

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 MA-HIDCC-5526-24

The Rt. Hon. Elin Jones MS
Llywydd
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

20 September 2024

Dear Elin,

In accordance with section 11A(4) of the Statutory Instruments Act 1946 I am notifying you that this statutory instrument will come into force on 1 October 2024, less than 21 days after it has been laid. A copy of the instrument and the Explanatory Memorandum that accompanies it are attached for your information.

The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2024 ('the 2024 Regulations') is a Welsh Statutory Instrument (SI) that amends the Charges for Residues Surveillance Regulations 2006. It is being made using powers conferred by the Food Safety Act 1990. The primary purpose of the legislation is to ensure that the appropriate costs of undertaking 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 (NRCP) can be recovered. England and Scotland are implementing equivalent legislation to ensure a consistent approach across GB.

The 2024 Regulations enables for the NCRP to operate on a full cost recovery basis, so food business operators in each of the livestock sectors that take part are invoiced each year. The programme currently costs approximately £5 million per annum to deliver on a GB wide basis, and this is forecast to reach approximately £8 million per annum by 2028. This is due to a rise in the costs of procured services which are necessary to deliver the programme such as sampling, testing, and consumables. Without the proposed revisions to the current charges that NRCP participants pay, it is forecast that there will be an under recovery of the costs of the programme by £1.2 million the current financial year, and the deficit is expected to rise to £3 million per annum by 2029.

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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.

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.

I am copying this letter to the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip Jane Hutt MS, Chair of the Legislation, Justice and Constitution Committee, Mike Hedges MS, Siwan Davies, Director of Senedd Business, Bethan Davies, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Huw Irranca-Davies', written in a cursive style.

Huw Irranca-Davies AS/MS

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