

**Rebecca Evans AC/AM**  
**Y Gweinidog Cyllid a'r Trefnydd**  
**Minister for Finance and Trefnydd**



**Llywodraeth Cymru**  
**Welsh Government**

Ein cyf/Our ref MA-L-LG-0232-19

Elin Jones AM  
Presiding Officer  
National Assembly for Wales

14 March 2019

Dear Elin,

**The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Wales) Regulations 2019**

In accordance with guidance, I am notifying you that in accordance with section 11A(4) of the Statutory Instruments Act 1946, as inserted by paragraph 3 of Schedule 10 to the Government of Wales Act 2006, which affords the rule that statutory instruments come into force at least 21 days from the date of laying, will be breached for the introduction of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Wales) Regulations 2019. The Explanatory Memorandum is attached for your information.

The Regulations are an update to the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997. They ensure animal produce remains safe for consumers from exposure to the residue of veterinary drugs, and to prohibit the use of certain illegal drugs. The Regulations will bring this area of Welsh veterinary legislation up to date alongside that of comparative UK and EU legislation ahead of the UK withdrawing from the EU. The Regulations include details of prohibited substances, sampling and analysis, together with subsequent offences, penalties and enforcement.

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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.

## Background

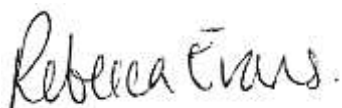
During the drafting of the Regulations, an error was identified in the definition of “maximum residue limit” in UK legislation, and officials at Defra were made aware of this error by Welsh Government staff. In order to ensure consistency across the UK, Defra agreed to provide an updated definition (to be agreed with the Welsh Government), that would be inserted into UK amending legislation by Defra through amending legislation and also inserted into the draft of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Wales) Regulations 2019. However, due to the magnitude of work in preparing legislation ahead of the UK withdrawing from the EU, this definition was not received and agreed to by Welsh Government officials until 8<sup>th</sup> March 2019, later than the 7<sup>th</sup> March deadline for making and laying the Regulations 21 days before the UK leaves the EU.

Breaching the 21 day rule will allow the Regulations to come into force before the 29<sup>th</sup> 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.

An Explanatory Memorandum has been prepared and this has been laid, together with the Regulations, in Table Office.

A copy of this letter goes to Mick Antoniw AM, Chair of the Constitutional and Legislative Affairs Committee and Sian Wilkins, Head of Chamber and Committee Services.

Yours sincerely,



**Rebecca Evans AC/AM**

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