

SL(5)386 - The Rural Affairs, Environment, Fisheries and Food (Miscellaneous Amendments and Revocations) (Wales) Regulations 2019

Background and Purpose

These Regulations introduce miscellaneous amendments to a number of statutory instruments relating to education, environmental protection, agriculture, animal health and welfare, education, environment, food, plant health, sea fisheries and water. The majority of the changes amend out of date references to European and domestic legislation. The instrument also makes a small number of revocations in relation to redundant legislation.

The technical changes made by these Regulations are necessary to ensure the effective and correct functioning of the statute book following the UK's exit from the EU.

Additional amendments cover the following:

- Changes to the Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations 2013 to introduce an ambulatory reference to Directives 2008/1333/EC, 2008/1334/EEC;
- Amendment to the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009 to reflect the addition of hazardous substances to the list of dangerous substances, plant protection products and biocidal products;
- Amendment to the Private Water Supplies (Wales) Regulations 2017 to ensure up to date transposition of the Drinking Water Directive (Council Directive 98/83/EC).

Procedure

Negative.

In so far as the Regulations are made under the European Communities Act 1972 that Act provides that either negative or affirmative resolution approval procedure may be used and therefore a decision as to which procedure is appropriate must be made according to the particular circumstances of the individual piece of legislation. The explanatory memorandum says that "these Regulations are being made under negative resolution on the basis that they are not controversial or novel, do not amend primary legislation, do not impose or increase a financial burden and do not include consideration of any matters of public policy such as the creation of a new criminal offence." Legal services agree with this view.

Technical Scrutiny

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



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

After the UK exits the European Union, this instrument will become part of retained EU law.

Government Response

A government response is not required.

Legal Advisers

Constitutional and Legislative Affairs Committee

20 March 2019

