

**Government Response: *The Seed (Equivalence) (Amendment) (Wales) Regulations 2022***

I write further to the Committee report SL(6)299 on the Seed (Equivalence) (Amendment) (Wales) Regulations 2022 (“the Regulations”). The Government Response to that report indicated that an amending SI would be made.

**Technical Scrutiny point 1:**

As set out in the Government Response the citations referred to in Technical scrutiny point 1 do not affect the vires of the regulations. Although the powers under section 16(1) and 16(1A) are sufficiently wide enough to provide for the extension of Council Decision 2003/17/EC of 16 December 2002 the wider reference to sections 16(2) to 16(4) in the enabling powers does not affect the vires of the regulations. The regulations are amending legislation and the intent of the regulations has been implemented. The required amendments have been made and as such the provisions are spent. The response to the Committee was made in limited time and in eagerness to assist, the response stated that an amending SI would be made. However, having now given more considered legal reflection to the issue, the Welsh Government concludes that it would not be correct to undertake an amending SI in these circumstances as the commencement power has already been exercised.

**Merit Scrutiny point 2:**

In respect of Merit Scrutiny Point 2 the Explanatory Memorandum makes clear where an RIA can be obtained and the Explanatory Notes themselves do not form part of the SI.