

GOOD FOOD NATION (SCOTLAND) BILL

[AS AMENDED AT STAGE 2]

SUPPLEMENTARY DELEGATED POWERS MEMORANDUM

PURPOSE

1. This memorandum has been prepared by the Scottish Government in accordance with rule 9.7.9 of the Parliament's Standing Orders to assist the Delegated Powers and Law Reform Committee in its consideration of the Good Food Nation (Scotland) Bill following Stage 2.
2. No powers to make subordinate legislation were introduced to the Bill, or removed from it, at Stage 2. A number of the powers to make subordinate legislation which were in the Bill at introduction were amended at Stage 2 and this memorandum describes the changes made.
3. The contents of this memorandum are entirely the responsibility of the Scottish Government and have not been endorsed by the Scottish Parliament. This supplementary memorandum should be read in conjunction with the Delegated Powers Memorandum published to accompany the Bill on introduction.

PROVISIONS CONFERRING POWER TO MAKE SUBORDINATE LEGISLATION AMENDED AT STAGE 2

4. The following changes were made to delegated powers in the Bill at Stage 2 in response to recommendations from the Delegated Power and Law Reform Committee (DPLRC) in its Stage 1 Report published on 2 February 2022 and the Rural Affairs, Islands and Natural Environment (RAINE) Committee in its Stage 1 Report published on 17 March 2022:

Provision affected - section 4 – power to specify functions

Power conferred on: the Scottish Ministers

Power exercisable by: regulations made by Scottish Statutory Instrument

Parliamentary procedure: affirmative for the first use of the power, otherwise negative (originally negative)

5. A requirement for the Scottish Ministers to consult before exercising the regulation-making power in section 4 of the Bill was added (see section 16(1A)).
6. The Parliamentary procedure applicable to the power conferred on the Scottish Ministers in section 4 of the Bill, to specify in regulations functions or functions falling within a description in the exercise of which the Scottish Ministers are to have regard to the national good food nation plan, has been changed. Section 16(3A) of the Bill has been inserted so that the first time the power to make regulations is exercised the affirmative procedure will apply, while section 16(3B) provides that subsequent regulations under sections 4 will remain subject to the negative procedure (in accordance with paragraph 104 of the RAINE Committee's Report).

Provision affected - section 7(2)(c) – power to specify authorities who must produce plans

Power conferred on: the Scottish Ministers

Power exercisable by: regulations made by Scottish Statutory Instrument

Parliamentary procedure: affirmative (originally negative)

7. A requirement for the Scottish Ministers to consult before exercising the regulation-making power in section 7(2)(c) of the Bill was added into the Bill (in response to paragraph 35 of the DPLRC’s Report) (see section 16(1A) of the Bill as amended).

8. The Parliamentary procedure applicable to the power conferred on the Scottish Ministers in section 7(2)(c) of the Bill, to specify other public authorities as a “relevant authority”, has been changed to affirmative (in accordance with paragraph 36 of the DPLRC’s Report and paragraph 139 of the RAINE Committee’s Report).

Provision affected - sections 10 – power to specify functions

Power conferred on: the Scottish Ministers

Power exercisable by: regulations made by Scottish Statutory Instrument

Parliamentary procedure: negative

9. A requirement for the Scottish Ministers to consult before exercising the regulation-making power in section 10 of the Bill was added (in response to paragraph 98 of the RAINE Committee’s Report) (see section 16(1A)).

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