

SL(6)142 – The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) Regulations 2022

Background and Purpose

These [Regulations](#) will make amendments to the Plant Health etc. (Fees) (Wales) Regulations 2018 (“the 2018 Regulations”). These Regulations are made in exercise of the powers conferred on the Welsh Ministers by the European Union (Withdrawal) Act 2018.

Documentary, identity and physical checks on regulated plants, plant products and other objects were due to be phased in through 2021/22 as part of the transitional staging period which set out what sanitary and phytosanitary (SPS) checks would be due and on what date for all high priority and non-high priority plants and plant products.

As part of recent changes the transition staging period has been extended with a revised date for the required SPS checks to now be introduced from 1 July 2022. These changes were achieved through an amendment made by the Official Controls (Extension of Transitional Periods) (England and Wales) (Amendment) (No. 2) Regulations 2021, which came into force 30 December 2021, following Welsh Government consent.

Regulation 2 of these Regulations amends the 2018 Regulations to align the timing of the imposition of certain fees in Wales with the extended transitional staging period. These changes are required to ensure that the requisite importation plant fees are not charged to businesses in Wales ahead of the new 1 July 2022 implementation date. The current implementation date for fees in Wales is set in legislation as 1 March 2022.

Procedure

Draft Affirmative

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3 (ii) that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd



There is no requirement in respect of consultation within the European Union (Withdrawal) Act 2018. However, we note the following comments in the Welsh Government's Explanatory Memorandum with regards to consultation:

"In December 2021 the UK Government issued a short, targeted consultation via email, also on behalf of Welsh Ministers, to more than 120 key stakeholders, including those in Wales. No responses opposing the proposals were received."

The consultation referred to above was carried out from 10 - 13 December 2021 by the UK Government in relation to the Official Controls (Extension of Transitional Periods) (England and Wales) (Amendment) (No. 2) Regulations 2021 which extended the transitional staging period.

This brief consultation was referred to in a Welsh Government response to the Committee's report regarding the Official Controls (Extension of Transitional Periods and Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021. The Welsh Government response stated that:

"Defra officials collated and shared the consultation response with Welsh Government. At the close of consultation, only one response had been received, which was supportive of the proposals."

We note that whilst no responses opposing the proposals were received as stated in the Explanatory Memorandum, it is notable that only one response was received to this very short consultation.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

1 February 2022



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee