

## UK MINISTERS ACTING IN DEVOLVED AREAS

### **113 - The Animal Health, Plant Health, Seeds and Seed Potatoes (Amendment) (EU Exit) Regulations 2019**

*Laid in the UK Parliament: 12 February 2019*

#### **Sifting**

Subject to sifting in UK Parliament?	Yes
Procedure:	Proposed negative
Date of consideration by the House of Commons European Statutory Instruments Committee	26 February 2019
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	W/C 25/02/2019
Date sifting period ends in UK Parliament	28 February 2019
Written statement under SO 30C:	Paper 48
SICM under SO 30A (because amends primary legislation)	Not required

#### **Scrutiny procedure**

Outcome of sifting	Not known
Procedure	Negative or Affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

#### **Commentary**

These Regulations are proposed to be made by the UK Government pursuant to:

- section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 of the European Union (Withdrawal) Act 2018 and
- section 2(2) of the European Communities Act 1972.

The latter power is used to incorporate recent changes to EU law being retained.

These Regulations seek to ensure that, in the fields of trade in animals and animal products, production of animal feed, plant health, and the marketing of seed potatoes, unlisted seed vegetable varieties and fruit propagating material, retained direct EU legislation and domestic

legislation implementing certain EU Directives will remain operable after the UK has left the EU.

In relation to plant health and seed potatoes this instrument makes amendments to domestic implementing legislation and EU Exit legislation to facilitate trade with the Crown Dependencies. Apart from amending EU exit legislation to take account of recent changes to EU law, most of the other changes that it makes to related legislation applies only to England.

Legal Advisers agree with the statement laid by the Welsh Government dated 18 February 2019 regarding the effect of these Regulations.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect and the extent to which these Regulations would enact new policy in devolved areas.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.