

UK MINISTERS ACTING IN DEVOLVED AREAS

139 - The Animal Health, Invasive Alien Species, Plant Breeders' Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019

Laid in the UK Parliament: 1 July 2019

Sifting

Subject to sifting in UK Parliament?	Yes
Procedure:	Proposed Negative
Date of consideration by the House of Commons European Statutory Instruments Committee	16 July 2019
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	N/A
Date sifting period ends in UK Parliament	17 July 2019
Written statement under SO 30C:	Paper 8
SICM under SO 30A (because amends primary legislation)	Paper 4

Scrutiny procedure

Outcome of sifting	N/A
Procedure	Affirmative or Negative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Commentary

These Regulations are proposed to be made by the UK Government (in part) pursuant to section 8 (1) of and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018.

These Regulations make a number of technical changes to existing instruments taking into account recent changes to EU legislation which could not be included in earlier EU Exit instruments. The Regulations cover a number of policy areas including: invasive alien species, plant varieties, marketing of seeds and plant material, animal disease control of Transmissible Spongiform Encephalopathies and animal by-products.

Legal Advisers make the following comments in relation to the Welsh Government's statement dated 4 July 2019 regarding the effect of these Regulations:

- Whilst the statement refers to changes made (in regulations 2 and 3) to the Invasive Alien Species (Enforcement and Permitting) Order 2019 and the Marketing of Vegetable Plant Material Regulations 1995, changes to these instruments were made using powers under section 2 (2) of the European Communities Act 1972 rather than powers under the European Union (Withdrawal) Act 2018.
- The Regulations make changes to the Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019. Whilst this instrument is mentioned in the bulleted list on page 1, no further explanation is provided in the statement. There is an explanation on page 3 of the statement which refers to changes made to the Marketing of Seeds and Plant Propagating Material (Amendment etc.) (EU Exit) Regulations 2019, however these Regulations are not included in the bulleted list on page 1.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.