

UK MINISTERS ACTING IN DEVOLVED AREAS

Fertilisers and Ammonium Nitrate Material (Amendment) (EU Exit) Regulations 2018

Laid in the UK Parliament: 1 November 2018

Sifting

Subject to sifting in UK Parliament?	Yes
Procedure:	Proposed negative
Date of consideration by the House of Commons European Statutory Instruments Committee	13 November 2018
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	12 November 2018
Date sifting period ends in UK Parliament	22 November 2018
Written statement under SO 30C:	Paper 6
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	Not known
Procedure	Negative or Affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Commentary

Assembly Legal Services agree with the summary and objective of the amendments made by these Regulations as set out by the Welsh Government in its Written Statement.

As to the reasons why the Welsh Government think it is appropriate that these UK Government Regulations include devolved provisions, Members may wish to consider the reasoning provided in the final two paragraphs of the Written Statement.

“In these exceptional circumstances when we are required to consider and correct an unprecedented volume of legislation within a tight timeframe and with finite resources, the Welsh Government considers it appropriate that we ask the UK Government to legislate on our behalf in a large number of statutory instruments. This ensures that there is a coherent approach wherever possible, to clarify the law across the UK. As

there is no divergence between the Welsh Government and the UK Government on the policy for the correction, it is appropriate for the SI to be made by the UK Government in this instance.

Failing to implement the textual amendments needed to preserve the application of EU Regulations, in this case EU Regulation (EC) 2003/2003 could have potential impacts trade implications. Trade in EU fertilisers is essential as ammonium nitrate supply is considered to be limited and any disruption to supply could amount to a significant shortfall in the UK.”