

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,
Legislation, Justice and Constitution Committee
Senedd Cymru

huw.Irranca-Davies@senedd.wales

23 November 2022

Dear Huw,

I wish to inform the Committee of the intention to consent to the UK Government making and laying The Plant Health (Amendment) (EU Exit) Regulations 2022 by 20 December.

On 7 November I have received a letter from Defra Minister of State, Mark Spencer MP, seeking consent to these Regulations. The Regulations intersect with devolved policy and will apply to Wales.

The Regulations enable the establishment of demarcated areas outside of the country in which plant pests or diseases have been found. These are important biosecurity measures which are put in place during plant pest or disease outbreaks which restrict the movement of timber, plants for planting or forestry material. This is needed as current legislation does not allow a demarcated area to be established based on the findings of a pest within another GB territory. This means when one nation has a plant pest or disease outbreak alongside the border, currently the other nation has no power to bring in demarcated areas as a biosecurity measure.

In this case the provisions could not be made by Welsh Ministers in exercise of our own powers as the power to amend is consequential on an amendment being made by the Secretary of State. As the Welsh Regulations are made under section 2(2) of the European Communities Act 1972, under section 8 of the European Union (Withdrawal) Act (EUWA) 2018 these Regulations can be amended by a Minister of the Crown. The Plant Health (Amendment) (EU Exit) Regulations 2022 are being made under section 8(1) of EUWA and Paragraph 21 of Schedule 7 of EUWA provides power allowing consequential amendments to be made to regulations as necessary (in this case, following the amendment of the Plant Health Regulations). The Regulations will extend to England, Scotland and Wales.

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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.

Since receipt of the letter additional provisions have been included to correct minor drafting errors within The Animals, Food, Plant Health, Plant Propagating Material and Seeds (Miscellaneous Amendments etc.) Regulations 2022 relating to Lebanese Potatoes not for planting.

There is an urgent need to introduce this legislation, to protect biosecurity in Wales. I consider this is the most appropriate way to give effect to the necessary changes. In accordance with Standing Order 30C, I will lay a Written Statement before the Senedd within three working days of the Regulations being laid before the UK Parliament.

I have written similarly 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.

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