

UK MINISTERS ACTING IN DEVOLVED AREAS

WS-30C(6)022 – [The Plant Health and Trade in Animals and Related Products \(Amendment\) Regulations 2022](#)

Laid in the UK Parliament: 19 December 2022

Sifting

Subject to sifting in UK Parliament?	No
Procedure:	Made negative
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
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	N/A
Procedure	Made 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

Background

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

Summary

The Regulations enable the establishment, within Great Britain, of 'demarcated areas' outside of the country in which plant pests or diseases have been found. These are important biosecurity measures which are put in place during plant pest or disease outbreaks which restrict the movement of timber, plants for planting or forestry material. This is needed as current legislation does not allow a demarcated area to be established based on the findings of a pest within another Great Britain country. This means when one country has a plant pest or disease outbreak alongside

the border, currently the other country has no power to bring in demarcated areas as a biosecurity measure.

The Regulations also correct minor errors to ensure that potatoes (other than planting potatoes) originating in certain regions of Lebanon meet specific entry requirements.

Statement by the Welsh Government

Senedd Legal Advisers agree with the statement laid by the Welsh Government dated 20 December 2022 regarding the effect of these Regulations.

It is also noted that the UK Government regulations amend a set of Welsh regulations. While we understand that the Welsh Government would usually make its own amendments to Welsh regulations, in this case the specific power being used to make the amendments belongs to the Secretary of State only.

Intergovernmental Agreement on the European Union (Withdrawal) Bill

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

Senedd 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.