
W E L S H S T A T U T O R Y
I N S T R U M E N T S

2019 No. 799 (W. 151)

AGRICULTURE, WALES

ANIMALS, WALES

**The Rural Affairs (Miscellaneous
Amendments) (Wales) Regulations
2019**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Wales) Regulations 2004 (“the 2004 Regulations”) and the Trade in Animals and Related Products (Wales) Regulations 2011 (“the 2011 Regulations”) in exercise of powers in section 2(2) of the European Communities Act 1972 (c. 68).

The 2004 Regulations enable the Welsh Ministers to establish an appeals procedure if an appeal is made following an initial determination made under any of the Common Agricultural Policy (“CAP”) support schemes listed in the Schedule to those Regulations.

Regulation 2 updates the schemes for which an appeals procedure may be established by the Welsh Ministers so that they align with current EU Regulations. It also revokes the Schedule to the 2004 Regulations which lists individual schemes, many of which have now lapsed or have been updated in EU legislation.

Regulation 3 is a saving provision which provides that where the Welsh Ministers make or have made an initial determination about a scheme listed in the Schedule to the 2004 Regulations before these Regulations came into force, the appeals procedure established under the 2004 Regulations continues to apply.

The 2011 Regulations establish a system for trade in live animals and genetic material and for the importation of live animals, genetic material and products of animal origin.

Regulation 4 corrects an amendment made to regulation 28 of the 2011 Regulations by regulation 12(9) of the Rural Affairs, Environment, Fisheries and Food (Miscellaneous Amendments and Revocations) (Wales) Regulations 2019 (“the 2019 Regulations”).

The 2019 Regulations update references to various pieces of UK and European legislation within domestic legislation relating to agriculture, animal health, animal welfare, education, environmental protection, food, plant health, sea fisheries and water.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**The Rural Affairs (Miscellaneous
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2019**

Made 1 April 2019

*Laid before the National Assembly for
Wales* 5 April 2019

Coming into force 29 April 2019

The Welsh Ministers are designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ (“the 1972 Act”) in relation to the common agricultural policy of the European Union.

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of the 1972 Act.

PART 1

Introduction

Title and commencement

1.—(1) The title of these Regulations is the Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2019.

⁽¹⁾ S.I. 2010/2690.

⁽²⁾ 1972 c. 68. Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7). It is prospectively repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) from exit day (see section 20 of that Act).

(2) These Regulations come into force on 29 April 2019.

PART 2

Amendments to legislation concerning Common Agricultural Policy Non-IACS Appeals

Amendments to the Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Wales) Regulations 2004

2.—(1) The Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Wales) Regulations 2004(1) (“the 2004 Regulations”) are amended as follows.

(2) In regulation 2—

- (a) in the definition of “appellant”, for “listed in the Schedule to these Regulations” substitute “established under provisions in Regulation (EU) 1308/2013, Regulation (EU) 1379/2013, Regulation (EU) 510/2014 and Regulation (EU) 1144/2014”;
- (b) at the end of the definition of “relevant date”, omit “and”;
- (c) in the appropriate place insert the following definitions—
 - (i) ““Regulation (EU) 1308/2013” (*“Rheoliad (EU) 1308/2013”*) means Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001, and (EC) No 1234/2007(2) as last amended by Regulation 2017/2393(3);”;
 - (ii) ““Regulation (EU) 1379/2013” (*“Rheoliad (EU) 1379/2013”*) means Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000(4)

(1) S.I. 2004/685 (W. 73), amended by S.I. 2017/724 (W. 174).

(2) OJ No L 347, 20.12.2013, p. 671.

(3) OJ No L 350, 29.12.2017, p. 15.

(4) OJ No L 354, 28.12.2013, p. 1.

as last amended by Regulation (EU) 2015/812(1);”;

- (iii) ““Regulation (EU) 510/2014” (“*Rheoliad (EU) 510/2014*”) means Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009(2);”;
- (iv) ““Regulation (EU) 1144/2014” (“*Rheoliad (EU) 1144/2014*”) means Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries and repealing Council Regulation (EC) No 3/2008(3);”

(3) In regulation 4(1), for “listed in the Schedule” substitute “established under provisions in Regulation (EU) 1308/2013, Regulation (EU) 1379/2013, Regulation (EU) 510/2014 and Regulation (EU) 1144/2014”.

(4) Omit the Schedule.

Saving provision

3. Where the Welsh Ministers make or have made an initial determination in relation to the administration of a support scheme before these Regulations come into force, the appeals process established under the 2004 Regulations will have effect as if regulation 2 had not been made.

PART 3

Amendment to legislation concerning animals

Amendment to the Trade in Animals and Related Products (Wales) Regulations 2011

4. For regulation 28 of the Trade in Animals and Related Products (Wales) Regulations 2011(4), substitute—

(1) OJ No L 133, 29.5.2015, p. 1.
(2) OJ No L 150, 20.5.2014, p. 1.
(3) OJ No L 317, 4.11.2014, p. 56.
(4) S.I. 2011/2379 (W. 252), amended by 2019/463 (W. 111); there are other amending instruments but none is relevant.

“Admission of products into warehouses

28. No person may bring a consignment of products that does not comply with the import requirements of these Regulations into a warehouse in contravention of Section 2 (customs warehousing) or Section 3 (free zones) of Chapter 3 of Title 7 of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code⁽¹⁾.”

Lesley Griffiths

Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers

1 April 2019

(1) OJ No L 269, 10.10.2013, p. 1.