outside the instrument” or “a general duty to have regard to a broad policy area already exists, so it was felt unnecessary to duplicate that in the SSI”. The Cabinet Secretary added, “we tried to get the balance right between it [the SSI] not being too broad and becoming a tick-box exercise, and identifying areas that people felt might otherwise be excluded”.
 20. In relation to agricultural policy, the Cabinet Secretary told members that “specific reference to the good food nation plan was made as an amendment to the Good Food Nation (Scotland) Act 2002 in relation to the rural support plan”. The Cabinet Secretary added that “it does not necessarily make sense to duplicate references that exist elsewhere, and because that duty already exists in the 2002 act, it is not replicated in the SSI”. When probed further about the scope of the rural support plan to cover fully the intersect between agricultural and food policy, the Cabinet Secretary sought to reassure the Committee. She emphasised the importance of the rural support plan as a “key strategic document” and that “what the rural support plan has to give consideration to and set out is, I believe, quite comprehensive”.
 21. More generally, the Cabinet Secretary told members that “it is in nobody’s interest for there to be any key missing areas in the legislation, so the monitoring and how we assess impact will be important”.
 22. The Cabinet Secretary confirmed that the Good Food Nation team in the Scottish Government would “act as a central point” and both monitor the Scottish Ministers’ duty to have regard as well as ensure the list of specified functions and specified descriptions is kept up to date. A Scottish Government official set out this would be done—

” Through having check-in points with the good food nation team at the beginning of policy work on anything that is related to food, offering help through the team by putting policy colleagues in touch with other areas that might be relevant to the development of the new policy or legislation or guidance or whatever it is that they are working on, and, at the end of the process, recording how regard has been had and which specified functions and descriptions have been used, we will be able to understand which are being used on a regular basis; which may not have been used; whether there are gaps; and whether our policy colleagues are highlighting something that should be added to the regulations.

23. Officials added that “there will likely be some form of tracker” to monitor the have regard duty but that, “because it is a new approach, we are not entirely sure how that information will be provided and how it can be recorded, so we are keeping an open mind as to how best to be able to do that”. Officials confirmed that it will be “quite a task to track everything”.
24. In response to questions about the process by which the specified functions or functions of specified descriptions may be revised, the Cabinet Secretary referred to the reviews provided for under the 2022 Act, as well as recommendations from the Committee, stakeholder engagement and the Scottish Food Commission.
25. The Cabinet Secretary confirmed that the Scottish Food Commission has no formal role with regard to monitoring the Scottish Ministers’ duty to have regard to the national plan. She added that the Scottish Government “would be open to any of those recommendations” if the Commission chose to comment on this.
26. Drawing on the Committee’s concerns regarding the instrument, members asked about the impact of these regulations not being approved or being withdrawn. The Cabinet Secretary replied that she would be “concerned about the gap that would exist if the instrument was withdrawn” as the relevant section of the 2022 Act setting out the Scottish Ministers’ duty to have regard to the plan is due to come into effect on 16 December 2025. A Scottish Government official added that—

” ... we would be left in the position that we would have a national good food nation plan that we had no legal obligation to have regard to in the context of specified functions or descriptions of functions. I would not say that that would be without problems, even though it would not involve a breach of a legal duty.

Decision

27. Following the oral evidence, the Minister moved motion S6M-19472—

That the Rural Affairs and Islands Committee recommends that the Good Food Nation (Specified Functions and Descriptions) (Scottish Ministers) Regulations 2025 be approved.

28. The motion was disagreed to by division (For 4, Against 5, Abstentions 0).

29. **Accordingly, the Committee recommends that the Good Food Nation (Specified Functions and Descriptions) (Scottish Ministers) Regulations 2025 should not be approved.**

