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Rural Affairs and Islands Committee

Subordinate legislation considered by the Rural Affairs and Islands Committee on 25 September 2024



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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.



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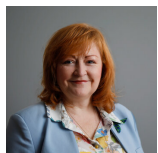
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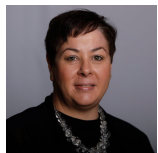
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Executive Summary

1. This report details the Rural Affairs and Islands Committee's consideration of [the Plant Health \(Import Inspection Fees\) \(Scotland\) Amendment \(No. 2\) Regulations 2024 \[draft\]](#).
2. The Committee agreed without division to recommend to the Parliament that it approve the instrument.

The Plant Health (Import Inspection Fees) (Scotland) Amendment (No. 2) Regulations 2024 [draft]

3. The Plant Health (Import Inspection Fees) (Scotland) Amendment (No. 2) Regulations 2024 [draft] were laid in the Scottish Parliament on 4 September and are subject to the affirmative procedure. The draft instrument was referred to the Rural Affairs and Islands Committee for consideration.
4. The Regulations seek to amend the Plant Health (Import Inspections Fees) (Scotland) Regulations 2014 to extend the coming into force date for inspection fees for plant health checks for goods imported from the EU and other countries categorised as 'medium risk' in relation to biosecurity from 30 October 2024 to 1 July 2025. The delay is to allow business to prepare for the implementation of the [Border Target Operating Model](#) (BTOM).

Background

5. The Regulations pertain to the operation of the BTOM which is a new risk-based approach to Sanitary and Phytosanitary (SPS) controls applying to imports of live animals, animal products, high-risk food and feed of non-animal origin, plants and plant products at the border.
6. The policy note accompanying the instrument explains that "the UK Government has been engaging with UK and EU businesses to address their concerns regarding the original 30 October 2024 date" and in response has decided to extend the date for new import arrangements "as this would allow more time for operational readiness and completion of risk assessments of the medium risk goods".
7. The Scottish Government has indicated the instrument will align with a UK Statutory Instrument (UKSI) ⁱ being laid that proposes to extend transition arrangements for import checks on certain plant and animal products.

ⁱ [Letter from the Minister for Agriculture and Connectivity](#) regarding the UKSI Official Controls (Extension of Transitional Periods) and Plant Health (Frequency of Checks) (Miscellaneous Amendments) Regulations 2024, 2 September 2024.

Consultation

8. A short consultation on the proposed revisions to import checks arrangements was carried out by DEFRA on behalf of the UK Government, the Scottish Government and the Welsh Government. The consultation opened on 13 May 2024 and closed on 3 June 2024. The Policy Note explains that one response was received from NFU "which sought clarity on the definition of medium risk fruit and vegetables as they considered this to be insufficiently clearly set out in the engagement documents". Defra provided further information in response to issues raised.
9. DEFRA also held a separate consultation seeking views on specifically amending the implementation date to 1 July 2025. The consultation exercise took place between 30 July and 6 August 2024. The Policy Note says that six responses were received, four supporting the new date, and two requesting further information.

Impact Assessments

10. The policy note explains that a full Business and Regulatory Impact Assessment or an Environmental Impact Assessment were not prepared for the instrument because it does not set out new policy or alter existing policy pertaining to business or the environment. A Child Rights and Wellbeing Impact Assessment was undertaken and the Regulations were determined to have no impact on children's rights or wellbeing.

Delegated Powers and Law Reform Committee consideration

11. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on [10 September 2024](#). It agreed to make no recommendation in relation to the instrument.

Rural Affairs and Islands Committee consideration

12. At its meeting on 25 September 2024, the Rural Affairs and Islands Committee took evidence on the instrument from the Minister for Agriculture and Connectivity and Scottish Government officials.
 13. The Minister made some opening remarks, setting out the purpose and objective of the instrument.
 14. The Committee had no questions and moved to formal consideration of the motion recommending approval of the instrument.
 15. The Minister moved motion [S6M-14346](#) in the name of the Cabinet Secretary for Rural Affairs, Land Reform and Island – That the Rural Affairs and Islands Committee recommends that the Plant Health (Import Inspection Fees) (Scotland) Amendment (No. 2) Regulations 2024[draft] be approved.
 16. The motion was agreed to without debate or division.
17. The Rural Affairs and Islands Committee recommends that the Plant Health (Import Inspection Fees) (Scotland) Amendment (No. 2) Regulations 2024 [draft] be approved.

