

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

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

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30<sup>th</sup> March 2023

Dear Huw,

**The Plant Health and Phytosanitary Conditions (Oak Processionary Moth and Plant Pests) (Amendment) Regulations 2023**

I wish to inform the Committee of the intention to consent to the UK Government making and laying The Plant Health and Phytosanitary Conditions (Oak Processionary Moth and Plant Pests) (Amendment) Regulations 2023 ("the Regulations") by 2 May 2023.

I received a letter from Lord Benyon, Minister for Biosecurity, Marine and Rural Affairs, requesting consent to the Regulations. The Regulations will be made by the Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred by Articles 8(5), 17(1), 28(1) and (4), 37(5), 48(5), 105(6) of, and Annex 2 to, Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants. Article 2a (2) of the Regulation (EU) 2016/2031 provides that such Regulations can be made by the Secretary of State with the consent of the Welsh Ministers.

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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.

The Regulations will introduce a regulation to set out measures against the specific GB Quarantine Pest (QP) Oak Processionary Moth (OPM), concerning containment of that GB QP to protect the pest-free area (this applies only in England). They correct a mistake introduced in EU exit legislation regarding a table setting out the growing season thresholds of Regulated Non-Quarantine Pests (RNQPs) on seed potatoes. The Regulations also introduce a minor correction to The Pests of Plants (Authorisations) (Amendment) Regulations 2022 which will clarify certain requirements on the application for the place of origin of the licensed pest.

The Statutory Instrument (SI) is subject to the negative procedure and is due to be laid before UK Parliament on 2 May 2023 with a commencement date of 24 May 2023.

The Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales. I would like to reassure this Committee it is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence. The major changes introduced in the Regulations (the OPM changes) only apply to an area which is centred on London area at present. The other changes in the Regulations are minor and technical in nature, amend existing GB-wide legislation and any divergence in regulations between Wales and England would cause greater confusion and burden for delivery bodies and industry. On this occasion, I consider legislating separately for Wales would be neither the most appropriate way to give effect to the necessary changes nor a prudent use of Welsh Government resources given other important priorities. Therefore, I am giving my consent to these Regulations. There is no policy divergence between the Welsh and UK Government in this matter.

Yours sincerely

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

**Lesley Griffiths AS/MS**

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