

SL(5)448 – The Plant Health (Wales) (Amendment) (No. 3) Order 2019

Background and Purpose

The Plant Health (Wales) Order 2018 (“the 2018 Order”) contains measures to prevent the introduction and spread of harmful plant pests and diseases. The Plant Health (Wales) (Amendment) (No. 3) Order 2019 (“the 2019 Order”) amends the 2018 Order to implement control measures to minimise the risk of the introduction into and spread of various pests and diseases in Wales.

Procedure

Negative.

Technical scrutiny

The following technical point is identified for reporting under Standing Order 21.2 in respect of this instrument.

- 1. Standing Order 21.2(vi) – That its drafting appears to be defective or it fails to fulfil statutory requirements.**

We are not clear whether new item 64 in the table in Part A of Schedule 4 to the 2018 Order accurately reflects new point 34 in Section 1 of Part A of Annex IV to Council Directive 2000/29/EC. We question whether the reference in paragraph (c)(ii)(bb) in the third column of the table at paragraph 7(a)(ix) of the 2019 Order to “the requirements specified in paragraph (a)” should state “the requirements specified in paragraphs (a) and (b)”.

We also seek clarification whether the reference at the end of paragraph (c)(ii)(bb) should refer to sub-paragraph (c) instead of sub-paragraph (i).

Merits scrutiny

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

Implications arising from exiting the European Union

The 2018 Order, which is being amended by this instrument, implements various EU obligations in respect of plant health law. The 2018 Order, as amended, will form part of retained EU law after exit day.

Government Response

With regard to the question posed, the WG agree and consider that this reference requires amendment. This change will be made at the next available opportunity.

With regard to the clarification sought, the WG view is that the reference at the end of paragraph (c)(ii)(bb) to sub-paragraph (i) is correct.



Committee Consideration

The Committee considered the instrument with the Government response at its meeting on 14 October 2019 and reports to the Assembly in line with the reporting point above and also to highlight issues as a result of the UK exiting the EU.

