

Huw Irranca-Davies AS/MS  
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros  
Newid Hinsawdd a Materion Gwledig  
Deputy First Minister and Cabinet Secretary for Climate  
Change and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: HIDCC/PO/0228/24

Mike Hedges MS  
Chair  
Legislation, Justice & Constitution Committee  
Welsh Parliament  
Cardiff  
CF99 1SN

9 September 2024

Dear Mike,

Thank you for your letter of 3 July in response to my update on the Trade in Animals and Related Products (Amendment and Legislative Functions) and Animal Health (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2022 (“the 2022 Regulations”). You have sought further information on ongoing work related to the Committee’s original report on the 2022 Regulations, most particularly points 25 and 30 of that report.

Firstly, you are seeking an explanation why the Government has not brought forward an amending Statutory Instrument (SI), as promised, in relation to reporting point (RP) 25 and a timeline for correction.

The policy team has overarching responsibility for maintaining high standards of animal health through disease prevention and biosecurity assurance, in the context of trade. This is primarily through the introduction of border controls. The team’s priority focus over the last 18 months has been to deliver the policy and legislation for the GB-wide Border Target Operating Model, working to fixed milestones in agreement with the other administrations. Additionally, the team has worked at pace, bringing in emergency legislation to respond to disease risk in third countries, providing essential controls for biosecurity assurance. A significant number of disease outbreaks have required emergency safeguard measures in this timeframe.

Whilst an initial draft SI has been developed by Government lawyers working with the policy team responsible for the 2022 Regulations, this needs further consideration and the Government’s resources have been directed to the more pressing delivery priorities outlined above.

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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.

We have taken this difficult decision given that the error identified in RP 25 is of negligible impact at present. The legislative function retained by the 2022 Regulations is inoperable as it was not included in the Schedule to the 2022 Regulations. As a result, the appropriate authority is unable to set, by regulations, a time of the year when it would be permissible for Equidae to be dispatched from zones with an African Horse Sickness outbreak into Wales. The reason this has negligible practical impact at present is that the only third country from which we are able to import Equidae is Ireland. Nonetheless we are committed to introducing legislation to amend the 2022 Regulations at the earliest available opportunity.

RP 30 relates to the scrutiny procedure applicable to the delegated powers in the 2022 Regulations and the (then) Minister's commitment to change this from negative to the affirmative procedure. I have previously explained how suitable vires to achieve this change to procedure needs to be found. In line with previous commitments, and Welsh Government's principles, it remains my preference to do this via a Welsh Bill or SI. However, with no suitable legislative vehicles currently available, I cannot commit to a timeline. When the Government is able to provide further information, we will of course update the Committee.

I hope this letter provides you with some reassurance that I, and my officials, are aware of the two outstanding reporting points from the Committee's 2022 report and are actively looking for opportunities to implement the required amendments.

I am copying this letter to the Counsel General Designate.

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a cursive representation of the name 'Huw Irranca-Davies'.

**Huw Irranca-Davies AS/MS**

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