



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Official Controls (Amendment) Regulations 2024**

DATE **20 November 2024**

BY **Huw Irranca-Davies MS/AS Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs**

Members of the Senedd will wish to be aware that we are giving consent to the Secretary of State exercising a subordinate legislation-making power in a devolved area in relation to Wales.

Agreement was sought by Lord Douglas-Miller the then Minister for Biosecurity, Animal Health and Welfare to make a Statutory Instrument (SI) titled the Official Controls (Amendment) Regulations 2024 (“the 2024 Regulations”) to apply in relation to the United Kingdom.

The above titled SI was made by the Minister of State for Biosecurity, Animal Health and Welfare, Baroness Sue Hayman, in exercise of the powers conferred under sections 14(1), (2), (3), (4)(a), (b), (e) and (7), 15(1) and 20(1) of the Retained EU Law (Revocation and Reform) Act 2023. The 2024 Regulations are subject to the affirmative procedure.

Consent has been given for the UK Government to make this instrument as a result of the agreement on the Border Target Operating Model between the three governments in Great Britain to introduce a coherent and consistent sanitary and phytosanitary regime for goods imported into Great Britain; to protect biosecurity and ensure food safety standards are maintained in Wales. The Regulations and accompanying Explanatory Memorandum, setting out the purpose, and effect of the 2024 Regulations are available here:

[The Official Controls \(Amendment\) Regulations 2024.](#)

The powers conferred by the Retained EU (Revocation & Reform) Act 2023 are being used to amend pre-existing powers in Regulation (EU) 2017/625 (“the Official Controls Regulation” or “OCR”) so that further instruments can be made at a later date. The majority of amendments made by the 2024 Regulations do not have policy impact until

the amended powers are exercised at a later date. The following policies will, however, have impact from the coming into force date:

- Allowing Plant Health Inspectors to carry out diagnostic tests at the BCP (once operational) instead of testing at official laboratories.
- Providing that enforcement powers may allow recovery of cost of debts and collections where fees have not been paid

The 2024 Regulations provide the legislative basis for further aspects of the BTOM to be delivered including the Trusted Trader schemes for animal products and Authorised Operator Status (“AOS”) for plants and plant products.

The 2024 Regulations revokes and replaces provisions in the Official Controls Regulation and other relevant legislation to provide a long-term legislative basis for the BTOM beyond reliance on the Transitional Staging Period (TSP) for relevant goods.

The 2024 Regulations do not commit Welsh Ministers to adopting any future UK Government position on biosecurity. The 2024 Regulations do not diminish or undermine the powers of Welsh Ministers in any way.

I would like to reassure the Senedd it is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence. However, in certain circumstances there are benefits in working collaboratively with the UK Government where there is a clear rationale for doing so. On this occasion, I have given my consent to these Regulations for reasons of efficiency and expediency in future policy change and adherence to international obligations, cross-UK coordination, and consistency.

The UK Government have stated most of the changes made by this instrument do not directly implement any policy, but, rather, ensure that the existing regulation-making powers are updated to enable the policies underpinning the BTOM to be delivered in the longer term. Further instruments will be introduced exercising the amended powers.