

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



Llywodraeth Cymru
Welsh Government

Huw Irranca-Davies MS
Chair of the Legislation, Justice and Constitution Committee
Senedd Cymru

SeneddLJC@senedd.wales

25 October 2022

Dear Huw

I wish to inform the Committee of the intention to consent to the UK Government making and laying The Phytosanitary Conditions (Amendment) (No. 3) Regulations 2022 ("the Regulations") by 3 November 2022

I received a letter from the previous Minister for State for Farming, Fisheries and Food, requesting consent to the Regulations. The Regulations intersect with devolved policy and will apply to Wales. The Regulations will extend to England, Scotland and Wales and a similar request for consent has been sent to the Scottish Government.

The Regulations will be made by the Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred by Articles 5(3), 30(1), 37(5), 41(3), 72(3) and 105(6) of the Plant Health Regulation. Article 2a(2) of the Plant Health Regulations provides that such Regulations can be made by the Secretary of State with the consent of the Welsh Ministers and the Scottish Ministers.

The Regulations update import controls across a range of pests and diseases in response to new or revised risk assessments. This is a routine update, reflecting technical conclusions agreed through the UK Plant Health Risk Group (the PHRG), of which the Welsh Government is a core member. The Statutory Instrument (SI) is subject to the negative procedure and is due to be laid before the UK Parliament on 3 November. The commencement dates for the measures are split between urgent measures (Thekopsora minima being classified as a regulated non-quarantine pest) which are scheduled to come into force on 25th November 2022 and all the other measures which are classed as non-urgent which will come into force on 3rd May 2023.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.Wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Although the Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, it is considered appropriate for the substance of the amendments to apply to Wales as there is no policy divergence between the Welsh and UK Government in this matter. This ensures a coherent and consistent statute book with the regulations being accessible in a single Instrument. I consider legislating separately for Wales would be neither the most appropriate way to give effect to the necessary changes nor a prudent use of Welsh Government resources given other important priorities.

As mentioned, Welsh Government is a member of the PHRG which is part of the governance structure for the Plant Health Common Framework. The proposed legislative amendments have been discussed and approved by the PHRG.

These Regulations do not have implications for the Programme for Government. The purposes of the Regulations include biosecurity. Preventing the entry of plant pests and diseases supports the majority of well-being goals and will have a direct, positive impact in contributing to the national well-being goals of "a healthier Wales" and a 'resilient Wales' together with associated impacts on the goals of "a prosperous Wales" and "a globally responsible Wales".

In accordance with the Inter-Institutional Relations Agreement, I will lay a Written Statement before the Senedd within three working days of the laying of the Regulations before the UK Parliament.

I have written in similar terms to the Chair of the Climate Change, Environment and Infrastructure Committee, Llyr Gruffydd MS.

Yours sincerely

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive, flowing style.

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