

SL(5)493 – The Plant Health etc. (Fees) (Wales) (Amendment) Regulations 2020

Background and Purpose

These Regulations amend the Plant Health etc. (Fees) (Wales) Regulations 2018, which specify fees payable to the Welsh Ministers in relation to plant health services and the certification of seed potatoes and fruit plants and fruit plant propagating material.

These Regulations are made in exercise of powers in section 56(1) and (2) of the Finance Act 1973 – those powers are conferred on the Welsh Ministers by virtue of section 59(5) of the Government of Wales Act 2006. The powers permit the Welsh Ministers to make regulations which require the payment of fees or other charges for the provision of any services or facilities or the issue of any authorisation, certificate or other document, in pursuance of any EU obligation. This instrument requires and has received Treasury consent.

In relation to EU withdrawal the Explanatory Memorandum states, “In the event of the withdrawal of the UK from the EU on 31 January 2020, it is anticipated an Implementation Period would apply until the end of 2020. During this period the UK would continue to apply EU requirements including those on imports and the system of reduced frequency import inspections described above. Therefore, although these Regulations are related to EU arrangements, and the UK is not expected to be member of the EU when they take effect, the system of import inspections, including scope for reduced frequency checks, will not change immediately on exit. Hence, it is important to make these changes.”

Procedure

Negative.

Technical Scrutiny

No technical points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following merits point is identified for reporting under Standing Order 21.3 in respect of this instrument.

- 1. Standing Order 21.3(i) – that it imposes a charge on the Welsh Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the government or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment.**

These Regulations amend the fees payable to the Welsh Ministers in the circumstances described above.

Implications arising from exiting the European Union

These Regulations amend the 2018 Regulations which implement, in Wales, various EU obligations in relation to plant health. The amended 2018 Regulations will form part of retained EU law after IP completion day (i.e. the end of the implementation period, on 31 December 2020).



Government Response

A government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

4 February 2020



Cynulliad Cenedlaethol Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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National Assembly for Wales

Legislation, Justice and Constitution Committee