

# 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 1990 Act).

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

---

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

## Merits Scrutiny

---

One point is identified for reporting under Standing Order 21.3 in respect of this instrument.

### **1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly**

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

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

The preamble to the Regulations does not state that Welsh Ministers have had regard to such advice. While the Welsh Government has confirmed that it has had regard to that advice and that the Explanatory Memorandum will be amended to reflect that, we note that the preamble to the Regulations will not be so amended.

We believe it is good legislative practice to refer, in the preamble to the Regulations, to any pre-conditions that apply before the Regulations can be made.

## 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.

## Committee Consideration

---

The Committee considered the instrument at its meeting on 18 March 2019 and reports to the Assembly in line with the merits points above.

