



Elin Jones MS
Llywydd
Senedd Cymru
CARDIFF
CF99 1SN

15 December 2022

Dear Llywydd,

Marketing of Seeds and Plant Propagating Material (Wales) (Amendment) (EU Exit) (No. 2) Regulations 2022

In accordance with section 11A(4) of the Statutory Instruments Act 1946 I am notifying you that this statutory instrument will come into force on 31 December 2022, less than 21 days after it has been laid. A copy of the instrument and the Explanatory Memorandum that accompanies it are attached for your information.

The Regulations revoke, replace and correct the previously in force Marketing of Seeds, Plant and Propagating Material (Wales) (Amendment) (EU Exit) Regulations 2022 ("the previous Regulations"). These previous Regulations were laid in the Senedd on the 6 October 2022 and came into force on 27 October 2022. They made operability amendments to ensure provisions in Welsh law on pests relating to seeds, fruit plant and propagating material remains operable now the UK has left the EU. This, in turn, ensures that these pests remain under control in 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.

A Legislation, Justice and Constitution Committee (LJCC) report on the previous Regulations noted two technical scrutiny points and recommended that these were addressed. Technical scrutiny point 1 related to an inconsistency between the titles of the English and Welsh versions of the Statutory Instrument. In the Welsh version of the Statutory Instrument the title reads (Diwygio) (Cymru) where the English version title reads (Wales) (Amendment). Technical scrutiny point 2 noted a missing quotation mark in Regulation 2(2)(a) in the Welsh version of the Instrument that makes it unclear what text is being substituted, which has a consequence as to the effect of the regulation. There are also inconsistencies in the quotation marks used around defined terms in the Welsh version of Regulation 2(a)(i) and 2(a)(iii).

The Marketing of Seeds and Plant Propagating Material (Wales) (Amendment) (EU Exit) (No. 2) Regulations 2022 have been made to correct these points. Specifically, these Regulations include a clause revoking the original English and Welsh Statutory Instruments. The new Regulations replace the revoked Regulations, with a new title that reads “...(Wales) (Amendment)...” in English and Welsh. This resolves the inconsistency in the Welsh and English versions of the Statutory Instrument. The new Regulations also add an opening quotation mark into Regulation 2(a). Thirdly, there is consistent use of quotation marks around defined terms in Regulation 2(a)(i) and (iii) in both versions. No other changes have been made and the effect of the Regulations is unchanged.

The reason for not adhering to the 21 day convention in this case is that the Regulations are being made using powers under the European Union (Withdrawal) Act 2018, and these powers expire on 31 December 2022. As such, the Regulations need to come into force by 31 December.

I am copying this letter to Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitution Committee, Siwan Davies, Director of Senedd Business, Sian Wilkins, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Regards,

A handwritten signature in cursive script, reading 'Lesley Griffiths'.

Lesley Griffiths AS/MS

**Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd**