

Explanatory Memorandum to the Charges for Residues Surveillance (Amendment and Revocation) (Wales) Regulations 2025

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer within the Department for Local Government, Housing, Climate Change and Rural Affairs of the Welsh Government and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Charges for Residues Surveillance (Amendment and Revocation) (Wales) Regulations 2025.

Huw Irranca-Davies MS

Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

21 March 2025

1. Description

- 1.1 The 'Charges for Residues Surveillance (Amendment and Revocation) (Wales) Regulations 2025' ("these Regulations") revoke and replace the 'Charges for Residues Surveillance (Amendment) (Wales) Regulations 2025' ("the 2025 Regulations").
- 1.2 The 2025 Regulations were made to amend a drafting error in the 'Charges for Residues Surveillance (Amendment) (Wales) Regulations 2024' ("the 2024 Regulations"). Regulation 2(5) of the 2024 Regulations substituted and inserted a new Schedule 1 into the 'Charges for Residues Surveillance Regulations 2006'. This new Schedule detailed the revised charges to be recovered for residue surveillance of different types of "creature or animal product". In column 2 of the new Schedule, the charge from 1 October 2024 to 31 March 2025 for "Soliped" is '£0.04287' per carcase, rising to '£0.4660' per carcase from 1 April 2025. The correct figure for residue surveillance of Solipeds, from 1 October 2024 to 31 March 2025, should have read '£0.4287' per carcase, rising to '£0.4660' per carcase from 1 April 2025.
- 1.3 Regulation 1(3) of the Welsh language version of the 2025 Regulations incorrectly referred to a coming into force date of '28 March 2028' instead of '28 March 2025'. These Regulations will revoke and remake the 2025 Regulations.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

- 2.1 The 2025 Regulations were being made to address errors identified in the Legislation, Justice and Constitution Committee's report on the 2024 Regulations SL(6)529¹.
- 2.2 In accordance with section 11A(4) of the Statutory Instruments Act 1946, the Llywydd has been informed that the Charges for Residues Surveillance (Amendment and Revocation) (Wales) Regulations 2025 will come into force less than 21 days after the instrument has been laid.
- 2.3 The coming into force date of 27 March is necessary to revoke and replace the 2025 Regulations before they come into force on 28 March.

3. Legislative background

- 3.1 To give effect to the required change set out in paragraph 1, it is proposed that the Welsh Ministers exercise powers under section 45(1), (2) and 48(1)(b) and (c) of the Food Safety Act 1990 ('the 1990 Act'). Section 45(1) enables the Welsh Ministers to make regulations to require or authorise charges to be imposed by enforcement authorities in respect of things done or to be done by them which they are required or authorised to do under the

¹ <https://senedd.wales/media/ramcnikd/cr-ld16716-e.pdf>

1990 Act. Paragraph (2) enables the regulations to include such provision as the Welsh Ministers see fit as regards charges for which the regulations provide and the recovery of such charges.

- 3.2 Section 48(b) and (c) enables regulations made under the 1990 Act to make different provision in relation to different cases or classes and to provide supplementary, incidental, consequential or transitional provision as the Welsh Ministers consider necessary or expedient.
- 3.3 By virtue of section 48(3), these regulations will be subject to the negative procedure.

4. Purpose and intended effect of the legislation

- 4.1 The 2024 Regulations updated the charges payable to the Veterinary Medicines Directorate (VMD) in relation to the surveillance for residues of veterinary medicines and certain other substances in food animals and animal products as part of the National Residues Control Programme (NRCP). The 2025 Regulations were made to correct the revised charge to be recovered for residue surveillance of Solipeds, from 1 October 2024 to 31 March 2025, to £0.4287 per carcase. That change will be retained in this instrument, the 'Charges for Residues Surveillance (Amendment and Revocation) (Wales) Regulations 2025'.
- 4.2 There are no slaughterhouses in Wales that are licensed to slaughter Solipeds, so this error does not have a detrimental impact on the delivery of the NRCP.
- 4.3 These Regulations will revoke and replace the 2025 Regulations so as to retain the updated soliped residue surveillance charge and will come into force from 27 March 2025.
- 4.4 This is to correct the statute book, ensuring the 2024 Regulations are implemented uniformly across the UK, which will provide clarity to both the VMD and operators.

5. Consultation

- 5.1 Before exercising the powers cited above, section 48(4) and article 9 of Regulation (EC) No. 178/2002 requires a consultation to be undertaken. The schedule of charges which were inserted into the 2006 regulations were subject to a consultation (<https://www.gov.uk/government/consultations/national-residues-control-programme-revision-of-charges>).
- 5.2 On the basis that officials have already consulted upon the correct figure for the 2024 Regulations, the consultation requirement has been satisfied and there is no need for a further specific consultation on this amendment.
- 5.3 In addition, where Regulations are made using powers conferred by the 1990 Act, section 48(4A) of that Act requires that: "*Before making any regulations or*

order under this Act, the Secretary of State shall have regard to any relevant advice given by the Food Standards Agency”.

- 5.4 In Wales, functions were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the Food Standards Act 1999 Act. Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006.
- 5.5 The Food Standards Agency (FSA) Wales was consulted prior to the making of the 2025 Regulations and have since been consulted on this instrument. They are content with the action being taken.

6. Regulatory Impact Assessment (RIA)

- 6.1 An RIA has not been prepared for this instrument as it does not alter the policy (or its impact) in any way. This is line with the policy set out in the Welsh Minister's code of practice for carrying out regulatory impact assessments for subordinate legislation.

7. Impact on businesses, charities and voluntary bodies

- 7.1 These Regulations have no impact on any business, charity or voluntary body as there are no slaughterhouses licensed to slaughter Solipeds in Wales.