

## STATUTORY INSTRUMENT CONSENT MEMORANDUM

### The Plant Health (Amendment etc.) (EU Exit) Regulations 2019 (“the 2019 Regulations”).

1. This Statutory Instrument Consent Memorandum is laid under Standing Order (“SO”) 30A.2. SO 30A provides that a Statutory Instrument Consent Memorandum must be laid and a Statutory Instrument Consent Motion may be tabled before the National Assembly for Wales (“the Assembly”) if a UK Statutory Instrument (SI) makes provision in relation to Wales amending primary legislation within the legislative competence of the Assembly.
2. The Plant Health (Amendment etc.) (EU Exit) Regulations 2019 (“the 2019 Regulations”) were laid before the Houses of Parliament on 22 July 2019. The Regulations can be found at:

<https://beta.parliament.uk/work-packages/z5kBsny2>

#### Summary of the Statutory Instrument and its objective

3. The 2019 Regulations address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. They include amendments to primary legislation relating to plant health to remove references to EU obligations.
4. Regulation 2 of the 2019 Regulations makes relevant provision. Regulation 2 removes references to EU obligations in sections 2(1) and 3(1) of the Plant Health Act 1967 and in doing so removes the power of competent authorities (the competent authority for Wales being the Welsh Ministers) to make orders in pursuance of EU obligations.

#### Relevant provision to be made by the SI

5. The amendments made to the 1967 Act by the 2019 Regulations, are as follows:

##### *PART 1*

##### *Amendment of primary legislation relating to plant health*

*2. In sections 2(1) and 3(1) of the Plant Health Act 1967, omit “or called for by any EU obligation”.*

6. The amendments set out in paragraph 6 relates to the subject matter of plant health which is within the legislative competence of the National Assembly for Wales, and which could be the subject of a National Assembly Bill.
7. Section 108A of the Government of Wales Act 2006 provides, among other things, that the Assembly can legislate in relation to matters except those specifically reserved in Schedule 7A to that Act.

## **Why it is appropriate for the SI to make this provision**

8. There is no divergence between the Welsh Government, the Scottish Government and the UK Government on the policy of the correction. Therefore, making separate SIs in Wales, Scotland and England to make the same correction would lead to duplication, and unnecessary complication of the statute book. Consenting to this SI ensures that there is a single amendment across Great Britain, which promotes clarity and accessibility during this period of change. In these exceptional circumstances, the Welsh Government considers it appropriate that the UK Government legislates on our behalf in this instance.

**Lesley Griffiths AM**  
**Minister for Environment, Energy and Rural Affairs**

26 July 2019