

SL(6)222 – The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) (No. 2) Regulations 2022

Background and Purpose

The Plant Health etc. (Fees) (Wales) Regulations 2018 (the “**2018 Regulations**”) specify fees payable to the Welsh Ministers in relation to plant health and certification services.

These Regulations amend the 2018 Regulations:

- in relation to the fees payable by an importer of a consignment originating in a third country in respect of a physical check and identity check of plants, plant products or other objects, including providing for a flat rate fee in respect of certain checks;
- to extend an existing exemption from the payment of fees payable in respect of certification and pre-export services relating to certain consignments to Northern Ireland from 31 December 2022 to 31 December 2023; and
- to reinstate provision prescribing fees payable for samples taken on imports suspected of being infected with a controlled plant pest, which was omitted in error by the Plant Health etc. (Fees) (Wales) (Amendment) Regulations 2021.

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 2 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(i) – that it imposes a charge on the Welsh Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the government or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment.



These Regulations amend fees payable to the Welsh Ministers under the 2018 Regulations in connection with plant health services. The Explanatory Memorandum accompanying these Regulations (at section 6) states that:

"The impact of the proposed changes across Wales on business, charities or voluntary bodies are estimated to save c. £60K per annum in Wales due to lower levels of checks and subsequent impact on fees. However, the way in which mixed consignments are managed, may result in a very small over-recovery of £1.5K".

2. 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.

The Explanatory Memorandum (at section 4) states that:

"The fees for plant health checks determined by the 2018 Regulations are being amended in this instrument to reflect the frequencies of checks established under the Official Controls (Plant Health) (Frequency of checks) Regulations 2022...."

In a Written Statement issued on 4 July 2022 by Julie James MS, Minister for Climate Change, the Welsh Government confirmed that it is giving consent to the Secretary of State to make the 2022 Regulations, and that those Regulations:

"...make provisions for a GB focused risk-based frequency of checks regime, allowing the modification of the frequency of plant health checks on specific import trade pathways, depending on the level of plant health risk posed to GB...[The 2022 Regulations]...will apply equally to imports from non-EU countries and high-priority goods from EU member States, Switzerland, and Liechtenstein."

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

6 July 2022



Senedd Cymru
Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
—
Welsh Parliament
Legislation, Justice and Constitution Committee