

SL(6)306 – The Marketing of Seeds and Plant Propagating Material (Wales) (Amendment) (EU Exit) (No. 2) Regulations 2022

Background and Purpose

These Regulations correct errors identified by the Legislation, Justice and Constitution Committee in its [report](#) on the Marketing of Seeds and Plant Propagating Material (Wales) (Amendment) (EU Exit) Regulations 2022 (“the Original Regulations”). In particular, these Regulations:

- Revoke the Original Regulations; and
- Re-make the relevant operability amendments to the Seed Marketing (Wales) Regulations 2012 and the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

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

Merits Scrutiny

The following 3 points are 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 Senedd

We note the breach of the 21-day convention (i.e. the convention that 21 days should pass between the date a “made negative” instrument is laid before the Senedd and the date the instrument comes into force), and the explanation for the breach provided by Lesley Griffiths MS, Minister for Rural Affairs and North Wales, and Trefnydd, in a [letter](#) to the Llywydd dated 15 December 2022.

In particular, we note the following in that letter:



“The reason for not adhering to the 21 day convention in this case is that the Regulations are being made using powers under the European Union (Withdrawal) Act 2018, and these powers expire on 31 December 2022. As such, the Regulations need to come into force by 31 December.”

2. 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 Senedd

A draft of these Regulations was laid before the Senedd for sifting under paragraph 4 of Schedule 7 to the European Union (Withdrawal) Act 2018, in accordance with Standing Order 27.9A. The Committee considered that draft on 12 December 2022 and agreed that the negative procedure was the appropriate procedure for these Regulations.

3. 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 Senedd

A formal consultation has not been undertaken in respect of these Regulations. In this regard, the following from the Explanatory Memorandum is noted:

“As the Regulations make minor corrections, a formal public consultation did not take place.”

Welsh Government response

A Welsh Government response is not required.

Committee Consideration

The Committee considered the instrument at its meeting on 9 January 2023 and reports to the Senedd in line with the reporting points above.

