



The Scottish Parliament
Pàrlamaid na h-Alba

Rural Affairs, Islands and Natural Environment Committee – request for two advisers

Thursday 24 February 2022

Reference: SPCB (2022) Paper 13

Executive summary

1. The Rural Affairs, Islands and Natural Environment Committee (RAINEC) is seeking SPCB approval to appoint two advisers for the duration of Session 6. These advisers would support the Committee's scrutiny of the Scottish Government's post-EU exit agriculture and fisheries policy.

Issues and options

2. The legal and constitutional aspects of the UK's withdrawal from the EU, in particular the implications of the following matters, provide additional complexities to committee scrutiny of those devolved policy areas which were previously within EU competence—
 - UK Internal Market Act 2020 and the two market access principles;
 - Common frameworks;
 - UK trade and co-operation agreement with the EU and other international trade agreements;
 - UK Subsidy Control Bill; and
 - Scottish Government's commitment to regulatory alignment with EU law and its potential use of its 'keeping pace' power
3. The RAINEC's remit includes two significant policy areas which were previously within EU competence and where a number of key policy developments are expected over the course of Session 6.

Agricultural policy

4. In relation to agricultural policy, the interim arrangements regarding agricultural support and direct payments to farmers will be reviewed and the Scottish Government has indicated its intention to introduce an Agriculture Bill in 2023. Policy development is already on-going, with five farmer-led sector groups having reported and an Agriculture Reform Implementation Oversight Board has been established by the Scottish Government to support the implementation of policy reform. A number of common frameworks relating to agricultural policy have also been agreed.
5. The Committee has agreed that it wishes to undertake 'pre-legislative' inquiry work on aspects of agricultural policy and support over 2022 in order to inform its scrutiny of the Agriculture Bill. This policy area is one of the most significant policy developments as a result of EU exit and the Committee is keen to ensure it is appropriately resourced and informed.

Fisheries policy

6. In relation to fisheries policy, again the interim arrangements following exit from the common fisheries policy are being replaced.
7. The Joint Fisheries Statement, the key document agreed by all four administrations setting out how they will deliver on the fisheries objectives set out in the Fisheries Act 2020, is currently out for consultation. The fisheries common framework, which will complement the Joint Fisheries Statement, is expected to be shared with legislatures shortly.
8. The Scottish Government is also in the process of establishing its financial assistance schemes, and a number of significant policy documents and the implementation of existing policy are expected over the first half of the Session; including the blue economy strategy, implementation of the Future Fisheries Management Strategy and a future catching policy.
9. The Committee has agreed, therefore, that two advisers, one on agricultural policy and one on fisheries policy, would significantly assist its scrutiny of the legal and constitutional aspects of the UK's withdrawal from the EU in these policy areas in Scotland.
10. The Committee is seeking agreement for both appointments to be made for the duration of Session 6. An extended contract would enable the Committee to access its advisers' expertise, as and when required, as policy is developed, announced and scrutinised. The intention is to include time for the Committee to develop its own understanding and expertise of these policy areas and how the new legal and constitutional arrangements will shape the policy outcomes. It is hoped this will maximise the effectiveness of committee scrutiny of these two important policy areas and post-EU exit developments.

11. The remit, advisers' duties and person specification is set out at Annexe A.

Governance

12. SPCB approval is being sought as the two advisers are being recruited for longer than the standard adviser contract of 15 days.
13. The Parliamentary Bureau considered, and agreed, to the appointment of both advisers at its meeting on 8 February 2022.

Resource implications

14. The Committee seeks approval for the appointment of advisers at the standard daily rate up to the end of the Session.
15. It is anticipated that the advisers' commitment will vary over the period of appointment, with greater involvement around key policy developments, with likely extended periods where the advisers' services would not be required.
16. It is anticipated the adviser will be required, on average, 4 days per month during periods of key policy developments, although it is expected that this would equate to, on average, around 1 day per month over the course of the Session.
17. The Committee is extremely mindful of the need to maximise the budget by only engaging advisers' expertise as and when required. The appointments are sought up to the end of Session to avoid the need to extend the contracts; experience of post-EU exit policy development to date suggests that there may be some slippage in key dates.
18. It is not anticipated that the management of the adviser contracts will take up a significant amount of parliamentary staff time.

Publication Scheme

19. Paper can be published under the terms of the publication scheme.

Decision

20. This paper sets out the reasons for the RAINEC's request for approval to appoint two advisers – one for agricultural policy and one for fisheries policy – to support its scrutiny of key policy developments as a result of EU exit.
21. Approval is sought to appoint the two advisers for the duration of Session 6 to ensure continuity of support and expertise.

22. The SPCB is invited to agree the Rural Affairs, Islands and Natural Environment Committee's request.

Rural Affairs, Islands and Natural Environment Committee

February 2022

Remit

To support the Rural Affairs, Islands and Natural Environment Committee in its scrutiny of the Scottish Government's key agricultural and fisheries policy reforms following the UK's withdrawal from the EU, with a specific focus on the UK internal market, common frameworks, UK legislation, international treaties and the new legal and constitutional governance arrangements.

Advisers' duties

At this stage, the following list has been drawn up of the adviser's duties—

- In collaboration with clerks and SPICe, provide advice to support the Committee's scrutiny approach, understanding and expertise in relation to post-EU exit agricultural/fisheries reforms;
- Provide strategic advice about the Committee's approach to scrutiny of the impact of the UK internal market, common frameworks, UK legislation, international treaties and the Scottish Government's commitment to EU regulatory alignment;
- Provide advice about the impact of the UK internal market, common frameworks, UK legislation, international treaties and the Scottish Government's commitment to regulatory alignment on Scots law and the devolution settlement;
- Provide advice about calls for evidence, possible witnesses, draft lines of questioning and analyse evidence in relation to the Committee's scrutiny of the UK internal market, common frameworks, UK legislation, international treaties and the Scottish Government's commitment to regulatory alignment;
- Attend committee meetings (or visits) to provide written and/or oral background briefings, especially ahead of evidence sessions or consideration of reports; and
- Assist in the drafting of any reports published in relation to the Committee's scrutiny of common frameworks, UK legislation, environmental principles and governance and international treaties.

It is anticipated that the adviser would work with the clerking team, but would be available to SPICe colleagues, as and when required.

Person specification

Skills/abilities

Detailed knowledge of agricultural/fisheries policy and law in Scotland (and UK); detailed knowledge of constitutional issues, specifically the impact of EU exit on agricultural and fisheries law and an understanding of the impact of the UK internal market. A knowledge and understanding of international trade

would be desirable. A high level of analytical skills, good written and oral communication skills, ability to work to tight deadlines is also required.

Experience

Experience of working in agricultural/fisheries policy and law in Scotland – and specifically in relation to the impact of EU exit – is essential. Experience of working with politicians is highly desirable.

Knowledge

Agricultural/fisheries policy and law; constitutional policy and law; UK and Scottish political and parliamentary systems.

Time commitment

Estimated start time – as soon as possible, as the Committee has agreed it wishes to start its detailed consideration of the Joint Fisheries Statement and fisheries support and management common framework and its ‘pre-legislation’ scrutiny of agricultural policy, post-CAP (common agricultural policy).

Estimated finish date – March 2026 (end of Parliamentary session).