

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

Our ref: MA HIDCC 1447 25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

SeneddLJC@senedd.wales

15 December 2025

Dear Mike,

The Plant Varieties Act (Amendment) Regulations 2026

I wish to inform the Committee of the intention to consent to the UK Government making and laying the Plant Varieties Act (Amendment) Regulations 2026 (“the Regulations”). The Regulations will be made using powers in section 14 of the Retained EU Law (Revocation and Reform) Act 2023.

The Regulations amend the definition of “small farmer” in section 9(10) of the Plant Varieties Act 1997 (“the 1997 Act”) to provide a clearer definition in line with the policy intention and to remove the potential for confusion in its interpretation. The definition of “small farmer” is connected to the exception in section 9(4) and the payment of equitable remuneration to the holders of plant breeders’ rights (a form of intellectual property). The policy intention was and is for the element of the “small farmer” exception in section 9(10)(b) to apply to the sum of varieties grown in an area, not to each variety grown in an area. This will ensure the intended payments are made to the holders of plant breeders’ rights, supporting innovation and investment in plant breeding.

In accordance with standing order 30A, I consider the Regulations to be a relevant statutory instrument, as they make provision in relation to Wales by amending primary legislation within the legislative competence of the Senedd Cymru. A statutory instrument consent memorandum will therefore be laid within three working days of the Regulations being laid before the UK Parliament.

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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.

Although the Welsh Government's general principle is that the law relating to devolved matters should be made in Wales, on this occasion, it is considered appropriate for the Secretary of State to legislate on a Wales, England, Scotland and Northern Ireland wide basis. Plant Breeders Rights are administered by the 'Controller' of the Plant Variety Rights Office. The Controller is appointed by Welsh, UK, Scottish and Northern Ireland Ministers. Officials from each Government work under the provisional UK Common Framework on Plant Varieties and Seeds. The provision the Regulations amend in the 1997 Act extends to Wales, England, Scotland and Northern Ireland, the policy underpinning the Regulations is aligned across their respective Governments and this method of amendment ensures the timely alignment of the plant breeders' rights regime across their territories.

Though the Regulations will not be made bilingually, I note the 1997 Act itself was not made bilingually.

The Regulations will be laid before the UK Parliament on 20 January.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Huw', with a horizontal flourish underneath.

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