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**Environment, Climate Change and Land Reform
Committee
Comataidh Atharrachadh Clìomaid is Ath-leasachaidh
Fearann**

**The Invasive Non-native Species (EU
Exit) (Scotland) (Amendment etc.)
Regulations 2020 [Draft]**



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Contents

Introduction	1
What the Regulations do	2
Consideration by the Delegated Powers and Law Reform Committee	3
Consideration by the Environment, Climate Change and Land Reform Committee	4

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.



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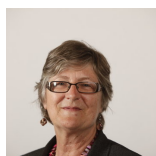
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Introduction

1. [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \[draft\]](#) were laid on 19 November 2020 and referred to the Environment, Climate Change and Land Reform Committee. The Committee must report by 13 January 2020.
2. The draft instrument (regulations) is subject to the affirmative procedure; the parliamentary procedure is set out in Chapter 10 of the [Standing Orders of the Scottish Parliament](#).

What the Regulations do

3. [The Invasive Non-Native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020](#) ('the 2020 Regulations') is a deficiency-fixing instrument to correct deficiencies in Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species ('the EU Regulation').
4. The instrument also introduces new provisions for the enforcement of the law on invasive alien species and for emergency measures in this regard; it creates a new criminal offence in relation to keeping or releasing a species on the Scottish list of species of special concern. This is done under the general power to make regulations to implement EU law.
5. These Regulations are made in the exercise of powers conferred by section 2(2) of the European Communities Act 1972 and paragraph 1(1) and (3) of schedule 2 of the European Union (Withdrawal) Act 2018.
6. The EU Regulation is directly applicable in Scotland and will form a body of retained EU law which continues to have effect in Scotland after the end of the transition period. The 2020 Regulations require to be made prior to 31 December in order to ensure that the retained EU Regulation remains operable in Scotland at the end of that transition period following the United Kingdom leaving the EU and that those restrictions that are currently in place for invasive non-native species (INNS) are maintained.

Consideration by the Delegated Powers and Law Reform Committee

7. The Committee considered the instrument on [1 December 2020](#) and made no comment on the draft regulations.

Consideration by the Environment, Climate Change and Land Reform Committee

8. The Committee considered the regulations at its meeting on 8 December 2020 and took evidence from Mairi Gougeon MSP, the Minister for Rural Affairs and the Natural Environment.
9. The Committee's questioning focussed on the establishment of a new Committee and a new Scientific Forum under the UK SI, [the Animals Welfare and Invasive Non-Native Species \(EU Exit\) Regulations 2020](#) and the interaction between those bodies and existing Scottish bodies, such as NatureScot and SEPA. The Minister explained that the new Committee and Scientific Forum would be separate bodies to the Invasive Species Programme Board (ISPB) which was established in 2005 to deliver strategic consideration of the threat of invasive species across Great Britain. The Minister confirmed that the new Committee and the Scientific Forum would comprise of members already represented on the ISPB and, as such, Scottish environmental bodies would be represented on both.
10. The Committee also questioned the Minister on the alignment of these Scottish regulations with regulations across the rest of the United Kingdom.
11. Following her evidence, the Minister moved motion [S5M-23440](#)—That the Environment, Climate Change and Land Reform Committee recommends that the Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 [draft] be approved.
12. The motion was agreed to.
13. The Environment, Climate Change and Land Reform Committee recommends that the Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 [draft] be approved.

