



Law Society
of Scotland

Consultation Response

Marketing of Organic Heterogeneous Material

23 January 2024



Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful, and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Rural Affairs Sub-committee welcomes the opportunity to consider and respond to the Scottish Government Consultation: *Marketing of Organic Heterogeneous Material* (the “**Consultation**”).¹ The sub-committee has the following comments to put forward for consideration.

Questions on the proposal

1. What legislative proposal would you (or your organisation) support out of the following three options:

- a) Maintain the status quo**
- b) Implement a permanent change**
- c) Implement a temporary experiment**

Please provide your reasoning for your answer (optional):

Please see comments at question 3.

2. What legislative scope would you (or your organisation) support out of the following two options:

- a) Apply the change across all plant types**
- b) Apply changes to selected plant types**

Please provide your reasoning for your answer (optional):

Please see our comments at question 3.

3. Any additional thoughts?

Please give us your views

We note the technical subject matter of the Consultation, concerning the marketing of heterogeneous seeds or plant material, and limit our comments to the proposed legislative changes in line with the remit and expertise of the Sub-committee. We wish to make the following general comments relevant to the Consultation and the potential next steps following the consultation exercise.

¹ [Marketing of Organic Heterogeneous Material: consultation](#)

We understand that the proposed legislative mechanism to be used to implement the second or third proposals detailed under the “Legislative options” in the Consultation would be through secondary legislation. We consider it is important that there is sufficient stakeholder engagement and parliamentary scrutiny of the final proposals and text of the proposed regulations following the Consultation.

It is important that there is clarity and certainty in the law in order that individuals and businesses can guide their conduct appropriately. Changes to the policy and legislative framework on this matter would merit an appropriate awareness raising campaign so as to make individuals and businesses aware of the revised legal position. This would be a particularly relevant consideration in relation to any proposed temporary measures, such as those described at legislative option three in the Consultation.

We also note the wider ongoing and prospective legislative reform relevant to agricultural practice in Scotland, including the Agriculture and Rural Communities (Scotland) Bill, which is currently at Stage 1.² We highlight the importance of considering the interplay and overlap between such reforms to ensure a consistent and aligned approach across all policy and legislative developments affecting the rural and agricultural sector.

² Our response to the call for views on the Bill from the Scottish Parliament’s Rural Affairs and Islands Committee can be found [here](#).

For further information, please contact:

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