

**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

Ein cyf/Our ref: MA-LG-1797-22

Huw Irranca-Davies MS  
Chair  
Legislation, Justice and Constitution Committee

[huw.Irranca-Davies@senedd.wales](mailto:huw.Irranca-Davies@senedd.wales)

31<sup>st</sup> October 2022

Dear Huw,

Thank you for your letter of 4 October 2022, where you raised drafting issues with my Written Statement laid 15 July 2022 and considered my letter of 12 July 2022.

I am writing to provide you with more detail on the matters you highlighted.

My responses can be found in Annex A.

Yours sincerely,

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end.

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

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

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

[Gohebiaeth.Lesley.Griffiths@llyw.cymru](mailto:Gohebiaeth.Lesley.Griffiths@llyw.cymru)  
[Correspondence.Lesley.Griffiths@gov.wales](mailto:Correspondence.Lesley.Griffiths@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.

## Annex A

These responses below are not in the same order as the points raised in LJCC's letter, as the answer to point 2 below flows from the preceding point.

- 1. We also found the written statement to be unclear as to the extent these regulations enact new policy, and how they will achieve administrative efficiency. You will be aware that the Intergovernmental Agreement on the European Union (Withdrawal) Bill states that the powers contained within the now Act will not be used to enact "new policy" in devolved areas, and the primary purpose of using such powers will be "administrative efficiency". We would be grateful to receive a fuller explanation as to the extent these regulations enact new policy, and how they will achieve administrative efficiency, by 2 November 2022.***

The regulations do not enact new policy. They, instead, make minor technical amendments to retained EU law relating to official controls, to ensure that it operates effectively following the withdrawal of the United Kingdom from the European Union.

There is one particular change which consists of removing the model Export Health Certificates (EHCs - documents required to accompany most imported animal products) from the annexes of the relevant legislation and replace them with "a form published by the Appropriate Authority from time to time". This approach is in line with what is already in place with all other similar retained EU legislation covering imports of animal products which require EHCs and has already been amended.

This is not a policy change as the content of the EHCs (i.e. import health requirements our trading partners need to comply with) remains the same. The intention is, in the context of the UK being now an independent trading nation, any changes to the model EHCs are a function of the appropriate authority, having been transferred from the European Commission to the Welsh Ministers in the case of Wales. Since diseases are dynamic and unpredictable, changes to EHCs are now a function of the appropriate authority and are required frequently, to reflect variations in the disease status in trading countries. It is essential, for reasons of quickly responding to disease outbreaks and resuming trade following such incidents, these changes can be made administratively without the need for legislation being brought forward.

- 2. We noted that, while your letter of 12 July summarised the purpose of the Regulations and explained why you had consented to the UK Government making them in a devolved area, the written statement did not, as is required by Standing Orders 30C.3(i) and (iii).***

I gave consent because, as with similar concurrent functions in the sphere of Animal Health and Welfare, there is a mutual interest for all UK Governments in the application of coherent disease prevention and control measures. It makes sense to exercise these functions jointly because they need to work for the whole of the UK, or Great Britain (where there is freedom of movement). Furthermore, they are exercised in the context of a functioning Common UK Animal Health and Welfare Framework.

It is important to note Welsh Ministers retain the power to not consent to the Secretary of State and to publish their own EHCs for animals and animal products entering Wales. However, officials envisage this would only happen in exceptional circumstances as it would create unnecessary administrative burdens and confusion to traders. This concurrent function is therefore appropriate and mirrors what already happens in similar legislation and administrative processes to publish other EHCs for importation of animals and animal products into Great Britain as a whole.

- 3. The written statement also erroneously refers to the amendment of Schedule 7B to the Government of Wales Act 2006 so as to remove the requirement to obtain Minister of the Crown consent “if the Welsh Ministers modify or remove a Secretary of State function”. However, the amendment of Schedule 7B did not capture the modification of such functions, only their removal. The explanation provided also appears to conflate the Welsh Ministers and the Senedd; Schedule 7B is relevant only to Acts of the Senedd, and not the executive functions of the Welsh Ministers.***

This was an oversight and I agree with the comments in your letter dated 4 October 2022.