

UK MINISTERS ACTING IN DEVOLVED AREAS

198 - Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020

Laid in the UK Parliament: 20 October 2020

Sifting

Subject to sifting in UK Parliament?	No
Procedure:	Draft affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	NA
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	NA
Date sifting period ends in UK Parliament	NA
Written statement under SO 30C:	Paper 32
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	NA
Procedure	Draft affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	3 November 2020

Background

These Regulations are proposed to be made by the UK Government pursuant to section 8(1) of, and paragraph 7 of Schedule 4 and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018.

Summary

These Regulations are made to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

The Regulations amend redundant references to European Union laws and systems which will no longer be relevant at the end of the Transition Period to ensure a functioning system for the importation of live animals (including equines), products of animal origin (including meat), animal by-products, and germplasm whilst maintaining biosecurity and welfare standards. These changes aim to maintain the existing import regime and the amendments to directly applicable European Union Regulations and Decisions made by this instrument are technical in nature.

The Regulations also amend, and revoke, previously made EU Exit SIs.

Statement by Welsh Government

Legal Advisers agree with the statement laid by the Welsh Government dated 27 October 2020 regarding the effect of these Regulations.

These Regulations confer functions on the Secretary of State to be exercised with the consent of Welsh Ministers, but also on a concurrent basis.

If the Senedd wishes to remove the UK Minister element of a concurrent function, then the UK Government would have to consent to the removal. To that extent, the Regulations impact on the legislative competence of the Senedd. We note that the Welsh Government is in discussions with the UK Government regarding a section 109 order (i.e. an Order in Council made under section 109 of the Government of Wales Act 2006 ('GOWA 2006')). Such an order would negate the impact on the legislative competence of the Senedd by removing the need for UK Government consent in relation to concurrent functions.

Functions transferred so that they are exercisable by the Secretary of State alone or with the Welsh Ministers' consent constitute functions of a Minister of the Crown for the purposes of Schedule 7B to GOWA 2006.

Intergovernmental Agreement on the European Union (Withdrawal) Bill

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.