

Draft Regulations laid before the National Assembly for Wales in accordance with section 59(3) of the Government of Wales Act 2006 and paragraph 1(9) of Schedule 7 to the European Union (Withdrawal) Act 2018 for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2019 No. (W.)

**EXITING THE EUROPEAN
UNION, WALES**

SEEDS, WALES

The Seeds (Amendment etc.)
(Wales) (EU Exit) Regulations
2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2 of these Regulations is made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972. Regulation 2 amends the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017 to enable the Welsh Ministers to authorise the marketing of fruit plant and propagating material from countries outside the European Union in certain circumstances.

Part 3 of these Regulations is made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018. Regulation 3 amends the Marketing of Seeds and Plant Propagating Material (Amendment) (Wales) (EU Exit) Regulations 2019 to ensure that the amendment made by regulation 2 continues to operate effectively after the withdrawal of the United Kingdom from the European Union.

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.

Draft Regulations laid before the National Assembly for Wales in accordance with section 59(3) of the Government of Wales Act 2006 and paragraph 1(9) of Schedule 7 to the European Union (Withdrawal) Act 2018 for approval by resolution of the National Assembly for Wales.

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2019 No. (W.)

**EXITING THE EUROPEAN
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**The Seeds (Amendment etc.)
(Wales) (EU Exit) Regulations
2019**

Made

*Coming into force in accordance with
regulation 1(2)*

The Welsh Ministers make these Regulations in exercise of the powers conferred by—

- (a) in relation to Part 1, the powers mentioned in paragraphs (b) and (c);
- (b) in relation to Part 2, section 2(2) of the European Communities Act 1972⁽¹⁾;
- (c) in relation to Part 3, paragraph 1(1) of Schedule 2 to the European Union (Withdrawal) Act 2018⁽²⁾.

(1) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) 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 the definition of “exit day” in section 20 of that Act).

(2) 2018 c. 16.

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

The requirement in paragraph 4(a) of Schedule 2 (relating to consultation with the Secretary of State) to the European Union (Withdrawal) Act 2018 has been satisfied.

In accordance with section 59(3) of the Government of Wales Act 2006⁽²⁾ and paragraph 1(9) of Schedule 7 to the European Union (Withdrawal) Act 2018 a draft of this instrument has been laid before the National Assembly for Wales and approved by a resolution of the National Assembly for Wales.

PART 1

Introduction

Title, commencement and application

1.—(1) The title of these Regulations is the Seeds (Amendment etc.) (Wales) (EU Exit) Regulations 2019.

(2) They come into force as follows—

- (a) as regards this Part and Part 2, on the day after the day on which these Regulations are made;
- (b) as regards Part 3, immediately before exit day.

(3) These Regulations apply in relation to Wales.

PART 2

Marketing of seeds and plant propagating material: amendment of domestic legislation

The Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017

2. In the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017⁽³⁾, in regulation 5, for paragraphs (3) and (4) substitute—

“(3) The Welsh Ministers may authorise the marketing of plant material from any country outside the European Union if satisfied that the

(1) S.I. 2010/2690.
(2) 2006 c. 32. Section 59(3) was amended by section 20(2)(c) of the Wales Act 2017 (c. 4).
(3) S.I. 2017/691 (W. 163), to which there are amendments not relevant to these Regulations.

plant material has been produced under conditions equivalent to the requirements in these Regulations for plant material.”

PART 3

Marketing of seeds and plant propagating material: amendment of domestic legislation consequent on the withdrawal of the United Kingdom from the European Union

The Marketing of Seeds and Plant Propagating Material (Amendment) (Wales) (EU Exit) Regulations 2019

3.—(1) The Marketing of Seeds and Plant Propagating Material (Amendment) (Wales) (EU Exit) Regulations 2019⁽¹⁾ are amended as follows.

(2) In regulation 5(4), for the words before the inserted text substitute—

“In regulation 5—

- (a) in paragraph (3), for “European Union” substitute “United Kingdom”;
- (b) at the end insert—”.

Name

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

Date

(1) S.I. 2019/368 (W. 90).