

SL(5)474 – The Official Feed and Food Controls (Wales) (Miscellaneous Amendments) Regulations 2019

Background and Purpose

These Regulations make amendments in relation to Wales to a number of pieces of secondary legislation relating to food and feed. These Regulations provide for the partial implementation of EU Regulation 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, and of Implementing and Delegated Regulations made under EU Regulations 2017/625.

Procedure

Negative.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly

We note the breach of the 21-day rule (i.e. the rule that 21 days should pass between the date subordinate legislation is laid before the Assembly and the date the subordinate legislation comes into force), and the explanation for the breach provided by Rebecca Evans AM, Minister for Finance and Trefnydd, [in a letter to the Llywydd dated 28 November 2019](#).

In particular, we note what the letter says about these Regulations being “critical to maintaining official controls and enforcement” and that if these Regulations do not come into force on 14 December 2019, this would leave Wales “without a legal framework to enforce official controls and therefore puts public health at risk (as well as animal health and welfare), undermines business and consumer confidence and risks market access to the EU. Without the [Regulations] coming into force on 14 December, the [Food Standards Agency] and other enforcement authorities in Wales will not have the legislative powers to enforce food and feed safety laws.”

Implications arising from exiting the European Union

We note that the drafting of these Regulations was delayed as a result of uncertainty around the status of the United Kingdom being a member state of the European Union.

Government Response

A government response is not required.

Legal Advisers



