

EXECUTIVE NOTE

THE SCOTLAND ACT 1998 (AGENCY ARRANGEMENTS) (SPECIFICATION) ORDER 2008

2008 No. 1035

This Order is made by Her Majesty in Council in exercise of the power conferred by section 93(3) of the Scotland Act 1998 (“the Scotland Act”). The Order is, by virtue of section 115(1) and paragraphs 1, 2 and 3 of Schedule 7 to that Act, subject to negative resolution procedure in both Houses of the UK Parliament and in the Scottish Parliament.

1. Background

Section 93(1) of the Scotland Act 1998 (“the Scotland Act”) enables the Scottish Ministers to make arrangements for any of their specified functions to be exercised on their behalf by a Minister of the Crown. By section 93(3), functions to be subject to such arrangements must be specified in an Order in Council.

This Order specifies for the purpose of section 93(1) of the Scotland Act, certain functions which are exercisable by the Scottish Ministers in relation to animal health and welfare. These are functions relating to animal health and welfare, including licensing, export and import of animals and prevention of the spread of animal diseases.

Orders made under section 93 of the Scotland Act allow agency arrangements to be made, but the overall responsibility for the functions specified in this Order will remain with the Scottish Ministers. As such, the regulations specified in this Order and the subject matter remain a devolved matter in Scotland.

2. Policy Objectives

The Scottish Government has carried out a review of its operations in the area of Animal Health and Welfare with a view to the separation of the development of policy from service delivery. This review identified a number of areas, mainly in relation to licensing regimes, where it was considered that service delivery by policy civil servants was not, necessarily, the most efficient option.

A parallel exercise carried out by Defra identified similar areas of activity that might be delivered more efficiently by an operational partner, and some of these have already been transferred to Animal Health; others are under consideration. The transfer of the functions from Defra and the Scottish Government will enable Animal Health to exercise these functions, providing for an effective, joined-up, regime for animal health and welfare across Great Britain.

3. Financial Effects

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities, or voluntary bodies.

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Rural Directorate