

Huw Irranca-Davies MS  
Cabinet Secretary for Climate Change and Rural Affairs

3 July 2024

Dear Huw

The Trade in Animals and Related Products (Amendment and Legislative Functions) and Animal Health (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2022

Thank you for your letter of reply (dated 27 June 2024), in response to the letter we sent to you on 5 June in relation to the Trade in Animals and Related Products (Amendment and Legislative Functions) and Animal Health (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2022 (the 2022 Regulations). We considered the correspondence at our meeting on Monday 1 July 2024.

Thank you for drawing to our attention that the error we identified in the equivalence between the English and Welsh texts of regulation 4(2)(a)(viii) of the 2022 Regulations was actually corrected on making, rather than by amending instrument as we were originally advised.

Turning to the omission to reference article 5(5)(a) in the Schedule to the 2022 Regulations, it is disappointing to now understand that this error remains uncorrected. As you acknowledge, the Minister at the time gave a commitment to the Senedd that the error would be fixed the month following the Senedd being asked to approve the knowingly defective Regulations.

We are unclear why, more than 18 months later, it has not been possible to correct this omission from the 2022 Regulations. While we note you state it remains the Welsh Government's intention to resolve this issue, we respectfully ask that you provide a definitive timeline for this error to finally be addressed.

We are similarly unclear why it has taken so long for the Welsh Government to advise us that it has not yet been possible to identify a suitable vires to amend the scrutiny procedure applicable to one of the delegated powers in the Regulations from the negative to the affirmative procedure. Again, we note that you state this issue remains under review but we would welcome details of a timeline within

which your officials are working. If a suitable power is not identified, given the commitment the then Minister gave the Senedd, we would expect the Senedd to be notified of the situation, including information on whether you are seeking the relevant power in any primary legislation that is anticipated to be laid before the Senedd in the coming months.

Given we are now approaching the end of the summer term, we would welcome a response no later than 30 August 2024 so that we may give it consideration at our first meeting of the autumn term.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style and is underlined with a single horizontal line.

Mike Hedges  
Chair