

SL(5)398 – The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Wales) Regulations 2019

Background and Purpose

The Regulations provide a technical update, ensuring animal produce remains safe for consumers from exposure to residue of veterinary drugs, and to prohibit the use of certain illegal drugs. The Regulations also bring Welsh veterinary legislation up to date alongside that of comparative UK and EU legislation.

The Regulations include details of prohibited substances, sampling and analysis, and subsequent offences, penalties and enforcement.

Procedure

Negative.

Technical Scrutiny

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

Standing Order 21.2(vii) that there appear s to be inconsistencies between the meaning of the Welsh and English texts

Regulation 2(1) sets out a number of interpretations for terms in these Regulations. The Welsh text incorrectly states “mae i “awdurdodiad marchnata” (“marketing authorisation”) yr un ystyr ag sydd i yn Erthygl 5.” It should read “mae i “awdurdodiad marchnata” yr un ystyr ag sydd i (“marketing authorisation yn Erthygl 5...”.

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument.

Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly

The Regulations will come into force on 28 March 2019, and were laid on 14 March. As such, they breach the 21 day rule in section 11A(4) of the Statutory instruments Act 1946.

The Explanatory Memorandum states as follows, at paragraph 2:

“The SI is being laid under the ‘Negative Procedure’ with deviation from the standard 21 day laying period. Breaching the 21 day rule will allow the Regulations to come into force before the 29th March when the UK withdraws from the EU, and on which date the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Wales) Regulations 2019 will also be subject to amendment by the Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 in order to ensure



the effective operation of the Regulations following withdrawal of the UK from the EU. A breach of the 21 day rule is therefore thought necessary and justifiable in this case.”

We note the Government’s explanation for the breach of the 21 day rule in this case. On balance, we consider that it was important to ensure that these Regulations came into force before the planned exit day of the UK from the European Union on 29th March 2019.

Implications arising from exiting the European Union

Parts of these Regulations are made in exercise of the powers contained in section 2(2) of the European Communities Act 1972, and will become part of retained EU law on exit day.

Government Response

A government response is required.

Legal Advisers

Constitutional and Legislative Affairs Committee

26 March 2019

