



**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE **The Windsor Framework (Plant Health) Regulations 2023**

DATE **05 September 2023**

BY **Lesley Griffiths MS, Minister for Rural Affairs and North Wales
and Trefnydd**

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 Benyon, Minister for Biosecurity, Marine and Rural Affairs at the Department for Environment, Food and Rural Affairs (DEFRA) to make a Statutory Instrument (SI) titled the Windsor Framework (Plant Health) Regulations 2023.

The above titled SI will be made by the Secretary of State, in exercise of the powers conferred under paragraph 8C(1) of Schedule 7 to the European Union (Withdrawal) Act 2018. The SI relates to the implementation of the Windsor Framework, as agreed between the UK and the EU on 27th February 2023.

The amendments contained in the Regulations lay the foundations for changing the way in which plants, plant products and other objects move between Great Britain (“GB”) and Northern Ireland (“NI”) by introducing initial requirements for a NI Plant Health Label scheme.

The NI Plant Health Label scheme will enable the movement of various plants and plant products from a GB professional operator to a NI professional operator. It is anticipated this will become similar to the currently used UK Plant Passport scheme. The plants and plant products included in the NI Plant Health Label scheme are:

- plants for planting;
- seed potatoes; and
- vehicles and machinery which have been operated for agricultural or forestry purposes and equipment for their movement from GB to NI.

The SI was laid before the UK Parliament on 5 September 2023 to come into force on 1 October 2023.

Any impact the SI may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence

These measures under the Windsor Framework broaden the executive competence of the Welsh Ministers by conferring functions on them (in their capacity as the 'Competent Authority' for Wales) without encumbrance. The SI does not transfer any functions to the Secretary of State.

The purpose of the amendments

The purpose of the Regulations is to protect biosecurity and support trade between Northern Ireland and Great Britain. The amendments contained in the Regulations lay the foundations for changing the way in which plants and other objects move between GB and NI by introducing initial requirements for a NI Plant Health Label scheme.

The Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments is available here:

<http://www.legislation.gov.uk/id/uksi/2023/957>

Why consent has been given

Consent has been given for the UK Government to make this instrument in relation to, and on behalf of, Wales as the SI relates to a devolved area, however, the SI operates GB-wide and has effect as to the acceptance of goods into Northern Ireland. It also places requirements on Northern Ireland operators. Making this SI GB-wide will protect biosecurity by introducing protective measures such as the new NI Plant Health Label Scheme. It is imperative for businesses that we maintain the same regime for the new NI Plant Health Label Scheme either side of the border.