

## UK MINISTERS ACTING IN DEVOLVED AREAS

### 020 - [The Animals and Animal Health, Feed and Food, Plants and Plant Health \(Amendment\) Regulations 2022](#)

*Laid in the UK Parliament: 20 October 2022*

#### Sifting

Subject to sifting in UK Parliament?	N/A
Procedure:	Draft affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	N/A
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	N/A
Date sifting period ends in UK Parliament	N/A
SICM under SO 30A (because amends primary legislation)	Not required

#### Scrutiny procedure

Outcome of sifting	N/A
Procedure	Draft affirmative
Date of consideration by the Joint Committee on Statutory Instruments	2 November 2022
Date of consideration by the House of Commons Statutory Instruments Committee	Unknown
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	1 November 2022

#### Background

These Regulations are proposed to be made by the UK Government under section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018.

#### Summary

These Regulations propose amendments to retained EU law relating to official controls on imports to Great Britain of animals and animal products, plant products (including food) as well as rules on animal health and welfare, and rules on the marketing of planting and propagating material, following EU Exit. The amendments are intended to ensure that the laws operate effectively in the domestic context in order to safeguard human and animal health.

For example, the Regulations:

- Make provision relating to penalties for failing to comply with plant health regulations.
- When the appropriate authority is able to act as a competent authority to carry out official controls, there will no longer be a need for the appropriate authority to designate itself as a competent authority (instead, the appropriate authority will, by default, be a competent authority).
- Transfer functions from the European Commission to domestic appropriate authorities. For example, appropriate authorities (the Welsh Ministers, in Wales) are given powers to make regulations to control biosecurity risks (but there is no obligation to do so).
- Extend the transitional periods relating to official controls to detect certain substances and residues in products of animal origin intended for human consumption.

### **Statement by the Welsh Government**

Senedd Legal Advisers agree with the general position set out in the Welsh Government's statement dated 21 November 2022 regarding the effect of these Regulations.

However, the written statement does not give practical examples (like those given above) of the changes being made by these Regulations. These Regulations make important changes to the law on animals, animal health, feed and food, plants and plant health, but they are described only in the most general and high level way in the written statement.

Note also that the original version of this statement was withdrawn, therefore this statement is a re-laid version. As regards the original version, LJC committee wrote to the Welsh Government, raising concerns that the original statement did not provide a helpful explanation of what the Regulations actually do. The re-laid statement still does not provide a helpful explanation.

### **Intergovernmental Agreement on the European Union (Withdrawal) Bill**

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

Senedd Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.

**Consent motion under Standing Order 30A.10**

The Welsh Government laid a Statutory Instrument Consent Memorandum (SICM) before the Senedd on 21 November 2022, because the Regulations amend primary legislation within the legislative competence of the Senedd (in this case, section 29 of the Plant Varieties and Seeds Act 1964).

In a letter to the LJC and ETRA committees dated 21 November 2022, Lesley Griffiths MS, Minister for Rural Affairs and North Wales, and Trefnydd, says she is not minded to table a motion to debate the SICM in Plenary.