

Mairi Gougeon
Cabinet Secretary for Rural Affairs,
Land Reform and Islands

10 November 2025

Dear Cabinet Secretary,

The Good Food Nation (Specified Functions and Descriptions) (Scottish Ministers) Regulations 2025

You will be aware that the Rural Affairs and Islands Committee is currently scrutinising the above instrument giving effect to the Scottish Government's recent good food nation plan.

The [Scottish Government said in its overview of specified functions](#) that:

“Specifying functions and descriptions provides several benefits over a more general have regard duty:

- It makes it clear when Scottish Ministers must have regard to the Plan.
- It avoids placing unnecessary requirements on policy areas that do not deal with food related policy.
- It makes clear links between the Good Food Nation work and specific policy areas, ensuring that the most relevant parts of government activity consider the wider food policy context as described in the Plan.

This is a new approach and therefore we do not have examples of previous regulations.”

Given that this is a new way of defining the Scottish Ministers' duties in legislation, the Committee has a number of questions around how the Scottish Government has arrived at the lists in Schedules 1 and 2.

There are many areas that were considered for inclusion as specified functions/descriptions during the consultation process. In relation to a number of these areas, however, it is not clear to the Committee whether they are included in the SSI. These are listed in **Annexe A** but examples include:

- Functions of the Food (Scotland) Act 2015,
- The consideration of impacts and opportunities related to the Agricultural Reform Programme and the provision of financial support,
- The consideration of the environmental impact (including mitigation of, and adaptation to, climate change and the halting and reversing of biodiversity loss) associated with food production, processing and distribution of food,
- The impact of planning decisions on the availability and type of food outlets, and
- The implementation of fair working standards in the provision of food in schools, hospitals, prisons, care homes, and other public settings.

Contact: Rural Affairs and Islands Committee, The Scottish Parliament, Edinburgh, EH99 1SP.
Email: rural.committee@parliament.scot. We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

Why have these areas not been included (or if they have been included, can you explain where)? What factors influenced whether a function or policy area has been included in the terms of the SSI?

The [Scottish Government explained in its overview document](#) that the specified functions in Schedule 1 are for statutory functions, while the functions falling within specified descriptions are broader to capture non-statutory functions within those policy areas.¹

It is not clear to the Committee, however, why some policy areas have specified functions set out in Schedule 1 but are not mentioned as a wider policy area in the specified descriptions in Schedule 2 (e.g. crofting). Conversely, it is also unclear why some policy areas are included Schedule 2, but statutory functions in relation that policy area are not drawn out in Schedule 1 (e.g. procurement).

Can the Scottish Government explain the rationale behind what has been included in Schedule 1 compared to Schedule 2?

Is there a difference in the Scottish Ministers' duty in relation to the items in Schedule 1 compared to Schedule 2? Is there a stronger duty in relation to the more specific items in Schedule 1?

The Scottish Government has said that "It is our intention that policy areas mentioned in the Plan will be captured by a specified function or description, where appropriate".² However, it is unclear to the Committee whether the areas touched on in the good food nation plan and listed in **Annexe B** are covered in Schedule 1 and 2. **Can the Scottish Government clarify if these areas are covered?**

The descriptions provided in the instrument are generally broader than the descriptions set out in the consultation. For example, the instrument lists 'food waste' as a specified description; the consultation stated "the consideration of the environmental impact (including mitigation of, and adaptation to, climate change and the halting and reversing of biodiversity loss) in the management of food waste".

What are the reasons for this approach?

How does the Government intend to monitor whether the duty to have regard to the Plan has been engaged?

Who is responsible for oversight of when and how the Scottish Government's duty to have regard has been engaged?

What is the process for ensuring that the list of specified functions/descriptions is kept up to date?

¹ "a. Schedule 1 will cover specified functions. These are references to specific legislative provisions which contain functions of Scottish Ministers.

"b. Schedule 2 will cover specified descriptions. These describe a general function of government (e.g. development of policy) and link it to a specific topic area. A function which falls within the description will then be caught by the 'have regard' duty. The descriptions are more general than the specified functions and enable non-statutory functions to be caught by the duty."

² Found at: <https://www.gov.scot/publications/good-food-nation-specified-functions-overview/>

It would be helpful if you could provide a response by COP Monday 24 November.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Finlay Carson', with a long horizontal stroke extending to the right.

Finlay Carson MSP
Convener
Rural Affairs and Islands Committee

Annexe A

The tables below contain the specified functions and specified descriptions mentioned in the [National Good Food Nation Plan: consultation document](#), and which are either not mentioned in the draft SSI or for which it is unclear whether the SSI will cover them.

Specified function	Covered by SSI
Sections 53, 53A, 56A, 56C, 56E Education (Scotland) Act 1980	Partial 53(8), 56A(1), 56C, 56E(2)
Food (Scotland) Act 2015	No
Schools (Health Promotion and Nutrition) (Scotland) Act 2007	No
Section 13 Housing (Scotland) Act 2006 <i>[repairing standards]</i>	No
The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990	No
Section 45C Environmental Protection Act 1990 <i>[separate collection of food waste]</i>	No
Section 8, 14, 15, 17 Agriculture (Retained EU Law and Data) (Scotland) Act 2020 <i>[8-repealed, 14-info on supply chains, 15-info on agricultural activity, 17-info purposes]</i>	No
Section 44 Land Reform (Scotland) Act 2016 <i>[Guidance on engaging communities in decisions relating to land]</i>	No
Section 13 UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 <i>[Guiding principles on the environment]</i>	Partial Only 47(9) on environment strategy included
Section 23, 28, 29 of Schedule 1 of the Environmental Assessment (Scotland) Act 2005 <i>[Projects covered by environmental assessment]</i>	No
Procurement Reform (Scotland) Act 2014	No
Section 2 Nature Conservation (Scotland) Act 2004 <i>[Scottish Biodiversity Strategy]</i>	No
Section 17, 24 Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 <i>[Nitrogen balance sheet, climate change plan]</i>	No 57(6) only covers land use strategy
Section 54 Aquaculture and Fisheries (Scotland) Act 2013 <i>[Protection and improvement of shellfish waters]</i>	Unclear may be covered by the duty on the national marine plan
Section 29 Local Government in Scotland Act 2003 <i>[Rate reliefs for food stores in rural settlements]</i>	No

Annexe A

Specified description	Covered by SSI
The provision of guidance or support related to acute food shortages or civil contingency emergencies / risks that affect food supply	Unclear <i>Could be covered under food security</i>
The provision of food education through the Curriculum for Excellence and food related education projects that provide information on food production; career opportunities; environmental, health, economic and international impacts of the food system; cultural value of food	Unclear <i>Could be covered by education about food or nutrition</i>
The issuing of guidance, strategies and plans related to catching, harvesting, processing, waste, and distribution of seafood	No
The consideration of impacts and opportunities related to the Agricultural Reform Programme and the provision of financial support	No
The consideration of the environmental impact (including mitigation of, and adaptation to, climate change and the halting and reversing of biodiversity loss) associated with food production including the catching, rearing, growing, and harvesting of food stuffs	No
The consideration of the environmental impact (including mitigation of, and adaptation to, climate change and the halting and reversing of biodiversity loss) of processing and distribution of food stuffs	No
The consideration of the environmental impact (including mitigation of, and adaptation to, climate change and the halting and reversing of biodiversity loss) in the management of food waste	Unclear <i>Could be covered under food waste</i>
The consideration of impacts and opportunities regarding land use and management associated with food production	Unclear <i>Could be covered in specified function on land use strategy and under food business sector</i>
The provision of educational materials and advice in relation to a sustainable food system for food producers, processors, and consumers	Unclear <i>Could be covered under food business sector</i>
The collection of agri-food supply chain data and agricultural activity data, and consideration of this data as a means by which progress in achieving Good Food Nation outcomes may be assessed	No
The impact of planning decisions on the availability of land with high food-growing potential (e.g. high quality agricultural land), and the location of food processing facilities	Partial <i>Covered in part by specified functions on land use strategy and national planning framework</i>
The implementation of fair working standards in the provision of food in schools, hospitals, prisons, care	No

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homes, and other public settings	
The issuing of guidance to the food-related business sector	Unclear <i>Could be covered under food business sector</i>
The provision of financial and non-financial support to the food-related business sector	Unclear <i>Could be covered under food business sector</i>
The provision of guidance and support related to innovation in the food-related business sector	Unclear <i>Could be covered under food business sector</i>
The provision of skills development and training resources for food producers, and others who work in the food and drink sector	Unclear <i>Could be covered under food business sector</i>
The appointment and remit of the National Chef	No
The promotion of food and drink in relation to tourism	No
The consideration of food-related issues when developing and conducting trade policy	No
The promotion of fair-trade certified food	No
Delivery of international visits to food-related trade fairs	No

Annexe B

The table below contains the policy areas mentioned in the [Proposed National Good Food Nation Plan](#) (June 2025) and which are either not mentioned in the SSI or for which it is unclear whether the SSI will cover them.

Policy area	Covered by SSI
Agricultural policy	Unclear <i>food business sector</i>
Biodiversity	No
Children's oral health	No
Climate change / Climate change and agriculture	Partial <i>Land use strategy only</i>
Community right to buy	No
Community wealth building	No
Crofting	Partial <i>Grants & loans only</i>
Early learning and childcare meal provision	Unclear <i>provision of food</i>
Fair work	No
Fisheries management	No
Food and drink in schools / public sites / hospitals and social care	Unclear <i>Provision & procurement of food</i>
Food and drink industry support	Unclear <i>Food business sector</i>
Food for life	No
Food safety	No
Human rights	Partial <i>health inequalities</i>
International trade	No
Just transition	No
Land reform	Partial <i>Land use strategy</i>
Local food for everyone	No
Mental wellbeing for adults	No
New entrants to farming	No
Oral health	No
Out of home	No
Planning	No
Plant health	No
Population health framework	No
Public procurement	Unclear
Retail policy	No
School age childcare food provision	Unclear <i>provision of food</i>
Seafood trade	No
Sustainable aquaculture	No
Tourism	No
Water (coastal change, scarcity and flooding)	No
Women's health	No