



Llywodraeth Cymru  
Welsh Government

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**WRITTEN STATEMENT  
BY  
THE WELSH GOVERNMENT**

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**TITLE**            **The Trade in Animals and Related Products (Amendment and  
Legislative Functions) Regulations 2022**

**DATE**            **21 October 2022**

**BY**                **Lesley Griffiths AS/MS**  
**Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd**  
**Minister for Rural Affairs and North Wales, and Trefnydd**

Members of the Senedd will wish to be aware that I have given consent to the Secretary of State for Environment, Food and Rural Affairs exercising a subordinate legislation-making power in a devolved area in relation to Wales.

The above titled Statutory Instrument (SI) was laid before the UK Parliament by the Secretary of State on 20 October 2022 in exercise of powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018.

The draft Regulations were made under the European Union (Withdrawal) Act 2018 and address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. The retained EU law concerns the importation of animals and related animal products, or the transit of animals and animal products through Great Britain.

The draft Regulations modify European Union Directives, transfer functions of EU bodies within those EU Directives to the appropriate authority and amend the Trade in Animals and Related Products Regulations 2011 and the Trade in Animals and Related Products (Scotland) Regulations 2011 to update the legislative regime and implement the modifications and transfer of functions.

The Welsh Ministers will shortly be making equivalent regulations, which will create a number of regulation-making powers for the Welsh Ministers and amend the Trade in Animals and Related Products (Wales) Regulations 2011.

**Impact the instrument may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence:**

The draft Regulations do not diminish or undermine the powers of Welsh Ministers in any way. The Secretary of State can only exercise functions in relation to Wales without consent in the case of reserved powers, and the Secretary of State can only exercise functions in relation to Wales in devolved matters with the consent of Welsh Ministers.

Legislation made under the European Union (Withdrawal) Act 2018 is covered by a 'carve out' within the Government of Wales Act 2006 (Amendment) Order 2021, as such the creation of these concurrent-plus functions would not impinge on the Senedd's ability to legislate in this area in future, if it so wished.

I would like to reassure the Senedd it is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence. However, in certain circumstances there are benefits in working collaboratively with the UK Government where there is a clear rationale for doing so. On this occasion, I have given my consent to these Regulations for reasons of efficiency and expediency in future policy change and adherence to international obligations, cross-government coordination and consistency.

The Regulations were laid in draft before the UK Parliament on 20 October 2022 to come into force the day following a debate which will take place between 11 November and 01 December.