28 October 2019

Dear Llywydd,

The Genetically Modified Organisms (Deliberate Release) (Amendment) (Wales) (Amendment) Regulations 2019

In accordance with guidance, I am notifying you that section 11A(4) of the Statutory Instruments Act 1946, as inserted by paragraph 3 of Schedule 10 to the Government of Wales Act 2006, which affords the rule that statutory instruments come into force at least 21 days from the date of laying, will be breached for the introduction of the Genetically Modified Organisms (Deliberate Release) (Amendment) (Wales) (Amendment) Regulations 2019. The Explanatory Memorandum is attached for your information.

The Genetically Modified Organisms (Deliberate Release) (Amendment) (Wales) (Amendment) Regulations 2019 make technical amendments to the Genetically Modified Organisms (Deliberate Release) (Amendment) (Wales) Regulations 2019. The changes reflect technical points identified in a draft report by the Constitutional and Legislative Affairs Committee.


The Constitutional and Legislative Affairs Committee (CLAC) produced a draft report on the 2019 Regulations on 16 October 2019. Their report made a number of technical points. The Welsh Government response to the draft report agreed with a number of the points raised and agreed to take steps to make corrections of certain points that had been identified by the Committee. These Regulations do this.
The Genetically Modified Organisms (Deliberate Release) (Amendment) (Wales) (Amendment) Regulations 2019 (as did the 2019 Regulations) rely on the powers contained in section 2(2) of the European Communities Act 1972. There is, therefore, some urgency in making these Regulations in advance of exit day. One of the amendments made by the 2019 Regulations relates to the Genetically Modified Organisms (Deliberate Release and Transboundary Movement) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (EU Exit Regulations 2019). The Genetically Modified Organisms (Deliberate Release and Transboundary Movement) (Miscellaneous Amendments) (Wales) (EU Exit) (No.2) Regulations 2019 (EU Exit No. 2 Amendment Regulations 2019) are currently being drafted. These Regulations will also amend the EU Exit Regulations 2019 and it is anticipated that they will be laid on 28 October, with a coming of force date of (for some provisions) immediately before exit day, and (for other provisions) exit day.

Given that the 2019 Amendment Regulations and the EU Exit No. 2 Amendment Regulations 2019 both amend the EU Exit Regulations 2019, for clarity – on both the statute book and for the ease of understanding for lay readers – it is considered appropriate that the amendments made by the 2019 Amendment Regulations come into force first. The 2019 Regulations come into force on 30 October, and the Genetically Modified Organisms (Deliberate Release) (Amendment) (Wales) (Amendment) Regulations 2019 need to come into force before then. The latest day on which these Regulations should come into force is 29 October. In order to achieve this it is necessary for the 21 day rule to be breached.

An Explanatory Memorandum has been prepared and this has been laid, together with the Regulations, in Table Office.

A copy of this letter goes to Mick Antoniw AM, Chair of the Constitutional and Legislative Affairs Committee and Sian Wilkins, Head of Chamber and Committee Services.

Yours sincerely,

Rebecca Evans AC/AM
Y Gweinidog Cyllid a’r Trefnydd
Minister for Finance and Trefnydd