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Finlay Carson
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Rural Affairs and Islands Committee
Scottish Parliament
Edinburgh
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25 June 2025

Dear Convener,

Animal Welfare (Import of Dogs, Cats and Ferrets) Bill Legislative Consent Memorandum

Thank you for your letter dated 20 June 2025.

Provide the Committee with the criteria the Scottish Government would use to inform its decision for when there “no good reasons for having separate Scottish subordinate legislation”.

The Scottish Government does not have set criteria for when there will or will not be good reasons for having separate Scottish subordinate legislation and decisions will be made on each individual set of circumstances. But the guiding factors in any decision will be whether or not there is agreement on the policy to be delivered by the instrument, whether areas of “mixed” competence are in issue, whether or not it is intended to provide a UK wide regime or make provision particular to Scotland, whether there will be benefits for the general public and enforcement agencies in having a single set of regulations that apply across Great Britain or the United Kingdom, UK Government compliance with administrative processes for working in conjunction with and requesting and obtaining the consent of Scottish Ministers, and, of course, whether the Scottish Parliament will have sufficient time and information to scrutinise what is proposed.

I have noted the Committee’s strong preference for any regulations made under powers in this Bill to be made by Scottish Ministers by SSI for scrutiny in the Scottish Parliament.

As previously mentioned the changes proposed in the Bill address matters of significant public concern for animal welfare. These are areas where consistent changes to legislation in all administrations of Great Britain at the same time will be beneficial.

The proposals included in this Bill are strongly welcomed by animal welfare organisations, such as Scottish SPCA and Dogs Trust, as well as being supported by all political parties.

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Furthermore, similar proposals in the Bill, including in the way it conferred powers, were included in a previous Bill given consent by the Scottish Parliament in January 2022, the Animal Welfare (Kept Animals) Bill.

Due to the timetabling requirements for the Bill in the UK Parliament the last stage in the House of Commons for the Animal Welfare (Import of Dogs, Cats and Ferrets) Private Members Bill is Report/Third Reading on 4 July.

As I said in my previous letter in practical terms this means that if amendments are requested by the Scottish Parliament's following consideration of the LCM there would not be an opportunity for these to be made and therefore it would leave the UK Government with the very challenging scenario as the UK Parliament would be unable to make changes to the Bill without the Bill falling. As this bill has such strong support from welfare organisations and across all parties this is something we do not wish to risk happening.

I am aware the Committee is currently considering four bills at different points of stage 1 and it has been very challenging to find time on your agendas at such short notice to take evidence from myself on the LCM.

I would agree that it has been unfortunate in this situation that there has not been sufficient time and information for the Committee to review this. As previously mentioned, the Scottish Government have brought this to the attention of the Parliament at the earliest opportunity.

I hope the above gives you the reassurances around the information you are looking for.

Yours sincerely,



JIM FAIRLIE

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