



T: 0300 244 4000  
E: scottish.ministers@gov.scot

Rt Hon Ken MacIntosh MSP  
Presiding Officer  
Scottish Parliament  
Edinburgh  
EH99 1SP

29 January 2020

Dear Ken,

## **THE LEGISLATIVE CONSENT MOTIONS FOR THE UK AGRICULTURE AND UK FISHERIES BILLS**

I am writing to let you know that the Scottish Government is considering the need to lodge a Legislative Consent Memorandum (LCM) in respect of two UK Government Bill: Agriculture Bill, introduced 16 January 2020 and the Fisheries Bill, introduced on 29 January 2020.

### **Agriculture Bill**

Although broadly similar to the previous UK Agriculture Bill which was introduced in September 2018 the UK Government has inserted some new provisions, particularly on the regulation of organic products, that the Scottish Government had not been sighted on. Scottish Government officials have also received indications that DEFRA may yet add further UK-wide clauses.

The UK Government describes the principal purpose of the Bill as providing the legal framework for the UK to leave the Common Agricultural Policy (CAP) and establish a new system, based on public money for public goods for the next generation of farmers and land managers and the Bill will operate alongside the powers conferred by the European Union (Withdrawal) Act 2018. The terms of the new UK Agriculture Bill will now need to be considered carefully to establish its full potential impact on Scotland, our own post-Brexit legislation and how it impacts on the work of the Farming and Food Production Future Policy Group, however it is of serious concern that the new Bill, as drafted, includes clauses that could see the UK Government impose unwanted policies and rules on Scottish farmers in areas that are clearly devolved, such as livestock traceability and organics.

## **Fisheries Bill**

The UK Fisheries Bill is also similar to the previously UK Fisheries Bill introduced on 25 October 2018. The Bill aims to set the overall objectives for fisheries policy in the UK and operate alongside the new powers transferred to Ministers from the European Commission.

Officials are now carefully considering the text to establish how the Bill would function in practice and what, if any, changes it would require in current fisheries practice. Despite the ostensible similarities in the aims and objectives between the two Fisheries Bills there has been a large number of alterations to the text, particularly on reserved and devolved powers. There is also a need to ensure that the text of the Bill is consistent with the transfer of functions from the European Commission.

Scottish Parliament Standing Orders provide that an LCM should normally be lodged with the Scottish Parliament two working weeks after the introduction of a relevant Bill in Westminster. I am afraid on this occasion we will therefore not be in a position to table the Memorandums within these timescales. My officials will keep in contact with yours regarding anticipated timescales for lodging both Memorandums.

I am copying this letter to the Cabinet Secretary for the Rural Economy, Fergus Ewing MSP and Edward Mountain MSP, Convenor of the Rural Economy and Connectivity Committee.



**GRAEME DEY**