

## STATUTORY INSTRUMENT CONSENT MEMORANDUM

### The Animals and Animal Health, Feed and Food, Plants and Plant Health (Amendment) Regulations 2022

1. This Statutory Instrument Consent Memorandum is laid under Standing Order (“SO”) 30A.2. SO30A prescribes that a Statutory Instrument Consent Memorandum must be laid, and a Statutory Instrument Consent Motion may be tabled before Senedd Cymru if a UK Statutory Instrument makes provision in relation to Wales amending primary legislation within the legislative competence of the Senedd.
2. The Animals and Animal Health, Feed and Food, Plants and Plant Health (Amendment) Regulations 2022 ( “the Regulations”) is subject to the affirmative procedure and was laid in draft before the UK Parliament on 20 October 2022 and can be found at: <http://www.legislation.gov.uk/id/ukdsi/2022/9780348239911>
3. The Regulations are due to come into force on 13 December 2022.
4. Copies of the Regulations and associated documentation have today been laid before the Senedd alongside this memorandum.
5. This memorandum has been laid outside the normal three-day SO30A deadline, as a SO30C Written Statement was laid before the Senedd in relation to the Regulations in error on 21 October. It has since been considered the Regulations are a “relevant Statutory instrument” for the purposes of SO30A in respect of one proposed amendment. Therefore, the original Written Statement has been withdrawn and a revised version laid today.
6. The Statutory Instrument contains one provision, in part 5, paragraph 20, that makes a minor amendment to section 29 of the Plant Varieties and Seeds Act 1964 (the 1964 Act), and falls within the legislative competence of the Senedd and therefore requires Senedd consent.

#### **Summary of the Instrument and its objective (SO30A.4(i) requirement)**

7. The objective of the Statutory Instrument is to amend retained direct European Union (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.
8. 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 Great Britain (GB)-wide imports 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.

9. These Regulations will apply in relation to Wales, England, and Scotland with the exception of regulations 24 and 25, which apply in England only.

### **Provision to be made by the Instrument for which consent is sought**

10. The Statutory Instrument contains one provision, in part 5, paragraph 20, that makes a minor amendment to section 29 of the Plant Varieties and Seeds Act 1964 (the 1964 Act). The amendment aims to address a policy gap that has been identified within the 1964 Act in relation to a lack of regulation making powers. The amendment extends powers in the 1964 Act to fruit, vegetable, and ornamental planting material.
11. It is the view of the Welsh Government that the provision described in paragraph 10 above, makes provision in relation to Wales amending primary legislation within the legislative competence of the Senedd. It is that provision for which the consent of the Senedd is sought.

### **Why is it appropriate for the Statutory Instrument to make this provision**

12. It is my view that it is appropriate to deal with these provisions in this Statutory Instrument as whilst it is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence, in certain circumstances there are benefits in working collaboratively with the UK Government and other Devolved Governments where there is a clear rationale for doing so. On this occasion, these Regulations make corrections and address operability matters in relation to, and on behalf of, Wales for reasons of efficiency and expediency, and ensure consistency and coherence of the statute book. Therefore, it is my view that it is appropriate to deal with these provisions in this Instrument as it represents the most practicable and proportionate legislative vehicle to enable these provisions to apply in Wales.

### **Financial implications**

13. There are no financial implications in Wales in consenting to the provisions in the Statutory Instrument.