

SL(5)357 – The Marketing of Seeds and Plant Propagating Material (Amendment) (Wales) (EU Exit) Regulations 2019

Background and Purpose

This instrument is made under section 2(2) of the European Communities Act 1972 and paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union Withdrawal Act 2018.

The Regulations amend the Seed Marketing (Wales) Regulations 2012 and the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017. The instrument amends (in Part 2) those two sets of Regulations within 21 days of laying and, therefore, before Exit Day. Those amendments are made under the provisions of the 1972 Act. They introduce references to the EEA and Switzerland.

The instrument then makes further amendments to those two sets of Regulations (in Part 3) which will take effect on exit day. Those amendments are made under the 2018 Act.

The provisions make technical changes to ensure that the two sets of Regulations being amended will continue to be operable in Wales after the UK leaves the EU.

Procedure

Negative.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

As regards Standing Order 21.2(vii), the Welsh text incorrectly numbers the Regulations from 2-6 (instead of numbering them from 1-5). Further, at the end of Regulation 17, in the Welsh text, there appears-

“(c)”

Presumably, this is a typographical error.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3(ii)

Implications arising from exiting the European Union

A draft of these Regulations was laid before the Assembly for sifting in accordance with paragraph 4 of Schedule 7 to the European Union (Withdrawal) Act 2018. The Committee agreed that the negative procedure was the appropriate procedure for these Regulations.

Government Response

The Welsh Government notes and accepts the matters contained in the report. The errors are typographical and will be rectified as soon as practicable. Pending rectification, the errors can be addressed by the issue of a correction slip.



Legal Advisers
Constitutional and Legislative Affairs Committee
8 March 2019

