

SL(5)373 – The Food and Feed Regulated Products (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

Background and Purpose

These Regulations (other than regulation 3(6)) are made under paragraph 1(1) of Schedule 2 to the European Union (Withdrawal) Act 2018 to try 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.

Regulation 3 (6) is made under section 16 of the Food Safety Act 1990.

The Regulations make amendments to subordinate legislation applying in Wales in the field of genetically modified food and feed, materials and articles in contact with food and of determining the level of vinyl chloride released by those materials and articles.

Procedure

Negative.

Technical Scrutiny

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

Standing Order 21.2(i) – that there appears to be doubt as to whether it is intra vires

Regulation 3 (6) is made under section 16 of the Food Safety Act 1990.

Section 48 (4A) of the Food Safety Act 1990 requires the Welsh Ministers to have regard to any relevant advice given by the Food Standards Agency before making any regulations under the Act.

The preamble to the Regulations does not state that Welsh Ministers have had regard to any relevant advice given. Whilst the Explanatory Memorandum states that it has been prepared by the Food Standards Agency it is also silent as to whether the requirements of section 48 (4A) of the Food Safety Act 1990 have been complied with.

Merits Scrutiny

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

Implications arising from exiting the European Union

A draft of these Regulations was laid before the Assembly for sifting in accordance with paragraph 4 of Schedule 7 to the European Union (Withdrawal) Act 2018. The Committee agreed that the negative procedure was the appropriate procedure for these Regulations.

Government Response

A government response is required.

Legal Advisers



