

## **STATUTORY INSTRUMENT CONSENT MEMORANDUM**

### **The Plant Health (Amendment etc.) (EU Exit) Regulations 2020**

1. This Statutory Instrument Consent Memorandum is laid under Standing Order (“SO”) 30A.2. SO 30A prescribes that a Statutory Instrument Consent Memorandum must be laid and a Statutory Instrument Consent Motion may be tabled before the Senedd if a UK Statutory Instrument (SI) makes provision in relation to Wales amending primary legislation within the legislative competence of the Senedd.
2. The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (“the Regulations”) were laid before Parliament on 14 October 2020. The Regulations can be found at:

<https://www.legislation.gov.uk/ukdsi/2020/9780348213775/introduction>

#### **Summary of the Statutory Instrument and its objective**

3. The objective of the Regulations is to protect biosecurity and support trade by ensuring that effective phytosanitary controls continue to operate within GB and between GB and the EU at the end of the Transition Period on 31 December 2020. The current policy of risk-based plant health controls applied under EU legislation will continue. However, the regime will now focus on risks to GB, rather than risks to the EU, to ensure it is technically justified in accordance with World Trade Organisation obligations and the EU Regulations. The GB risk assessment process will follow the same internationally accepted principles and approach used in previous Pest Risk Analysis under the EU regime.

#### **Relevant provision to be made by the SI**

4. Part 2 of the Regulations amend sections 2(1) and 3(1) of the Plant Health Act 1967 to omit the words “or called for by any EU obligation” (“the relevant provision”).

#### **Why it is appropriate for the SI to make this provision**

5. There is no divergence between the Welsh Government and the UK Government on the policy of the relevant provision, which is a minor amendment that is consequential to the withdrawal from the EU. As such, making separate SIs in Wales and England to correct the sections in question would lead to duplication, and unnecessary complication of the statute book. In these exceptional circumstances, the Welsh Government

considers it appropriate that the UK Government legislates on our behalf in this instance and that the relevant provision is made by the Regulations.

**Lesley Griffiths AM**  
**Cabinet Secretary for Energy, Planning and Rural Affairs**

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