

SL(5)703 – The Marketing of Seeds and Plant Propagating Material (Amendment) (Wales) (EU Exit) Regulations 2020

Background and Purpose

These Regulations are made by the Welsh Ministers under paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018, 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 make technical amendments and corrections to domestic secondary EU Exit legislation relating to seeds, plants for planting and reproductive material as a consequence of EU Exit. The explanatory memorandum to the Regulations confirms that the Regulations do not make any policy changes.

The Regulations came into force on 30 December 2020 (regulations 1, 3 and 5) and immediately before IP completion day (regulations 2 and 4).

Procedure

Made Affirmative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd.

The Senedd must approve the Regulations within 28 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were made for them to continue to have effect.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

Regulation 4(3)(j)(iv) of the subject regulations substitutes regulation 4(13)(f) of the Marketing of Seeds and Plant Propagating Material (Amendment) (Wales) (EU Exit) Regulations 2019, which amends paragraph 10 of Schedule 4 to the Seed Marketing (Wales) Regulations 2012 (the “2012 Regulations”).

Paragraph 10 of Schedule 4 to the 2012 Regulations concerns the marketing of unlisted varieties of vegetable seed and, as amended, provides at sub-paragraph (1) that for the purpose of gaining knowledge and practical experience of a variety during cultivation, the



Welsh Ministers may authorise the marketing of vegetable seed not listed on the GB Variety List, provided an application has been made for entry into the GB Variety List or the NI Variety List.

Sub-paragraph (4) of that paragraph, as amended, provides that authorisation may only be requested by the person who has submitted an application for entry of the varieties concerned on to the GB Variety List, NI Variety List or an equivalent list of a country granted equivalence.

It is not immediately clear why a person who submits an application for entry onto an equivalent list is permitted to request authorisation from the Welsh Ministers in these circumstances, given that a condition for that authorisation is that an application has been made for entry into the GB Variety List or the NI Variety List (and not an equivalent list).

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

19 January 2021

