

UK MINISTERS ACTING IN DEVOLVED AREAS

147 - The Food and Drink (Amendment) (EU Exit) Regulations 2019

Laid in the UK Parliament: 10 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	23 July 2019
Date sifting period ends in UK Parliament	3 September 2019
Written statement under SO 30C:	Paper 48
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	Not recommended for upgrade
Procedure	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 pursuant to section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018.

These Regulations primarily amend wine legislation but also make minor operational amendments to food information rules. The key aim of the Regulations is to ensure that appropriate rules are in place to cover the movement and control of wine products from both a regime and excise perspective. These controls relate to documents that are to accompany wine product movements and any certification requirements. Similar changes are also introduced to rules on the records and declarations that must be kept in relation to the production and trade of wines and which set out the bodies that are responsible for carrying out those controls and checks.

The Regulations make the Secretary of State the liaison body responsible for official contact with third countries relating to matters covered by the Regulations for wine products imported into, or exported from, the United Kingdom. The Secretary of State must not act as such a liaison body without the consent of the Welsh Ministers in relation to wine products imported into or exported from Wales.

The Regulations oblige the Secretary of State to publish certain information and lists in relation to the authorities which carry out certain processes regarding the import and export of wine. The Secretary of State must not publish such information and lists where they apply in relation to Wales without the consent of the Welsh Ministers.

Minor changes are also made to food information laws to make them compatible with legislation that has been introduced by HMRC to replace certain other laws which will cease to operate after the UK leaves the EU.

Legal Advisers agree with the statement laid by the Welsh Government dated 7 August 2019 regarding the effect of these Regulations. 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.