

PARLIAMENTARY BUREAU

RURAL AFFAIRS, ISLANDS AND NATURAL ENVIRONMENT COMMITTEE: REQUEST TO APPOINT ADVISERS

Background

1. Following the UK's exit from the EU, a number of significant policy developments within the Rural Affairs, Islands and Natural Environment Committee (RAINEC) are expected over the course of Session 6.
2. In relation to agricultural policy, the interim arrangements regarding agricultural support and direct payments to farmers will be reviewed and the Scottish Government has already indicated its intention to introduce an Agriculture Bill in 2023. Policy development is already on-going, with five farmer-led sector groups having reported and an Agriculture Reform Implementation Oversight Board has been established by the Scottish Government to support the implementation of policy reform.
3. In relation to fisheries policy, again the interim arrangements following exit from the common fisheries policy are being replaced. The Joint Fisheries Statement, the key document agreed by all four administrations setting out how they will deliver on the fisheries objectives set out in the Fisheries Act 2020, is currently out for consultation. The Scottish Government is also in the process of establishing its financial assistance schemes, and a number of significant policy documents and the implementation of existing policy are expected over the first half of the Session; including the blue economy strategy, implementation of the Future Fisheries Management Strategy and a future catching policy.
4. In addition, future scrutiny of agriculture and fisheries policy (as with other policy areas previously within EU competence) will also require consideration of the legal and constitutional aspects of EU withdrawal. The UK internal market and common frameworks are expected to have a significant impact on how Scottish Ministers' exercise their powers in devolved competence in these areas. The trade and co-operation agreement with the EU, and international trade agreements, will also be relevant. The Committee will also be considering the Scottish Government's commitment to regulatory alignment with EU law and its potential use of its 'keeping pace' power.
5. These legal and constitutional aspects of withdrawal provide additional and unprecedented complexities to committee scrutiny.
6. The Committee has agreed, therefore, that two advisers, one on agricultural policy and one on fisheries policy, would significantly assist its scrutiny of the legal and constitutional aspects of the UK's withdrawal from the EU in these policy areas in Scotland.

Appointment of Advisers

1. At its meeting on 24 September 2021, the RAINEC agreed to seek approval to appoint advisers to support its scrutiny of agriculture and fisheries policy, focusing on the post-EU exit legal and constitutional context, alongside usual support from clerks and SPICe.
2. It is proposed that the advisers be appointed at a standard day rate, for the duration of Session 6, with the option of renewal subject to the agreement of the Committee and Bureau. It is anticipated that the commitment will vary over the period of appointment, with greater involvement around key policy developments, with likely extended periods where the advisers' services would not be required. The appointments are sought up to the end of Session to avoid the need to extend the contracts; experience of post-EU exit policy development to date suggests that there may be some slippage in key dates.
3. The Committee agreed the specification set out below.

Adviser Specification

Adviser duties

4. It is expected the main adviser duties would be--
 - In collaboration with clerks and SPICe, provide advice to support the Committee's scrutiny approach, understanding and expertise in relation to post-EU exit agricultural/fisheries reforms;
 - Provide strategic advice about the Committee's approach to scrutiny of the impact of the UK internal market, common frameworks, UK legislation, international treaties and the Scottish Government's commitment to EU regulatory alignment;
 - Provide advice about the impact of the UK internal market, common frameworks, UK legislation, international treaties and the Scottish Government's commitment to regulatory alignment on Scots law and the devolution settlement;
 - Provide advice about calls for evidence, possible witnesses, draft lines of questioning and analyse evidence in relation to the Committee's scrutiny of the UK internal market, common frameworks, UK legislation, international treaties and the Scottish Government's commitment to regulatory alignment;
 - Attend committee meetings (or visits) to provide written and/or oral background briefings, especially ahead of evidence sessions or consideration of reports; and
 - Assist in the drafting of any reports published in relation to the Committee's scrutiny of common frameworks, UK legislation, environmental principles and governance and international treaties.

5. It is anticipated that the adviser would work with the clerking team, but would be available to SPICe colleagues, as and when required.

Skills/abilities

6. Detailed knowledge of agricultural/fisheries policy and law in Scotland (and UK); detailed knowledge of constitutional issues, specifically the impact of EU exit on agricultural and fisheries law and an understanding of the impact of the UK internal market. A knowledge and understanding of international trade would be desirable. A high level of analytical skills, good written and oral communication skills, ability to work to tight deadlines is also required.

Experience

7. Experience of working in agricultural/fisheries policy and law in Scotland – and specifically in relation to the impact of EU exit – is essential. Experience of working with politicians is highly desirable.

Knowledge

8. Agricultural/fisheries policy and law; constitutional policy and law; UK and Scottish political and parliamentary systems.

Time commitment

9. Estimated start time – as soon as possible, as the Committee has agreed it wishes to start its detailed consideration of the Joint Fisheries Statement and fisheries support and management common framework and its ‘pre-legislation’ scrutiny of agricultural policy, post-CAP (common agricultural policy).

Work plan

10. It is anticipated that the commitment will vary over the period of appointment, with greater involvement around key policy developments, with likely extended periods where the advisers’ services would not be required. It is anticipated the adviser will be required, on average, 4 days per month during periods of key policy developments, although it is expected that this would equate to, on average, around 1 day per month over the course of the Session.

Decision

11. The Bureau is invited to approve the appointment of two advisers, one on agricultural policy and one on fisheries policy, to assist its scrutiny of the legal and constitutional aspects of the UK’s withdrawal from the EU in these policy areas in Scotland.

Emma Johnston

Clerk to the RAINE Committee

February 2022