

Explanatory Memorandum to the Food and Rural Affairs (Miscellaneous Revocation) Regulations 2018.

This Explanatory Memorandum has been prepared by the Department for Economy, Skills and Natural Resources and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Food and Rural Affairs (Miscellaneous Revocation) Regulations 2018.

LESLEY GRIFFITHS AM
Cabinet Secretary for Energy, Planning and Rural Affairs

22 July 2018

1. Description

This Order revokes nine pieces of legislation relating to food or rural affairs in Wales which are redundant or have been superseded.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

The Regulations have been made on a composite basis to maintain the clarity, accessibility and transparency of the statute book for those required to comply with its provisions through the legislation being revoked in Wales and England.

In making these Regulations, the Welsh Ministers exercise powers which were exercised by the National Assembly for Wales and then the Welsh Ministers when making the regulations made by them and being revoked in relation to Wales, namely powers under section 2(2) of the European Communities Act 1972. For the purposes of section 2(2), the Welsh Ministers are designated in relation to the Common Agriculture Policy by virtue of article 3(1) of the European Communities (Designation) (No 5) Order 2010.

In making these Regulations, the Secretary of State exercises powers which were exercised by the Secretary of State when making the Regulations being revoked in relation to England namely powers under section 2(2) of the European Communities Act 1972 and, with the consent of the Treasury, section 56(1) of the Finance Act 1973. The Secretary of State has been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the common agricultural policy by the European Communities (Designation) Order 1972 (S.I. 1972/1811).

3. Legislative background

The Welsh Ministers make the Food and Rural Affairs (Miscellaneous Revocation) Regulations 2018 in relation to Wales pursuant to powers in section 2(2) European Communities Act 1972. For the purposes of section 2(2), the Welsh Ministers are designated in relation to the Common Agriculture Policy by virtue of article 3(1) of the European Communities (Designation) (No 5) Order 2010.

The Food and Rural Affairs (Miscellaneous Revocation) Regulations 2018 follow the negative procedure.

4. Purpose & intended effect of the legislation

A part of the UK Government's "Red Tape Challenge" is a programme to revoke redundant legislation. The purpose of the exercise is to reduce the number of statutory rules and regulations in force, especially those that are obsolete and redundant. Some of the legislation that the UK Government proposes to revoke was made prior to devolution. The legislation therefore applies to Wales and the powers to make, amend, or revoke it in relation to Wales has, in many cases, transferred to the Welsh Ministers.

Following the "Working Smarter" report in Wales, the Welsh Ministers agreed to provide a measured and appropriate regulatory framework for farmers in Wales

and this included a red tape review of existing legislation. As part of this, the Welsh Ministers agreed to work with DEFRA to revoke, where appropriate, legislation with cross territorial application to Wales and England where that legislation has become redundant or otherwise obsolete.

The Food and Rural Affairs (Miscellaneous Revocation) Regulations 2018 revokes three instruments relating to countryside access in Wales which are now redundant or have been superseded. It will also revoke six instruments related to dairy produce quotas in Wales, which will take effect on 31 March 2019 at which point they will be deemed to be redundant. A full list of the legislation to be revoked, in relation to Wales by the Regulations is set out below:

Title	Description	Reason for revocation
The Countryside Access Regulations 1994	Implement in part Council Regulation (EEC) No. 2078/92 on agricultural production methods compatible with the requirements for the protection of the environment and maintenance of the countryside.	This legislation is now redundant.
The Countryside Access (Amendment) Regulations 1996	Amend the Countryside Access Regulations 1994 which implement in part a zonal programme approved by the European Commission under Article 7 of Council Regulation (EEC) No. 2078/92 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside and make provision to implement Commission Regulation (EC) No 746/96 laying down detailed rules on the application of the Agri-environment Regulation.	This legislation is now redundant.
The Countryside Access (Amendment) Regulations 1999	Amend the Countryside Access Regulations 1994 which implement in part a zonal programme approved by the European Commission under Article 7 of Council Regulation (EEC) No. 2078/92 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside by making provision about the closing date for applications for aid in relation to land	This legislation is now redundant.

	in Wales.	
The Dairy Produce Quotas (General Provisions) Regulations 2002	Contains provisions concerning dairy produce quotas which, for which separate territorial enactments extending to England, Wales, Scotland and Northern Ireland respectively would not be apt.	The EU Milk Quota regime ceased operating in 2015.
The Dairy Produce Quotas (Wales) (Amendment) Regulations 2004	Amend the Dairy Produce Quotas (Wales) Regulations 2002.	The EU Milk Quota regime ceased operating in 2015
The Dairy Produce Quotas (Wales) Regulations 2005	Revoke and replace the Dairy Produce Quotas (Wales) Regulations 2002 as amended by the Dairy Produce Quotas (Wales) (Amendment) Regulations 2004.	The EU Milk Quota regime ceased operating in 2015.
The Dairy Produce Quotas (Wales) (Amendment) Regulations 2006	Amend the Dairy Produce Quotas (Wales) Regulations 2005.	The EU Milk Quota regime ceased operating in 2015.
The Dairy Produce Quotas (Wales) (Amendment) Regulations 2007	Amend the Dairy Produce Quotas (Wales) Regulations 2005.	The EU Milk Quota regime ceased operating in 2015.
The Dairy Produce Quotas (Wales) (Amendment) Regulations 2008	Amend the Dairy Produce Quotas (Wales) Regulations 2005.	The EU Milk Quota regime ceased operating in 2015.

5. Consultation

No consultation has been carried out for the Regulations.

6. Regulatory Impact Assessment (RIA)

An RIA has not been conducted because the subordinate legislation imposes no costs or no savings. There is no impact on business, charities or voluntary bodies and there is no impact on the public sector.