

UK MINISTERS ACTING IN DEVOLVED AREAS

The Exotic Disease (Amendment) (EU Exit) Regulations 2018

Laid in the UK Parliament: 7 November 2018

Sifting

Subject to sifting in UK Parliament?	Yes
Procedure:	Proposed negative
Date of consideration by the House of Commons European Statutory Instruments Committee	20 November 2018
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	19 November 2018
Date sifting period ends in UK Parliament	26 November 2018
Written statement under SO 30C:	Paper 8
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	Not known
Procedure	Negative or Affirmative
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

Commentary

Assembly Legal Services agrees with the summary and objective of the amendments made by these Regulations as set out by the Welsh Government in its Written Statement of 9 November 2018.

However, Legal Services notes an inconsistency with one of the references in the Written Statement, and wishes to bring it to the attention of Members as follows:

- The Statement refers to Commission Decision 2003/467/EC, which is not dealt with in the Regulations.

As to the reasons why the Welsh Government think it is appropriate that these UK Government Regulations include the devolved provisions, Members may wish to consider the reasoning provided in the following extracts from the Written Statement:

“Exotic disease control is a devolved function.

This negative procedure SI addresses the failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the EU, by addressing deficiencies and failures within the law relating to exotic notifiable disease in livestock.

After exit, without amendment the relevant EU law would not operate properly and it would impact on the ability to control disease outbreaks.

The SI makes amendments to both EU directly applicable legislation and to domestic legislation.

In these exceptional circumstances when we are required to consider and correct an unprecedented volume of legislation within a tight timeframe and with finite resources, the Welsh Government considers it appropriate that we ask the UK Government to legislate on our behalf in a large number of statutory instruments. This ensures that there is a coherent approach wherever possible, to clarify the law across the UK. As there is no divergence between the Welsh Government and the UK Government on the policy for the correction, it is appropriate for the SI to be made by the UK Government in this instance.

The amendments will ensure in relation to exotic disease control, rules and procedures will still be in place to control and eradicate disease in a timely, effective and coordinated manner.”