



Ein cyf/Our ref MA/LG/3455/22

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

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Chair, Economy, Trade and Rural Affairs Committee

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21 November 2022

Dear Huw and Paul,

Huw, thank you for your letter of 14 November. As you will both be aware on 18 October, I wrote to inform you I had granted consent for the UK Government to make [The Animals and Animal Health, Feed and Food, Plants and Plant Health \(Amendment\) Regulations 2022, \(the Regulations\)](#), which were laid in draft before the UK Parliament on 20 October and I laid a Written Statement in respect of the Regulations under Standing Order (SO) 30C on 21 October.

Following, subsequent review of the Regulations, I confirm, it is considered the Regulations are a "relevant Statutory instrument" for the purposes of SO 30A, as the proposed amendments to the Plant Varieties and Seeds Act 1964 contained in one provision in part 5, paragraph 20, of the Regulations, fall within the legislative competence of the Senedd. Accordingly, I also confirm a Statutory Instrument Consent Memorandum (SICM) ought to have been laid rather than the Written Statement in respect of this provision. I offer my sincerest apologies for this error.

I therefore, seek to correct the record and inform you I have withdrawn the original SO 30C Written Statement and have today laid a revised Written Statement under SO30C, and a SICM under SO30A before the Senedd in respect of the Regulations.

The link to the revised Written Statement can be found here:

<https://senedd.wales/media/15rdeu5j/ws-ld15411-r-e.pdf>

The link to the SICM can be found here: <https://senedd.wales/media/kxunirmr/sicm-ld15473-reg-e.pdf>

In relation to the provisions of the UK SI that you will consider under SO 30C, as originally set out in my letter of 18 October, the Regulations propose amendments to retained direct EU law relating to official controls and animal and plant health, to ensure that the laws operate effectively following the withdrawal of the United Kingdom from the European Union.

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 and other devolved administrations where there is a clear rationale for doing so.

On this occasion, I am giving my consent to these Regulations, which make corrections and address operability matters in relation to, and on behalf of, Wales for reasons of efficiency and expediency, and to ensure consistency and coherence of the statute book. I do so whilst reserving the ability to diverge in future as per our devolved competence.

This instrument addresses minor EU exit related deficiencies, further deficiencies not anticipated at the time of withdrawal from the EU and ensures the functioning of a GB-wide import regime. It would therefore seem appropriate to exercise these functions jointly as they need to work for the whole of the UK, or Great Britain (where there is freedom of movement), to ensure there are common standards and to minimise disruptions to traders, local authorities, and inspection agencies alike.

Huw, I note the Legislation, Justice and Constitution Committee's comments regarding information provided to the Committee but not in the Written Statement. We will ensure all relevant information provided to committees is included in Written Statements in accordance with Standing Orders in the future.

In accordance with SO 30A any SICM may be considered by "the responsible committee", in this case, the Legislation, Justice and Constitution Committee (LJCC) and such other committees as the LJCC invites to consider the SICM. SO 30A further provides the committee(s) must report to the Senedd within 35 days of the SICM being laid. You will wish to be aware the draft Regulations are subject to the affirmative procedure in the UK Parliament and are expected to come into force on 13 December. In this instance, therefore, given the delay in the laying of the SCIM, there isn't sufficient time before the Regulations are due to come into force for the 35-day reporting period to be observed. I can only apologise again for this. Consequently, I would ask, therefore, should your Committees wish to consider the SICM, you please report to the Senedd no later than 12 December.

I am not minded to table a motion for a debate in plenary about this Statutory Instrument. I reached this decision on the basis that this instrument addresses minor European Union Exit related deficiencies, further deficiencies not anticipated at the time of withdrawal from the EU and ensures the functioning of a GB-wide import regime. It would seem appropriate for a single set of GB wide amendments to be made as they need to work for the whole of the UK, or Great Britain (where there is freedom of movement), to ensure there are common standards and to minimise disruptions to traders, local authorities, and inspection agencies alike. SO30A provides that any Member of the Senedd may table a motion for a debate on this Statutory Instrument after relevant Committees have reported.

I am copying this letter to the Llywydd as Chair of the Business Committee, as well as all Members of the Senedd.

Yours sincerely,

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping 'L' and 'G'.

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