

Lesley Griffiths MS
Minister for Rural Affairs and North Wales, and Trefnydd

4 October 2022

Dear Lesley

The Animals, Food, Plant Health, Plant Propagating Material and Seeds (Miscellaneous Amendments etc.) Regulations 2022

At our meeting of 26 September we considered the Written Statement under Standing Order 30C you laid on 15 July in respect of the above Regulations. We also considered your letter of 12 July in respect of the Regulations.

We wish to draw to your attention some drafting issues, which we think you should be aware of when preparing future statements; we would also like to see further information about the Regulations.

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).

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.

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.

Yours sincerely,

Huw Irranca-Davies

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Chair

