



Paul Davies MS,
Chair, Economy, Trade, and Rural Affairs Committee
Senedd Cymru

6 October 2022

Dear Paul

I am writing to inform the Committee I have given my consent to the Secretary of State to lay The Pests of Plants (Authorisations) (Amendment) Regulations 2022 in relation to Wales. I have laid a Written Statement which can be found at: <https://gov.wales/written-statement-pest-plants-authorisations-amendment-regulations-2022>

I have received a letter from Victoria Prentis MP, Minister of State for Farming, Fisheries and Food, asking for consent to these Regulations. The Regulations intersect with devolved policy and will apply to Wales. The provisions could be made by Welsh Ministers in exercise of our own powers. The Regulation will extend to England, Scotland and Wales.

The current GB scientific authorisation regime issues authorisations which allow pests or plants, plant products and other material which would normally be prohibited, to be imported into or moved within Great Britain for official testing, scientific or educational purposes, trials, varietal selections, or breeding. Only designated quarantine stations or confinement facilities, which have been approved as suitable to contain the specified material, are eligible for an authorisation to introduce and store these materials. The amendments will reduce the administrative burden on authorisation holders and GB plant health services. Amendments will be made the Letter of Authorisation (LoA) to streamline the process whilst preserving biosecurity.

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. This is because 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. In addition, there is an urgent need to introduce this legislation, to protect biosecurity in Wales. I consider legislating separately for Wales would be neither the most appropriate way to give effect to the necessary changes, especially given the urgent nature

of the Regulations, nor a prudent use of Welsh Government resources given other important priorities.

These Regulations do not have implications for the Programme for Government. Preventing the entry of plant pests and diseases supports the majority of well-being goals in the Well-being of Future Generations (Wales) Act and will have a direct, positive contribution to the “a healthier Wales” and a ‘resilient Wales’ goals, together with associated impacts on the goals of “a prosperous Wales” and “a globally responsible Wales”.

The Regulations were made in exercise of the powers conferred by Articles 8(5) and 48(5) of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants. The Statutory Instrument (SI) is subject to the negative procedure and was laid before Parliament on 3 October 2022 with a commencement date of 1 November 2022.

I have written similarly to Huw Irranca-Davies MS, the Chair of the Legislation, Justice, and Constitution Committee.

Regards

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end.

Lesley Griffiths AS/MS
Minister for Rural Affairs and North Wales, and Trefnydd