

DELEGATED POWERS AND LAW REFORM COMMITTEE

3rd Meeting, 2021 (Session 6) Tuesday 25 January 2022

Instrument Responses

Private Storage Aid Scheme (Pigmeat) (Scotland) Amendment Regulations 2021 (2021/492)

On 12 January 2022, the Committee asked the Scottish Government:

The Scottish Government has acknowledged that this instrument has not been laid in accordance with the requirements of section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010. In accordance with section 31(3) of the 2010 Act, at the time of laying the instrument the Scottish Government laid a letter to the Presiding Officer. This letter explains that the failure to comply with section 28(2) of the 2010 Act is due to the need to act urgently to avoid an economic loss to farmers by not accepting additional cuts of pigmeat into the scheme. We understand that the need for this urgent action was brought to the attention of the Scottish Government on 15 December 2021.

1. The letter to the Presiding Officer explaining the reasons for the breach of the 28-day rule indicates that the Scottish Government was approached by an operator on 15 December 2021, which led to the laying of the instrument on 22 December 2021.

Please explain why the instrument is required to come into force on 15 January 2022, rather than 28 days after it was laid (not counting periods of recess of more than 4 days). In particular, please explain why that particular coming into force date is necessary, as opposed to one which would ensure compliance with the 28-day rule, in terms of the expansion of the cuts of meat caught by the scheme; and/or the extension of the period for applications, bearing in mind that the deadline for making applications is currently 28 February 2022.

On 18 January 2022, the Scottish Government responded:

Staff shortages at Scottish abattoirs have led to larger numbers of pigs on Scottish farms than would normally be the case. The sector is on the verge of a welfare issue, which would, in addition to the welfare impact, be financially costly to the industry. The Scottish Government was informed in mid-December that there was significant immediate demand from industry to include the additional cuts in the private storage aid scheme, and that their inclusion would provide extra assistance to industry, with applications for at least 100 tonnes of loin anticipated. The Scottish Government considered that this amount of product made it necessary to make the amendments to the scheme with effect from 15 January (approximately 3 weeks earlier than would have been possible if the 28 day rule had been complied with), to allow applications to the PSA scheme to include these specific cuts from that date.

In particular, Scottish Government expects the amendment to unlock a significant application which would otherwise be for a smaller volume of pigmeat or even not made at all. If the amendment were to be brought into force at a later date, applications to the scheme would be delayed, with the result that pigs would not be slaughtered and the backlog of pigs on farms would continue. The benefits to the primary pigmeat producers would therefore be reduced if applications for these cuts were not able to be made as early as possible. The Scottish Government regrets that on this occasion it was not possible to comply with the 28 day rule, but considers that making the amendment early is likely to make a significant difference to the effectiveness of the scheme.

The deadline for making applications is amended from 28 February 2022 to 31 March 2022. The extension of the scheme for a further month is not considered relevant for the points noted above which explain the need for applications to be made as soon as possible.

On 14 January, DEFRA announced an extension of the deadline for applications to their Private Storage Aid scheme for pigmeat to 31 March.