



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT

BY

THE WELSH GOVERNMENT

TITLE **The Plant Varieties Act (Amendment) Regulations 2026**

DATE **2 March 2026**

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

Members of the Senedd will wish to be aware I have laid a statutory instrument consent memorandum (“the memorandum”) in relation to the Plant Varieties Act (Amendment) Regulations 2026 (“the Regulations”), laid before the UK Parliament on 25 February.

Agreement was sought by the UK Minister for Biosecurity, Borders and Animals, Baroness Hayman, to make the Regulations. The Regulations apply to Wales, England, Scotland, and Northern Ireland.

The Regulations are made by the Secretary of State in exercise of powers conferred by section 14(2) of the Retained EU Law (Revocation and Reform) Act 2023. The Regulations amend the definition of “small farmer” in section 9(10) of the Plant Varieties Act 1997 to provide a clearer definition in line with the policy intention and to remove the potential for confusion in its interpretation. The definition of “small farmer” is connected to the exception in section 9(4) and the payment of equitable remuneration to the holders of plant breeders’ rights (a form of intellectual property). The policy intention was and is for the element of the “small farmer” exception in section 9(10)(b) to apply to the sum of varieties grown in an area, not to each variety grown in an area.

I have laid the memorandum in accordance with standing order 30A. I consider the Regulations to be a relevant statutory instrument because they make provision in relation to Wales amending primary legislation within the legislative competence of the Senedd, which is not an incidental, consequential, transitional, transitory,

supplementary or savings provision relating to matters that are not within the legislative competence of the Senedd.

Although the Welsh Government's general principle is that the law relating to devolved matters should be made in Wales, on this occasion, it is considered appropriate for the Secretary of State to legislate on a Wales, England, Scotland and Northern Ireland wide basis. Plant Breeders Rights are administered by the 'Controller' of the Plant Variety Rights Office. The Controller is appointed by Welsh, UK, Scottish and Northern Ireland Ministers. Officials from each Government work under the provisional UK Common Framework on Plant Varieties and Seeds. The provision the Regulations amend in the 1997 Act extends to Wales, England, Scotland and Northern Ireland, the policy underpinning the Regulations is aligned across their respective Governments and this method of amendment ensures the timely alignment of the plant breeders' rights regime across their territories.

Though the Regulations do not alter the legislative competence of the Senedd or the executive powers of the Welsh Ministers, they amend legislation within devolved competence, and I have therefore sought the agreement of the Senedd.

Though the Regulations will not be made bilingually, I note the 1997 Act itself was not made bilingually.

The Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments is available [here](#).