

Lesley Griffiths MS

Minister for Rural Affairs and North Wales, and Trefnydd

Lynne Neagle MS

Deputy Minister for Mental Health and Wellbeing

16 January 2023

Dear both

The Trade in Animals and Related Products (Amendment and Legislative Functions) and Animal Health (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2022 and The Food and Feed (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2022

At our meeting on 9 January 2023 we formally considered your written responses to our reports on the above regulations and your letter dated 13 December 2022 which responded to our letter of the previous day.

You will recall that we had significant concerns that the Welsh Government was to seek the Senedd's approval for these regulations, despite both instruments being defective.

We thank you for addressing some of the points we raised in our letter during the debates on the regulations in Plenary on 13 December 2022, and for providing the full written response.

In your letter, and in relation to the Trade in Animals and Related Products (Amendment and Legislative Functions) and Animal Health (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2022 (the TARP Regulations), the Minister said that a correcting instrument, which you proposed to make early this month using powers in the *Animal Health Act 1981*, will be needed to address two errors, while you would be asking for 12 others to be corrected before the regulations were published by the National Archives.

1. Please can you confirm when the correcting instrument will be made to address the identified two errors in the TARP Regulations.



2. Please can you confirm that the 12 other reported errors were corrected before the TARP Regulations were published by the National Archives.

Point 30 in our report on the TARP Regulations noted that regulation 6 creates a new Henry VIII power. During the Plenary debate the Minister committed to changing the procedure which applied to this regulation-making power, from the negative to the draft affirmative procedure.

3. Please can you confirm when and how the change to the scrutiny procedure in the TARP Regulations will be made.

During the Plenary debate I also asked the Minister to provide my Committee and the Senedd with details about how the situation we found ourselves in on 13 December with these regulations can be avoided in the future.

4. Please can you provide clarity on what steps the Welsh Government has (or will) put in place to ensure that a request to approve knowingly defective regulations is not put before the Senedd in the future. In particular, the Welsh Government is aware that the Retained EU Law (Revocation and Reform) Bill includes a sunset provision such that the majority of retained EU law will expire on 31 December 2023. Given that the 'turning off' of the powers in the *European Union (Withdrawal) Act 2018* on 31 December 2022 was a key factor in the Welsh Government's decision to push ahead with defective regulations, we would welcome clarity on how the Welsh Government will ensure it can act in a timely manner so that, in December this year, we do not find ourselves in the same situation.

In your letter, and in relation to the Food and Feed (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2022 (the Food Regulations), the Deputy Minister said that three of the five errors we identified in our report would be addressed via a correcting instrument to be made "towards the end of the first quarter, or early in the second quarter of 2023".

5. Please can you provide a more precise estimate of when the correcting instrument will be made to address the identified three errors in the Food Regulations.

The Deputy Minister also told us that "Points 1 and 4 [in our report] concern minor typographical errors and are proposed to be addressed by correction slips."

6. Please can you confirm that the SI Registrar has agreed to address the two identified errors in the Food Regulations via correction slip.

I would be grateful to receive a response by 26 January 2023.

Yours sincerely,

*Huw Irranca-Davies*

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Chair

