



**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE **The Windsor Framework (Retail Movement Scheme: Plant and Animal Health) Regulations 2024**

DATE **12 August 2024**

BY **Huw Irranca-Davies MS, Cabinet Secretary for Climate Change and Rural Affairs**

Members of the Senedd will wish to be aware that we gave 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 previous Minister for Biosecurity, Animal Health and Welfare at the Department for Environment, Food and Rural Affairs (DEFRA) to make a Statutory Instrument (SI) titled The Windsor Framework (Retail Movement Scheme: Plant and Animal Health) Regulations 2024.

The above titled SI will be made by the Secretary of State, in exercise of the powers conferred under section 8C(1) and (2) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018.

The Regulations amend GB legislation in the Official Control Regulations, the Plant Health Regulations and the Phytosanitary Conditions Regulations and make references to EU POAO Regulations for multiple purposes. Primarily the amendments expand the list of non-EU, Rest of the World (RoW), plants, plant products and products of animal origin (POAO) goods eligible for movement under the Northern Ireland Retail Movement Scheme (NIRMS) and the facilitated movement scheme.

The SI was laid before the UK Parliament on 9 August 2024 and will come into force on 26 August 2024 for Regulation 3 and 2 September 2024 for all other purposes.

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

<https://www.legislation.gov.uk/ukxi/2024/853/contents/made>

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

Although the Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, it is considered appropriate for the substance of the amendments to apply to Wales. 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. Given the application to Northern Ireland it would not be within competence of Welsh Ministers to wholly make this SI as Wales-only. Additionally, there is no policy divergence between the Welsh and UK Government in this matter. This ensures a coherent and consistent statute book with the regulations being accessible in a single instrument. Making the regulations GB-wide also ensures there will be no risk of legislative divergence in the UK which would likely jeopardise the continued implementation of the Windsor Framework.