

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd



Llywodraeth Cymru
Welsh Government

Huw Irranca-Davies MS
Chair of the Legislation, Justice and Constitution Committee
Senedd Cymru
SeneddLJC@senedd.wales

13 September 2023

Dear Huw,

The Plant Protection Products (Miscellaneous Amendments) Regulations 2023

I wish to inform the Committee of my intention to consent to the UK Government making and laying the Plant Protection Products (Miscellaneous Amendments) Regulations 2023.

I received a letter from the UK Minister for Environmental Quality and Resilience, Rebecca Pow on 10 August 2023 asking for my formal consent to The Plant Protection Products (Miscellaneous Amendments) Regulations 2023. The Regulations intersect with devolved policy and will apply to Wales. The Regulation will extend to England, Scotland and Wales and a similar request for consent has been sent to Scottish Ministers.

The Regulations use powers conferred by sections 14 (2) and 20 (1) of the REUL Act 2023. Section 14(2) provides “*A relevant national authority may by regulations revoke any secondary retained EU law and replace it with such provision as the relevant national authority considers to be appropriate and to achieve the same or similar objectives.*” Section 20(1) provides powers to make regulations under the Act includes powers to make (a) different provisions for different purposes or areas; (b) supplementary, incidental, consequential, transitional, transitory or saving provision. For the purposes of Section 21(1) a relevant national authority means a Minister of the Crown, a devolved authority, or a Minister of the Crown acting jointly with one or more devolved authorities.

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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 purpose of the Regulations is to temporarily extend transitional provisions put in place through EU Exit legislation in relation to seed treatments and plant protection products. The aim being to enable a sufficient supply of treated seed and plant protection products on the GB market thus supporting good crop establishment and reduced costs to growers and buyers of food and feed.

The Regulations will follow the affirmative procedure (as required by paragraph 5 of Schedule 5 to the REUL Act). The intention is to lay the Regulations before the UK Parliament on 16 October 2023 with a commencement date of 31 December 2023.

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 the UK Government to legislate on a GB-wide basis. Plant Health and Pesticides are areas where the Welsh Ministers have often consented to the SOS making legislation on a GB-basis due to the GB wide approach to the subject matter. This approach would ensure there is no divergence between Welsh and other GB regulations, reducing any confusion and disadvantage for Welsh trader and reducing any potential administrative burden for the Health and Safety Executive when administering permits for parallel trade and in undertaking any enforcement activity. HSE undertake a number of functions on behalf of Welsh Ministers and the other GB authorities though Agency Agreements.

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

Yours sincerely

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive, flowing style.

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