

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

Finlay Carson MSP
Convener
Rural Affairs, Island and Natural Environment
Committee
The Scottish Parliament
EDINBURGH
EH99 1SP

29 June 2022

Dear Finlay

The Official Controls (Plant Health) (Frequency of Checks) Regulations 2022

Thank you for your letter of 22 June relating to the consent notification for the above approved UK statutory instrument (SI). We are grateful to the Committee for providing its consent to proceed with a UK SI, rather than Scottish subordinate legislation, on this occasion.

There was also an outstanding question raised by Rachael Hamilton MSP during the evidence session, which Scottish Government officials undertook to reply to separately. The question related to woody plants that are subject to plant health import controls, and for some examples of these. I have provided a response below which I hope is helpful.

Imports of plants for planting represent the most significant biosecurity risk, and that is why they are regulated and subject to the highest rate of checks. Woody plants for planting in particular can harbour a wide range of pests and diseases as they remain in-situ for a longer period. Non-woody plants for planting (such as herbaceous plants) also present a risk, however they tend to be annual plants with a flexible stem that dies back to the ground each year, making them less likely to carry pests. Some examples of woody plants imported to Scotland and subject to plant health checks are conifers, and fruit trees or shrubs. Details of which imported plants for planting are regulated and notifiable and which are prohibited can be found at the following link: [Import requirements for plants, plant produce and products - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/import-requirements-for-plants-plant-produce-and-products)

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In addition to the above, in the evidence session, when answering a question from Jenni Minto MSP about the Scottish Government's role in the annual review of frequency rates and provision for Scottish Parliament scrutiny, officials said –

“The EU had legislation and it would produce an annual notification that set out the frequencies, and the SI does the same. As this is a business-as-usual step, it is not expected that there will be any parliamentary scrutiny of the fee levels at that point.”

For the sake of clarity, it should be noted that it is not expected that there will be any parliamentary scrutiny in relation to the setting of frequency of checks levels themselves. But the fee levels which are calculated as a result of changes to the frequency rates will remain set in legislation and any legislation amending the fee levels will be made as a Scottish Statutory Instrument and laid in the Scottish Parliament, providing the opportunity for parliamentary scrutiny.

Kind Regards



LORNA SLATER

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