

Government Response: *The Food and Feed (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2022*

Technical Scrutiny point 1

The Government accepts the point.

The Government does not consider that the minor typographical error affects the validity of the instrument. The error and correct reference are clear from the context and the footnote.

The Government does consider correction to be appropriate, for clarity – and will seek for this to be done as soon as possible by correction slip.

Technical Scrutiny point 2

The Government accepts the point.

The Government considers that, despite the error, the legislative intention is clear that the restrictions applicable to the substances listed in the new Schedule 6 to S.I. 2012/2705 (W. 291) are to be found in that Schedule.

The Government proposes to correct the error at the next available opportunity. It is anticipated that there will likely be a suitable statutory instrument for the correction taken forward in the first half of 2023.

Technical Scrutiny point 3

The Government accepts the point.

The Government considers that there is no real risk of confusion despite the error. The amendment to the defined Welsh term itself is correct. There is no other definition in the English text of regulation 2(1) of S.I. 2013/2591 (W. 255) with which the Welsh definition could be confused.

The Government proposes to correct the error in the Welsh text at the next available opportunity. It is anticipated that there will likely be a suitable statutory instrument for the correction taken forward in the first half of 2023.

Technical Scrutiny point 4

The Government accepts the point.

The minor typographical error appears in the text identifying the location of the proposed amendment to regulation 19(2) of S.I. 2013/2591 (W. 255). The Government does not consider that this clear typographical error gives rise to a risk of confusion as to intended location for the insertion of the amendment.

The Government will seek for this error to be corrected by correction slip.

Technical Scrutiny point 5

The Government accepts the point.

The Explanatory Notes confirm that the new Schedule 1B to S.I. 2016/386 (W. 120) is a transposed copy of Annex 1 to Directive 2002/32/EC as that Directive had effect immediately prior to implementation period completion day. It is clear that there is no substantive change being made. The text in question “*seaweed meal and feed materials derived from seaweed*” has been an established aspect of that Annex since 2003, so stakeholders will be familiar with the correct coverage. The Government considers that, when interpreting the legislation, it is clear that there is an error in the Welsh text, and that the English text contains the correct intended wording to be applied.

The Government proposes to correct the error in the Welsh text at the next available opportunity. It is anticipated that there will likely be a suitable statutory instrument for the correction taken forward in the first half of 2023.