



The Scottish Parliament
Pàrlamaid na h-Alba

Published 5 March 2021
SP Paper 971
3rd Report, 2021 (Session 5)

Rural Economy and Connectivity Committee Comataidh Eaconomaidh Dùthchail is Co- cheangailteachd

Subordinate legislation considered by the Rural Economy and Connectivity Committee on 3 March 2021



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Rural Economy and Connectivity Committee

Remit: To consider and report on matters relating to the rural economy within the responsibility of the Cabinet Secretary for the Rural Economy and Tourism and matters falling within the responsibility of the Cabinet Secretary for Transport, Infrastructure and Connectivity.



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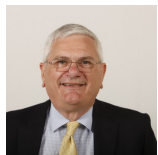
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Executive Summary

1. This report details the Rural Economy and Connectivity Committee's consideration of the following instruments —

[the Sea Fishing \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2021](#);

[the Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2021](#); and

[SSI 2021/72: The Rural Support \(Controls\) \(Coronavirus\) \(Scotland\) Regulations 2021](#).

The Committee agreed to recommend to the Parliament that it approves the instruments.

The Sea Fishing (EU Exit) (Scotland) (Amendment) Regulations 2021 [draft]

The Committee reports to the Parliament as follows—

2. On 4 February 2021, [the Sea Fishing \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2021](#) regulations were laid before the Parliament. The regulations are subject to the affirmative resolution procedure.

Purpose of the instrument

3. The purpose of this instrument is to deal with matters arising out of or related to the Protocol on Ireland/Northern Ireland (“the Protocol”) in the Withdrawal Agreement between the United Kingdom (“UK”) and the European Union, namely facilitating the access to the market within Great Britain of qualifying Northern Ireland goods

Delegated Powers and Law Reform Committee consideration

4. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on [16 February 2021](#). The Committee agreed not to draw this instrument to the attention of the Parliament.

Rural Economy and Connectivity Committee consideration

5. At its meeting on 3 March 2021, the Rural Economy and Connectivity Committee took evidence on this instrument from Ben Macpherson, Minister for Rural Affairs and Natural Environment, and Scottish Government officials.
6. The Minister subsequently moved the following motion in his name—

S5M-24228—That the Rural Economy and Connectivity Committee recommends that the Sea Fishing (EU Exit) (Scotland) (Amendment) Regulations 2021 [draft] be approved.
7. The Committee agreed the motion without division.
8. Full details of the Committee's consideration of the instrument can be found in the [Official Report](#) of the meeting.

Recommendation

The Rural Economy and Connectivity Committee recommends to the Parliament that the Sea Fishing (EU Exit) (Scotland) (Amendment) Regulations 2021 [draft] be approved.

The Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2021 [draft]

9. On 9 February 2021, [the Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2021](#) regulations were laid before the Parliament. The regulations are subject to the affirmative resolution procedure.

Purpose of the instrument

10. This instrument creates a power which will allow the Scottish Ministers by regulation to impose special import conditions in respect of imports from third countries of products of animal origin intended for human consumption.

Delegated Powers and Law Reform Committee consideration

11. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on [23 February 2021](#), and agreed to draw this instrument to the attention of the Parliament on the grounds that it could be clearer what the term “special import conditions”, as referred to in the instrument, means.

Rural Economy and Connectivity Committee consideration

12. At its meeting on 3 March 2021, the Rural Economy and Connectivity Committee took evidence on this instrument from Ben Macpherson, Minister for Rural Affairs and Natural Environment, and Scottish Government officials. Prior to this meeting, the Committee had asked the Scottish Government for clarification on certain aspects of the instrument. The questions and answers are included in the Committee's meeting papers for [3 March 2021](#).
13. The Committee asked the Minister various questions related to the proposed use of the special import conditions. In his response, the Minister said that the purpose of an import condition could be to provide an appropriate level of assurance that standards have been met, or to set the standards themselves, or both. He also said that special import conditions, were distinct, from “normal” or “general” import conditions. He indicated that they would be made based on certain circumstances, as opposed to being stricter than the other conditions, and also could be revoked if need be (for example, after an animal health situation in a third country had been controlled). The Minister also provided reassurances that the regulations were not intended to reduce standards, for example, by importing products which do not meet the current standards.

14. The Committee asked whether the UK Internal Market Act 2020 would have a bearing on whether special import conditions imposed by the Scottish Government would be effective in relation to products of animal origin that are put on the market in Scotland after having been first imported into another part of the UK. The Minister said that he did have concerns that the Act had potential to cause divergence of approaches, but that stakeholders were likely to be consulted if there were divergences, given that decisions were likely to be based on scientific advice or relate to food standards.
15. The Minister subsequently moved the following motion in his name—

S5M-24226—That Rural Economy and Connectivity Committee recommends that the Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2021 [draft] be approved.
16. The Committee agreed the motion without division.
17. Full details of the Committee's consideration of the instrument can be found in the [Official Report](#) of the meeting.

Recommendation

18. The Rural Economy and Connectivity Committee recommends to the Parliament that the Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2021 [draft] be approved.

SSI 2021/72: The Rural Support (Controls) (Coronavirus) (Scotland) Regulations 2021

19. On 11 February 2021, the [SSI 2021/72: The Rural Support \(Controls\) \(Coronavirus\) \(Scotland\) Regulations 2021](#) were laid before the Parliament. The regulations are subject to the affirmative resolution procedure.

Purpose of the instrument

20. This instrument will provide a derogation from the requirement for the verification of all eligibility conditions to be completed for rural support scheme payments to commence as, due to the coronavirus pandemic, on-the-spot checks have been postponed. The effect of the derogation is that payments to beneficiaries may be made, for the schemes covered by the derogation, after the administrative checks have been finalised. This will enable the Scottish Ministers to make payments timeously before completing physical on-the-spot checks to provide continued financial stability to our farmers and crofters. This derogation is limited to certain designated schemes for the claim years 2020 and 2021.

Delegated Powers and Law Reform Committee consideration

21. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on [23 February 2021](#). The Committee agreed not to draw this instrument to the attention of the Parliament.

Rural Economy and Connectivity Committee consideration

22. At its meeting on 3 March 2021, the Rural Economy and Connectivity Committee took evidence on this instrument from Ben Macpherson, Minister for Rural Affairs and Natural Environment, and Scottish Government officials.
23. The Minister subsequently moved the following motion in his name—

S5M-24227—That the Rural Economy and Connectivity Committee recommends that the Rural Support (Controls) (Coronavirus) (Scotland) Regulations 2021 (SSI 2021/72) be approved.
24. The Committee agreed the motion without division.
25. Full details of the Committee's consideration of the instrument can be found in the [Official Report](#) of the meeting.

Recommendation

26. That Rural Economy and Connectivity Committee recommends to the Parliament that the SSI 2021/72: The Rural Support (Controls) (Coronavirus) (Scotland) Regulations 2021 be approved.

