

SL(6)529 – The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2024

Background and Purpose

These Regulations amend the Charges for Residues Surveillance Regulations 2006 (the 2006 Regulations) to update the charges payable to the Veterinary Medicines Directorate in relation to the surveillance for residues of veterinary medicines and certain other substances in food animals and animal products as part of the National Residues Control Programme.

These Regulations also amend the 2006 Regulations by substituting the Secretary of State with competent authorities in Wales. These amendments will enable the competent authorities performing official controls to recover the charge incurred in carrying out the inspections and controls in relation to surveillance of animals and animal products for residues of veterinary medicinal products and other substances.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

In regulation 2(5), there appears to be an error in column 2 of the Table to be inserted as Schedule 1. The charge from 1 October 2024 to 31 March 2025 for “Soliped” is £0.04287 per carcase, rising to £0.4660 per carcase from 1 April 2025. The current charge as set out in Schedule 1 of the existing regulations is £0.3536. The Welsh Government are asked to clarify whether the “0” included after the decimal point is an error, as this figure is significantly lower than the figure for the same period found in equivalent regulations for England and Scotland, which is £0.4287 per carcase. Given that the purpose of these Regulations is to have an uniform approach across the UK, the Welsh Government are asked to clarify whether this is an error or whether it is intended for charges relating to “Soliped” in Wales to diverge from charges listed in the equivalent Scottish and English legislation. Please refer to regulation 2 of the Charges for Residues Surveillance



(Amendment) (England) Regulations 2024/892 and the Charges for Residues Surveillance Amendment (Scotland) Regulations 2024/218.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

These negative resolution regulations were laid at the Senedd on 20 September 2024 but they have come into force on 1 October 2024. Section 11A(4) of the Statutory Instruments Act 1946 sets out the “21 day rule”. This means that if a negative resolution SI is not laid at least **21 calendar days** (including weekends, bank holidays, recess) before the SI comes into force, the Welsh Government must notify the Llywydd and explain why there is a breach of the 21 day rule. The Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, Huw Irranca-Davies MS wrote to the Llywydd on 20 September 2024 and stated the following:

“The change in charges for residues surveillance are proposed to be introduced across GB. In settling the policy and content of the proposed Regulations to be made in relation to Wales, Welsh Government officials undertook further engagement with some stakeholders over the destination of relevant functions. As a result of this engagement, further amendments were made to the draft Regulations so that enforcement functions in relation to the provision of information were conferred on the Welsh Ministers. In addition to this engagement, Welsh Government officials also engaged with the Food Standards Agency to seek (and received) confirmation from the FSA that there were no direct food safety aspects which required FSA advice. This further engagement meant that the draft Regulations could not be settled, made and laid 21 days before they are required to come into effect.

The coming into force date of 1 October has been agreed with UK Government and Scottish Ministers. Divergence would result in different rates being charged in Wales to the rest of GB and a failure to align with a GB wide approach agreed at the Animal and Disease Policy Group. This would lead to considerable disruption to industry. For the reasons outlined, the 21-day convention should not be adhered to.”

Welsh Government response

A Welsh Government response is required to the technical reporting point raised above.

Legal Advisers

Legislation, Justice and Constitution Committee

2 October 2024



Senedd Cymru
Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
—
Welsh Parliament
Legislation, Justice and Constitution Committee