

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: HID/CC/MA/5295/24

Mike Hedges MS
Chair,
Legislation, Justice and Constitution Committee
Welsh Parliament
SeneddLJC@senedd.wales

31 October 2024

Dear Mike,

I am writing to inform the Committee of my intention to consent to the UK Government making and laying the Official Controls (Amendment) Regulations 2024 ('the 2024 Regulations').

We have received a letter from Lord Douglas-Miller the then Minister for Biosecurity, Animal Health, and Welfare, asking for consent to these Regulations, and my officials inform me the request still stands. The Regulations intersect with devolved policy and will apply to Wales. The Regulations will extend to England, Scotland, and Wales and a similar request for consent has been sent to Scottish Ministers.

The Regulations will be made in exercise of the powers conferred under:

- sections 14(1), (2), (3), (4)(a), (b), (e) and (7), 15(1) and 20(1) of the Retained EU Law (Revocation and Reform) Act 2023.

The powers conferred by the Retained EU (Revocation & Reform) Act 2023 are being used to amend pre-existing powers in Regulation (EU) 2017/625 ("the Official Controls Regulation" or "OCR") so that further instruments can be made at a later date. The majority of amendments made by the 2024 Regulations do not have policy impact until the amended powers are exercised at a later date. The following policies will, however, have impact from the coming into force date:

- Allowing Plant Health Inspectors to carry out diagnostic tests at the BCP instead of testing at official laboratories.
- Providing that enforcement powers may allow recovery of cost of debts and collections where fees have not been paid

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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 2024 Regulations provide the legislative basis for further aspects of the BTOM to be delivered including the Trusted Trader schemes for animal products and Authorised Operator Status (“AOS”) for plants and plant products.

The 2024 Regulations revoke and replace provisions in the Official Controls Regulation and other relevant legislation to provide a long-term legislative basis for the BTOM beyond reliance on the Transitional Staging Period (TSP) for relevant goods, and to ensure the BTOM can be updated in response to risk as required by allowing changes to be made administratively.

The Regulations do not commit Welsh Ministers to adopting any future UK Government position on biosecurity. The Regulations do not diminish or undermine the powers of Welsh Ministers in any way.

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 this instrument to apply to Wales to ensure a coherent and consistent sanitary and phytosanitary regime for goods imported into Great Britain; to protect biosecurity and ensure food safety standards are maintained in Wales. I consider that legislating separately for Wales would be neither the most appropriate way to give effect to the necessary changes nor a prudent use of Welsh Government resources given other important priorities.

I have written similarly to Paul Davies MS, Chair of the Economy, Trade and Rural Affairs Committee.

Yours sincerely,



Huw Irranca-Davies AS/MS

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