



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	The Pest of Plants (Authorisations) (Amendment) Regulations 2022
DATE	05 October 2022
BY	Lesley Griffiths MS, Minister for Rural Affairs and North Wales, and Trefnydd

Members of the Senedd will wish to be aware that we are giving consent to the Secretary of State exercising a subordinate legislation-making power in a devolved area in relation to Wales.

Agreement was sought by Victoria Prentis MP, Minister of State for Farming, Fisheries and Food, to make a Statutory Instrument (SI) titled The Pests of Plants (Authorisations) (Amendment) Regulations 2022 to apply in relation to Great Britain.

The above titled SI will be made by the Secretary of State in exercise of powers conferred by Article 41(3) of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants on official controls and other official activities.

The SI amends Commission Delegated Regulation (EU) 2019/829, which establishes requirements in the administration of the derogations under Articles 8 and 48 of the Plant Health Regulation. These amendments alter the exchange of information and information contained on the Letter of Authority (LoA) under Article 3(3), Article 6(4) and Annex I, which are required when both making an application for authorisation under these derogations and for the purposes of monitoring the specified materials.

The amendments make amendments to secondary legislation. They reduce the administrative burden on authorisation holders and GB Plant Health services without compromising biosecurity.

The regulations were laid before Parliament on 3 October 2022 to come into force on 1 November 2022.

Any impact the SI may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence

Previous Plant Health Amendments put in place previous corrections required to the regulatory regime for plant health. These broadened the executive competence of the Welsh Ministers by conferring functions on them (in their capacity as the 'Competent Authority' for Wales) without encumbrance. The Minister will wish to note that the Regulations do not transfer any functions to the Secretary of State.

The purpose of the amendments

The current GB scientific authorisation regime issues authorisations, which allow pests or plants, plant products and other material which would normally be prohibited, to be imported into or moved within Great Britain for official testing, scientific or educational purposes, trials, varietal selections or breeding. Only designated quarantine stations or confinement facilities, which have been approved as suitable to contain the specified material, are eligible for an authorisation to introduce and store these materials. Following successful authorisation applications, the competent authority (GB Plant Health services), send applicants an authorisation and a Letter of Authority (LoA) which permits the import, movement and storage of the specified material. There are more than 250 licences held across GB covering over 60 scientific and research institutions. Currently LoAs should be either for a single import or for multiple imports of one type of material, from the same origin under the same conditions. Given the size and complexity of many of our authorisations this is not practical.

To reduce the administrative burden on authorisation holders and GB Plant Health services, this instrument amends LoAs and allows multiple movements of permitted materials from all named origins. The LoA has also been amended to remove redundant and unnecessary information, whilst maintaining biosecurity.

The Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments is available here:

<https://www.legislation.gov.uk/uksi/2022/1020/contents/made>

Why consent has been given

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and to protect biosecurity by updating import requirements to mitigate the risk of accidentally introducing the pest. The amendments have been considered fully and there is no divergence in policy.