

Government response to draft LJCC report on the Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020

Technical Scrutiny points

The Committee has raised seven reporting points under Standing Order 21.2

(1) Amendment of the Trade in Animals and Related Products (Amendment) (Wales) (EU Exit) Regulations 2019

Regulation 29 (a) omits regulation 2(1) of the Trade in Animals and Related Products (Amendment) (Wales) (EU Exit) Regulations 2019 by error, regulation 29(a) should omit regulation 3(20) from the 2019 Regulations and the Welsh Government will take steps to correct this.

(2) Provision of powers to seize and detain computer equipment

This provision is intended to enable an enforcement officer to seize computer equipment where on site inspection of the data is not possible, for example because it cannot be accessed without more specialist equipment or personnel or because of time constraints.

(3) Amendment of Schedule 1 of the Trade in Animals and Related Products (Wales) Regulations 2011

3. The Welsh Government agree with this reporting point but do not propose to take further action as the entries at issue were replaced with identical text.

(4) Amendment of Schedule 2 to the Trade in Animals and Related Products (Wales) Regulations 2011

The Welsh Government agree with this reporting point and will take steps to correct Schedule 2.

(5) Amendment of regulation 2 of the Trade in Animals and Related Products (Wales) Regulations 2011

Regulation 29 (b) deletes regulation 3(7)(i) from the Trade in Animals and Related Products (Amendment) (Wales) (EU Exit) Regulation 2019, it should delete regulation 3(7) in its entirety and the Welsh Government will take steps to correct this.

(6) Consistency of Welsh and English texts in regulation 13(5).

The Welsh Government agrees with this reporting point and will take steps to correct it.

(7) Consistency of Welsh and English texts in regulation 23(10)

Although one could consider that the addition of the word “modd” somehow changes the emphasis, the Welsh Government believes this accurately conveys the meaning implicit in the word “specifying”, which appears in the English text. A more literal translation would produce an unnatural and inelegant syntax in Welsh, making the Welsh text more difficult to read and understand.

The Committee has raised two merits reporting points, a response to the second is set out below.

9) Timing of these Regulations

The UK administrations liaised closely to develop legislation to enforce Regulation (EU) 2017/625 on official controls across the agri-food chain resulting in each administration making 5 statutory instruments in total. Discussions between the legal services departments of each administration were ongoing throughout Monday, 2 December. Following the discussions on 2 December, both the UK and Scottish Governments were able to make their legislation immediately, with their regulations coming into force on 14 December. The Welsh Government required until 15 January in order to provide the SI (of 14,339 words) bilingually (the draft of which was submitted immediately for translation on 2 December). This time accounted for both the translation of the SI and the necessary equivalence checking. The instrument was then immediately submitted to the Minister.