

Lesley Griffiths MS
Minister for Rural Affairs and North Wales,
and Trefnydd

18 November 2021

Dear Lesley

Standing Order 30C Written Statement: The Animal Health, Plant Health, Seeds and Seed Potatoes (Miscellaneous Amendments) Regulations 2021

At our meeting on 15 November 2021 we considered the Standing Order 30C Written Statement in relation to the Animal Health, Plant Health, Seeds and Seed Potatoes (Miscellaneous Amendments) Regulations 2021.

You will be aware that these Regulations make amendments to secondary legislation to correct deficiencies relating to plant health, seeds and seed potatoes which have arisen as a result of the withdrawal of the UK from the EU. The Regulations also correct errors in various statutory instruments. We note that the Welsh Ministers have given consent to the UK Government to make these Regulations in a devolved area for reasons of "efficiency, expediency and due to the technical nature of the amendments".

The written statement states that the Regulations:

"...confer functions on the National Plant Protection Organisation of the United Kingdom. These functions may constitute functions of a reserved authority for the purposes of paragraph 8(1) of Schedule 7B to the Government of Wales Act 2006 and as such represent a potential restriction on the future competence of the Senedd."

It is our understanding that these Regulations impact the Senedd's legislative competence because, under Schedule 7B to the *Government of Wales Act 2006*, the consent of the UK Government would

be needed before the Senedd could legislate to remove or modify the national plant protection organisation of the UK functions.

We would like to take this opportunity to reiterate the principle that any subordinate legislation that impacts the Senedd's powers should not be made without the involvement of the Senedd (for example, by the Welsh Government seeking the approval of the Senedd before consenting to the making of subordinate legislation by the UK Government). This principle applies no matter how small the impact on the Senedd's powers might be.

Further, if the Welsh Government consented to the making of these Regulations on the basis of a GB-wide approach (i.e. a common framework), we would be grateful for further information regarding any such common framework.

We would be grateful to receive your response by 1 December 2021.

Yours sincerely,

A handwritten signature in black ink that reads "Huw Irranca-Davies". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Huw Irranca-Davies

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.
We welcome correspondence in Welsh or English.