

Lesley Griffiths AM
Minister for Environment, Energy and Rural Affairs

6 February 2019

Dear Lesley

The Fertilisers and Ammonium Nitrate Material (Amendment) (EU Exit) Regulations 2019 (SICM(5)18)

The Constitutional and Legislative Affairs Committee considered the Statutory Instrument Consent Memorandum in respect of The Fertilisers and Ammonium Nitrate Material (Amendment) (EU Exit) Regulations 2019 (the Regulations) at its meeting on 4 February 2019.

You will know that the Regulations were originally proposed to follow the negative resolution procedure in the UK Parliament in November 2018. When the original draft Regulations were laid before the UK Parliament to be sifted under powers in the European Union (Withdrawal) Act 2018, the Welsh Government laid before the National Assembly a statement, in accordance with Standing Order 30C, summarising the effect of the draft Regulations and notifying the Assembly that consent had been given to UK Ministers to act in relation to Wales. We considered this statement at our meeting on 12 November 2018.

We have now noted that the draft Regulations were never formally made. In their place, these new Regulations have been laid which will follow the affirmative resolution procedure. You will also be aware that these new Regulations are different to the version that were laid before the UK Parliament in November. The most important difference for our purposes is that the new Regulations amend the Agriculture Act 1970, therefore requiring a Statutory Instrument Consent Memorandum to be laid.



On 18 January 2019, you laid the necessary Statutory Instrument Consent Memorandum. However the Welsh Government has not subsequently laid an updated written statement summarising the effect of the Regulations in their current form and confirming whether supplementary consent had been given to UK Ministers.

We consider that the new Regulations are a different set of regulations, and, for that reason, a new written statement should have been made by the Welsh Government in accordance with Standing Order 30C.

In line with our recent progress report on the scrutiny of subordinate legislation arising from the European Union (Withdrawal) Act 2018, I would be grateful if you could confirm that it will be your intention to lay a motion in respect of this Statutory Instrument Consent Memorandum.

I would be grateful for a response from you, setting out your reasons why a revised written statement was not laid before the Assembly, by 14 February 2019.

Yours sincerely



Mick Antoniw AM

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.
We welcome correspondence in Welsh or English.

