

UK MINISTERS ACTING IN DEVOLVED AREAS

145 - The Animals (Legislative Functions) (EU Exit) Regulations 2019

Laid in the UK Parliament: 21 January 2019

Sifting

Subject to sifting in UK Parliament?	No
Procedure:	Draft affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	N/A
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	N/A
Date sifting period ends in UK Parliament	N/A
Written statement under SO 30C:	Paper 44
SICM under SO 30A (because amends primary legislation)	N/A

Scrutiny procedure

Outcome of sifting	N/A
Procedure	Draft affirmative
Date of consideration by the Joint Committee on Statutory Instruments	13 February 2019
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	5 February 2019

Commentary

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

This instrument provides for a series of legislative functions that are currently conferred by EU legislation upon the European Commission to be exercisable instead by public authorities in the United Kingdom, so that they can be exercised at national level after the UK leaves the EU.

The EU regulations concerned cover animal health and welfare. In each case, the legislative function is conferred upon the European Commission so that it can develop the technical details of the specific regime, without the frequent need to refer back to the EU Council and European Parliament.

This instrument provides for the legislative function in each case to be exercisable by UK authorities upon the UK's withdrawal from the EU. It is designed to ensure that the regimes continue to function without the need for primary legislation every time a change to technical matters is required.

The instrument contains provisions which enable the Welsh Ministers to exercise legislative functions in relation to Wales. The Welsh Ministers may also provide consent to the Secretary of State to exercise functions in relation to Wales.

Functions exercised by the Secretary of State with the consent of the Welsh Ministers may constitute functions of a Minister of the Crown for the purposes of Schedule 7B to the Government of Wales Act 2006. This may be a relevant consideration in the context of the Assembly's competence to legislate in the future in the areas of animals health and welfare.

Legal Advisers agree with the statement laid by the Welsh Government dated 29 July 2019 regarding the effect of these Regulations but note that the instrument also amends Regulation (EU) 2016/1012 of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof. This EU regulation was not included in the list of amended law in the Welsh Government's written statement.

Legislative functions under this regulation will be exercisable as outlined above after the UK's withdrawal from the EU.

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

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.