

# SL(5)380 – The Food (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

## Background and Purpose

These Regulations are made in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 in order 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. They amend subordinate legislation, that applies in relation to Wales, in the field of food marketing, labelling, classification and other related measures.

These Regulations also make provision in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 to update references to certain EU instruments in the Reporting of Prices of Milk Products (Wales) Regulations 2011.

## Procedure

Affirmative

## Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2(vi) (defective drafting) in respect of this instrument.

The final paragraph of the preamble to the Regulations refers to section 59(3) of the Government of Wales Act 2006. That provision applies to statutory instruments that have not been approved by resolution of the Assembly, to which the negative procedure therefore applies. As these Regulations have been laid in draft for approval under the affirmative procedure, section 59(3) is not relevant. However, citing a superfluous provision does not affect the validity of the instrument or affect the substantive changes made by the Regulations, so no correction is required.

## 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

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

## Government Response

A government response is not required.

## Legal Advisers

**Constitutional and Legislative Affairs Committee**



8 March 2019



**National Assembly for Wales**  
Constitutional and Legislative Affairs Committee