

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 of the Legislation, Justice and Constitution Committee
Senedd Cymru
SeneddLJC@senedd.wales

09 August 2023

Dear Huw,

The Windsor Framework (Plant Health) Regulations 2023

I wish to inform the Committee of the intention to consent to the UK Government making and laying The Windsor Framework (Plant Health) Regulations 2023 by 30 August 2023.

I have received a letter from the Minister of State for Environment, Food and Rural Affairs, Rt Hon Lord Benyon MP asking for consent to these Regulations. The Regulations intersect with devolved policy and will apply to Wales. The Regulation will extend to England, Scotland and Wales and Northern Ireland and a similar request for consent has been sent to Scottish Ministers.

The Regulations will be made in exercise of the powers conferred under paragraph 8C(1) of Schedule 7 to the European Union (Withdrawal) Act 2018. This is a power for a Minister of the Crown to make regulations in connection with the Ireland/Northern Ireland Protocol in the withdrawal agreement. The SI relates to the implementation of the Windsor Framework, as agreed between the UK and the EU on 27th February 2023.

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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 purpose of the Regulations is to protect biosecurity and support trade between Northern Ireland (“NI”) and Great Britain (“GB”). The amendments contained in the Regulations change the way in which plants, plant products and other objects move between GB and NI by introducing requirements for a NI Plant Health Label scheme.

The NI Plant Health Label scheme enables the movement of various plants and plant products from a GB professional operator to a NI professional operator. This will be similar to the currently used UK Plant Passport scheme. The plants and plant products included in the NI Plant Health Label scheme are:

- plants for planting;
- seed potatoes; and
- vehicles and machinery which have been operated for agricultural or forestry purposes and equipment for their movement from GB to NI.

The Statutory Instrument (SI) is subject to the negative procedure and is due to be laid before UK Parliament on 30 August 2023 with a commencement date of 1 October 2023.

Although the Welsh Government’s general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, it is considered appropriate for the substance of the amendments to apply to Wales. The SI relates to a devolved area, however, the SI operates GB-wide and has effect as to the acceptance of goods into Northern Ireland. It also places requirements on Northern Ireland operators. Given the application to Northern Ireland it would not be within competence of Welsh Ministers to wholly make this SI as Wales-only. Additionally, there is no policy divergence between the Welsh and UK Government in this matter. This ensures a coherent and consistent statute book with the regulations being accessible in a single instrument. Making the regulations GB-wide also ensures there will be no risk of legislative divergence in the UK which would likely jeopardise the implementation of the Windsor Framework.

I have written similarly to Llyr Gruffydd MS, the Chair of the Climate Change, Environment, and Infrastructure (CCEI) Committee.

Yours sincerely

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end.

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