

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

20 February 2024

Dear Huw,

The Plant Health (Fees) (England) and Official Controls (Frequency of Checks) (Amendment) Regulations 2024.

I wish to inform the Committee of the intention to consent to the UK Government making and laying The Plant Health (Fees) (England) and Official Controls (Frequency of Checks) (Amendment) Regulations 2024 ("The Regulations") by 4 March 2024.

I received a letter from Rebecca Pow MP, on behalf of Lord Benyon, Minister for Biosecurity, Marine and Rural Affairs, requesting consent to provisions within the Regulations. These provisions within Part 3 of the Regulations will be made by the Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred by Articles 54(3) and 144(6) of, and paragraph 3(2) of Annex 6 to, Regulation (EU) 2017/625. Article 3(2B) of the Regulation (EU) 2017/625 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.

On 30 April 2024, under the Borders Target Operating Model, imports of medium risk plants and plant products from the EU, Liechtenstein and Switzerland will become subject to risk-based import checks at Border Control Points. Additionally, the frequency of documentary checks for these goods will also be reduced so they are aligned to the frequency of ID and Physical checks. As per the Borders Target Operating Model, these changes will not be introduced at “relevant ports” on the West Coast, including Fishguard, Holyhead and Pembroke, until 31 October at the earliest.

The Regulations expand SI 2022/739 to include the medium risk goods from the EU, Liechtenstein and Switzerland within its framework for determining the frequency of physical and ID checks. They will amend Annex 6 of the Official Control Regulation to ensure the ‘appropriate frequency rate’ for medium risk goods from the EU, Liechtenstein and Switzerland is established by Article 53.

The Statutory Instrument (SI) is subject to the affirmative procedure and is due to be laid before UK Parliament on 4 March 2024. The Regulations will come into force on 30 April 2024.

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 Regulations to be laid by UK Government. The Regulations relate to a devolved area, however, they impact on imports of plant and plant products are GB-wide. Many of the changes in the Regulations relate to the importation of plants and plant products. Most of these goods which enter Wales come through English ports and would be subject to their importation legislation. Introducing separate regulations in Wales and England may cause additional burden on the Animal and Plant Health Agency (APHA), business, traders and growers. Regulating on a GB-wide basis ensures a coherent and consistent statute book with the regulations being accessible in a single instrument with no risk of legislative divergence in Great Britain. Additionally, doing Wales-only Regulations for some provisions within this SI would likely have implications on delivery of the wider Borders Target Operating Model.

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. Therefore, I am giving my consent to the provisions within these Regulations. There is no policy divergence between the Welsh and UK Government in this matter.

The Welsh Government is making the other provisions of the Regulations as Wales-only through The Plant Health etc. (Miscellaneous Fees) (Amendment) (Wales) Regulations 2024.

I have written similarly to Llŷr 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 of the name.

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