



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

SeneddLJC@senedd.wales

3rd October 2023

Dear Huw,

The Plant Protection Products (Miscellaneous Amendments) Regulations 2023

Thank you for your letter of the 22 September 2023 seeking a response to questions raised by the Legislative Justice and Constitutional Committee (LJCC) at its meeting on the 18 September 2023.

I will address your questions in the order in which they have been presented in your letter.

1. The Plant Protection Products (Miscellaneous Amendments) Regulations (“the Regulations”) are being made using powers in the Retained EU Law (Revocation and Reform) Act 2023 (“the REUL Act”). Whilst there is no statutory consent procedure contained in section 14 of the REUL Act, the UK Minister for Environmental Quality and Resilience, Rebecca Pow, wrote to me asking for my consent to the Regulations. This is in line with the Welsh Government’s position that subordinate legislation made by the UK Government in relation to Wales with regard to devolved matters should only be made with the consent of the Welsh Ministers. As the legislation is in a devolved area, the Explanatory Memorandum to the legislation reflects that Defra officials have worked collaboratively with Scottish and Welsh Devolved Governments to develop the instrument, and the policy has been agreed across all three nations.
2. In accordance with the provisional Common Framework for Chemicals and Pesticides, Defra officials have engaged with Welsh Government officials to develop the Regulations collaboratively and I have been consulted on the terms of the Regulations throughout.

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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.

3. Prior to my decision to give consent, Welsh Government officials undertook an assessment of the specific power in the REUL Act being used to make these Regulations. Officials confirmed that they considered section 14(2) of the REUL to be the correct and appropriate provision for making these Regulations. Section 14(2) is a concurrent power which is being exercised here by UK Government on behalf of the Welsh Ministers on matters within a devolved area. Whilst there is not a legal requirement to seek consent, the UK Government have sought the Welsh Ministers consent in accordance with the convention on legislating in devolved areas.
4. Prior to my decision to give consent, Welsh Government officials considered Schedule 5 of the REUL Act as to the regulation making procedure and considered the UK Government's choice of scrutiny procedure. Welsh Government officials were satisfied that the relevant processes would be followed in respect of making this secondary legislation.
5. Officials in UK Government have undertaken a Regulatory Impact Assessment (RIA) which has been shared with Welsh Government officials in draft form. The RIA includes consideration of both regulatory and non-regulatory options, costs and benefits. The preferred option is to maintain the status quo by extending existing, or recently lapsed, transitional provisions, so the proposed legislation does not increase any regulatory burden.

Yours sincerely,

A handwritten signature in cursive script that reads "Lesley Griffiths". The signature is written in a light grey or blue ink on a white background.

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