

Delegated Powers and Law Reform Committee
Tuesday, 11th November 2025
31st Meeting, 2025 (Session 6)

Instrument Responses

Good Food Nation (Specified Functions and Descriptions) (Scottish Ministers) Regulations 2025 ([SSI 2025/Draft](#))

On 30 October 2025, the Committee asked:

This instrument will come into force on 23 December 2025, and therefore from that date, the Scottish Ministers will be required to have regard to the National Good Food Plan, in the exercise of the functions specified in the instrument. The proposed plan was laid before the Parliament on 27 June 2025, and following the period of consultation required by the Act, a finalised plan is to be laid before the Parliament. As there is currently no plan for Scottish Ministers to have regard to, please could you confirm whether the finalised plan will be laid before the Parliament before the coming into force of this instrument?

I would be grateful if you could e-mail your response to me and the copy recipients by close on Tuesday 4 November 2025.

On 4 November 2025, the Scottish Government responded:

The Good Food Nation (Scotland) Act 2022 (“the 2022 Act”) sets out a chronology for consultation on and laying of the national Good Food Nation Plan (“Plan”).

Section 3(2) of the 2022 Act required Scottish Ministers to lay the proposed Plan before the Scottish Parliament within 12 months of that section coming into force. Section 3 came into force on 30 June 2024 and the proposed Plan was laid before the Scottish Parliament on 27 June 2025. Section 3(1)(a) of the 2022 Act then required the proposed Plan to be laid in Parliament for 60 days (of which no more than 30 days could be in recess). During this period, the Scottish Ministers were to have regard to any representations, resolutions or reports relating to the proposed Plan. That period ended on 29 September 2025. Within 3 months of that date, the Scottish Ministers must lay the finalised Plan before the Scottish Parliament (section 1(1) and (2) of the 2022 Act).

We have calculated that 11.59pm on 29 December 2025 will be the end of the 3 month period, and so technically the last day that the finalised Plan can be laid before the Scottish Parliament.

To comply with this statutory deadline and to take into account the dates the Office of the Clerk will be closed for the festive period, we intend to lay the finalised Plan before the Scottish Parliament on 23 December 2025. The Good Food Nation (Specified Functions and Descriptions) (Scottish Ministers) Regulations 2025, if approved by the Scottish Parliament, will be made around 18 December, and then come into force on the same day as the finalised Plan is published and laid (23 December 2025).

Political Parties, Elections and Referendums Act 2000 (Non-Party Campaigner Code of Practice) (Appointed Date) (Scotland) Order 2025 ([SSI 2025/288](#))

On 30 October 2025, the Committee asked:

I understand that there is a possibility that the draft Code of Practice which this instrument brings into force may be withdrawn, in which case please advise what action the Scottish Government intends to take in respect of this instrument?

On 4 November 2025, the Scottish Government responded:

The Scottish Government understands that having considered section 100BA(1) of the Political Parties, Elections and Referendums Act 2000 (“the 2000 Act”), which requires the Electoral Commission to consult the Scottish Parliament on a draft Code of Practice on controlled expenditure, the Electoral Commission will consult formally with the Parliament, in particular the Standards, Procedures and Public Appointments Committee. We understand the Electoral Commission intends to submit a revised draft Code to the Scottish Ministers under section 100BA(2) of the 2000 Act once that consultation is complete. The Scottish Government will consider any revised draft Code of Practice submitted to them, and after due consideration for approval, will lay the draft Code before Parliament, under section 100BA(4) of the 2000 Act.

The current draft Code which was laid in Parliament on 16 September 2025 to which this instrument relates will shortly be superseded by the expected revised draft Code. The Scottish Government accordingly intends to withdraw the draft Code which was laid on 16 September.

The Scottish Government intends to revoke the Political Parties, Elections and Referendums Act 2000 (Non-Party Campaigner Code of Practice) (Appointed Date) (Scotland) Order 2025 once a revised draft Code has been submitted to the Government. Once a revised draft Code of Practice is presented, this instrument will no longer refer to the most current draft and should be revoked to avoid any confusion.

Rural Support (Improvement) (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2025 ([SSI 2025/Draft](#))

On 31 October 2025, the Committee asked:

1. Bullet point number 3 in the Summary Box in the draft Policy Note reads “Remove requirement to submit an EFA map”. Our understanding is that the provision in question (regulation 2(2)(d)) in fact creates a requirement to submit an EFA map. Can you confirm that the policy intention is to create the requirement, and that the Policy Note rather than the instrument is wrong?
2. Paragraph 1 of the draft Policy Note states that the instrument is being made in exercise of the powers conferred by section 2 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020, “rather than the additional complexity that would be introduced utilising the Agriculture and Rural Communities (Scotland) Act 2024.” Given the Committee’s interest in the choice of enabling power, could further explanation please be provided as to what is meant by this statement?
3. Please confirm whether any corrective action is proposed, and if so, what action and when.

On 4 November 2025, the Scottish Government responded:

1. With regard to bullet point number 3 of the Policy Note, it is acknowledged the Policy Note would benefit from clarification. Currently, the Scottish Government requires applicants for basic payments who come within the scope of the Ecological Focus Area requirement to submit an “EFA map” as part of the supporting documentation for their application. This is an administrative requirement. The policy proposal is for this requirement to be removed and replaced with a legislative requirement for farmers to prepare and maintain an EFA map. EFA maps must be produced to the Scottish Ministers and their officials on request but do not need to be submitted with the application.

We propose to correct this point and reissue the Policy Note. Currently EFA maps are required to be submitted annually as part of the supporting documentation for an application. However, failure to submit or late submission of the EFA map (even where there were no changes from previous years) attracts penalties which at times have been considered to be disproportionate. These changes will mean farmers can now combine an EFA map with the Habitat map under the Whole Farm Plan introduced earlier in 2025.

We propose, therefore to amend the Policy Note so as to replace bullet point 3 with: “introduce the requirement to prepare and maintain an EFA map that must be shown to Scottish Government officials if requested. This is intended to replace the administrative requirement to submit an EFA annually as part of the supporting documentation which accompanies the Single Application Form.” A copy of the amended Policy Note is attached.

2. This instrument makes minor changes to existing Common Agricultural Policy legislation: it does not introduce new modes of support or make other significant changes to the operation of rural support schemes and it is therefore considered appropriate to use relevant powers under section 2 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020 (“the ARELD Act”) and powers under assimilated EU regulations. Additionally, exercise of relevant powers under the Agriculture and Rural Communities (Scotland) Act 2024 (“the ARC Act”), requires the Scottish Ministers to have regard to the Rural Support Plan which is prepared under section 2 of the ARC Act. That plan is currently being

prepared by the Scottish Government, and will be laid before the Scottish Parliament as required by section 2(4).

During the phased transition to the new support framework under the Vision for Scottish Agriculture and the Agricultural Reform Route Map both the ARELD Act and ARC Act will be used to introduce secondary legislation.

3. As indicated above, we are in the process of preparing and issuing a revised draft Policy Note.