

Government Response: *The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023*

Technical Scrutiny point 1:

The Welsh Government accepts this point and will undertake to make corrections at the earliest possible opportunity.

Technical Scrutiny point 2:

The Welsh Government accepts this point and will undertake to make corrections at the earliest possible opportunity.

Technical Scrutiny point 3:

The ‘Geiriadur Prifysgol Cymru (A Dictionary of the Welsh Language)’ offers the following broad definition of “deddf”:

Un o'r corff rheolau sy'n rhwymo deiliaid gwlad, &c., tan berygl cosb o'u torri, cyfraith; act unigol o ddeddfwriaeth, mesur (seneddol), ystatud, ordeiniad, gosodedigaeth, gorchymyn;

We note also that two different terms, i.e. “act” and also “law”, are provided to correspond to “deddf” in other authoritative sources of terminology such as Y Porth Termau and Y Termiadur Addysg. As such it does not necessarily follow that “deddfau perthnasol” would be interpreted as a reference to primary legislation only.

“Cyfraith” is a term often used to imply the broader meaning of a range of primary and secondary legislation. Once in the plural “cyfreithiau”, however, this term also could be interpreted either to mean a wide body of law or a narrower meaning of primary Acts.

The intention here was to convey a broad range of primary and secondary legislation, and we are satisfied that both languages convey this.

Merit Scrutiny point 4:

The agreed terms of the free trade agreement between Iceland, Liechtenstein, Norway and the United Kingdom (“the FTA”) has been subject to the required parliamentary scrutiny processes. UK-wide consultation on the implementation of Chapter 12 of the FTA was carried out from 27 January 2023 to 10 March 2023. Further targeted consultation with Welsh regulators was undertaken by the Welsh Government in October 2023.

The Welsh Government considers that appropriate consultation has been undertaken that satisfies the requirements of Article 9 of Regulation (EC) No 178/2002.

The amendments to The Food Safety (Sampling and Qualification) (Wales) Regulations 2013 made by The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023 are substantively identical to the amendments made to the corresponding Regulations for England and for Northern Ireland by the Recognition of Professional Qualifications and the Implementation of International Recognition Agreements (Amendment) Regulations 2023, and to the corresponding Regulations for Scotland The Animal Welfare and Food Safety (International Professional Qualification Recognition Agreement Implementation) (Miscellaneous Amendment) (Scotland) Regulations 2023.

Merit Scrutiny point 5:

The Welsh Government has had regular discussions with the UK Government during the development of the UK-wide Recognition of Professional Qualifications and the Implementation of International Recognition Agreements (Amendment) Regulations 2023.

The Welsh Government repeatedly made it clear that it was unacceptable for the UK Government to progress with legislating in devolved areas without seeking the consent of Welsh Ministers or the Senedd. We confirmed with the UK Government that we would be disapplying the Recognition of Professional Qualifications and the Implementation of International Recognition Agreements (Amendment) Regulations 2023, and shared a draft of The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023 in September 2023.

The UK Government held monthly meetings with all the Devolved Governments throughout 2023 to discuss implementation of the Professional Qualifications Act (2022) and progress of The Recognition of Professional Qualifications and the Implementation of International Recognition Agreements (Amendment) Regulations 2023. The UK Government confirmed the dates for the Parliamentary debates for The Recognition of Professional Qualifications and the Implementation of International Recognition Agreements (Amendment) Regulations 2023 on the 16 November.