

## UK MINISTERS ACTING IN DEVOLVED AREAS

### 019 - [The Common Organisation of the Markets in Agricultural Products \(Amendment\) Regulations 2022](#)

*Laid in the UK Parliament: 8 November 2022*

#### Sifting

Subject to sifting in UK Parliament?	No
Procedure:	Made negative
Date of consideration by the House of Commons European Statutory Instruments Committee	N/A
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	N/A
Date sifting period ends in UK Parliament	N/A
SICM under SO 30A (because amends primary legislation)	Not required

#### Scrutiny procedure

Outcome of sifting	N/A
Procedure	Made negative
Date of consideration by the Joint Committee on Statutory Instruments	Unknown
Date of consideration by the House of Commons Statutory Instruments Committee	Unknown
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Unknown

#### Background

These Regulations were made by the UK Government under:

- sections 8(1) and 8C(1) of, and paragraph 21 of Schedule 7 to, the European Withdrawal Act 2018; and
- sections 50(3) and 53(1) of the Agriculture Act 2020.

However, it is only those parts of the Regulations made under the 2018 Act that apply in relation to Wales.

#### Summary

The parts of the Regulations made under the 2018 Act (i.e. regulations 2, 3, 4 and 12) correct deficiencies in retained EU law so that it operates

effectively in a domestic context. The deficiencies being corrected by regulations 2, 3, 4 and 12 are relatively minor. For example:

- references to 'Member States' are changed to references to 'relevant authority' (the relevant authority in relation to Wales is the Welsh Ministers);
- reference to an EU Directive is changed to a reference to corresponding domestic legislation (namely the Weights and Measures Act 1985);
- regulation 3(1) of the Hops Certification Regulations 1979 is omitted because it is no longer required. Regulation 3(1) provided that hops and hops products could be moved from Northern Ireland to Great Britain provided they met the requirements for sale in Northern Ireland. Regulation 3(1) is no longer required because of the United Kingdom Internal Market Act 2020.

### **Statement by the Welsh Government**

Senedd Legal Advisers note that the statement laid by the Welsh Government dated 9 November 2022 does not provide any description of the actual changes being made by the Regulations.

Actual examples are provided above and, while they are relatively minor and technical, Members of the Senedd may have found it useful to see such examples in the written statement.

### **Intergovernmental Agreement on the European Union (Withdrawal) Bill**

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect and the extent to which these Regulations would enact new policy in devolved areas.

Senedd Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.