

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd



Llywodraeth Cymru
Welsh Government

Lynne Neagle AS/MS
Y Dirprwy Weinidog Iechyd Meddwl a Llesiant
Deputy Minister for Mental Health and Wellbeing

Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee

26 January 2023

Dear Huw,

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

Thank you for your letter of 16 January 2023 regarding the above Statutory Instruments. You have a number of questions in your letter, and the Government's responses are set out below.

Q1. Please can you confirm when the correcting instrument will be made to address the identified two errors in the TARP Regulations.

We propose introducing a bespoke Statutory Instrument early in March to correct the errors.

Q2. Please can you confirm that the 12 other reported errors were corrected before the TARP Regulations were published by the National Archives.

We confirm these errors were corrected on making.

Q3. Please can you confirm when and how the change to the scrutiny procedure in the TARP Regulations will be made.

We have not yet identified an appropriate enabling power to make this amendment. We are continuing to analyse available powers and will update the Committee by letter as soon as a power has been identified, along with a timetable to make the amendment.

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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.

Q4. 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 relation to the UK’s exit from the European Union, the volume and complexity of legislation required has been unprecedented. Whilst it is unavoidable legislation must be prepared under considerable time pressure at times, we can assure the Committee, legislation will continue to be drafted in accordance with Welsh Government’s usual drafting policy, applying approved and tested approaches and checks. Should the Retained EU Law (Revocation and Reform) Bill receive Royal Assent, we will aim to make any necessary legislation in good time.

Q5. 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.

We intend to address the three outstanding points in a planned Food and Feed Statutory Instrument currently to be made/laid in mid-March 2023. Subject to any unforeseen delays to the planned timetable, further amendments will come into force in early April 2023.

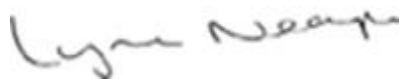
Q6. Please can you confirm that the SI Registrar has agreed to address the two identified errors in the Food Regulations via correction slip.

As reflected in the Government’s response to the Committee’s reporting points, two minor typographical mistakes in the Food and Feed (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2022 (points 1 and 4 of the Committee’s report) were identified as being of the nature of something that could be covered by a correction slip. It is clear the two mistakes were obvious minor typographical errors that did not affect the substantive meaning of the Instrument. The corrections were minor and the text and location were equally obvious. In line with the commitment made to the Committee and also in Plenary, these two mistakes were remedied after the Instrument had been made. In this instance, the corrections were made as part of the registration process which eliminates the need for the production of a correction slip. It also ensures the published version was corrected prior to the Instrument coming into force.

Yours sincerely,

A handwritten signature in cursive script that reads "Lesley Griffiths".

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