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Environment, Climate Change and Land Reform Committee

**Comataidh Atharrachadh Clìomaid is Ath-leasachaidh
Fearann**

The Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019 [draft]



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Environment, Climate Change and Land Reform Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Environment, Climate Change and Land Reform.



<http://www.parliament.scot/environment-committee>



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The Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019

1. The Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019 [draft] were first laid before the Scottish Parliament on 19 June 2019 and referred to the Environment, Climate Change and Land Reform Committee. The reporting deadline for the regulations was 30 September 2019. The regulations were first considered by the Committee on 24 September 2019, and the Committee published its report on 27 September 2019.
2. The regulations were subsequently withdrawn on 9 October 2019 and relaid on 22 October 2019. The Cabinet Secretary for Environment, Climate Change and Land Reform wrote to the Committee on 23 October 2019, explaining that the decision to withdraw the regulations had been taken when it became apparent that the Parliamentary process would not be completed before the regulations' 'coming into force' date of 1 October 2019.
3. This report relates to the relaid regulations.
4. The regulations are subject to the affirmative procedure; the affirmative parliamentary procedure is set out in Chapter 10 of the Standing Orders.
5. The purpose of the regulations is to complete the implementation of the EU regulation on invasive alien species (Regulation (EU) No 1143/2014) which came into force in 2015.
6. Specifically, the instrument has four objectives: to ensure there are offences and penalties in place for the contravention of the prohibitions on the keeping and sale of 13 species identified as of concern (and which cannot be addressed by the Wildlife and Countryside Act 1981 as they are not considered invasive in Scotland); to ensure there are offences and penalties in place for the contravention of other restrictions under the EU regulation; to make statutory defences for owners of companion animals and commercial stock; and make arrangements for licensing certain restricted activities.
7. In considering the regulations on 24 September 2019 the Committee agreed to write to the Scottish Government to request a List of Invasive Species of Union Concern and details of any Species Control Orders issued in Scotland in relation to giant hogweed. The Committee received a reply from the Scottish Government on 24 October 2019 supplying the requested information and confirming that to date no Species Control Orders have been issued in Scotland in relation to giant hogweed. The letter highlighted, however, that a Species Control Agreement with Network Rail is in place until August 2022 for giant hogweed on the railway line between Ashfield and Dunblane.
8. The Delegated Powers and Law Reform Committee considered the regulations at its meeting on 29 October 2019 and made no comment.

9. The Environment, Climate Change and Land Reform Committee considered the regulations at its meeting on 29 October 2019 when it took evidence from Roseanna Cunningham, Cabinet Secretary for Environment, Climate Change and Land Reform.
10. Following her evidence, the Cabinet Secretary moved motion S5M-19519 - That the Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019 [draft] be approved.
11. Following debate, the motion was agreed to.
12. The Environment, Climate Change and Land Reform Committee recommends that the Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019 [draft] be approved.

