



Agriculture (Wales) Act 2023

2023 asc 4

PART 6

GENERAL

49 Power to make consequential, transitional etc. provision

- (1) If the Welsh Ministers consider it necessary or appropriate for the purposes of, in consequence of, or for giving full effect to any provision of this Act, they may by regulations make—
 - (a) supplementary, incidental or consequential provision;
 - (b) transitional, transitory or saving provision.
- (2) Regulations under subsection (1) may modify any enactment (whenever enacted or made, and including this Act).

50 Regulations under this Act

- (1) A power to make regulations under this Act is exercisable by statutory instrument.
- (2) A power to make regulations under this Act includes power to make different provision for different purposes.
- (3) A power to make regulations under this Act includes power to modify retained direct EU legislation.
- (4) A power to make regulations under this Act includes power to make—
 - (a) supplementary, incidental or consequential provision;
 - (b) transitional, transitory or saving provision.
- (5) The provision which may be made by virtue of subsection (4) includes provision modifying any enactment (whenever enacted or made, and including this Act).
- (6) A statutory instrument to which this subsection applies may not be made unless a draft of the instrument has been laid before, and approved by resolution of, Senedd Cymru.

- (7) Subsection (6) applies to a statutory instrument containing regulations under any of the following provisions—
- (a) section 6(10) (reporting period: progress towards sustainable land management objectives);
 - (b) section 8(4) (amendment of purposes for which the Welsh Ministers may provide support);
 - (c) section 10(1) (publication of information about support provided under section 8);
 - (d) section 12(1) (further provision about support under section 8);
 - (e) section 14(7) (reporting period: impact of support under section 8);
 - (f) section 16(1) (power to modify legislation governing the basic payment scheme);
 - (g) section 17(1) (power to modify legislation relating to the common agricultural policy);
 - (h) section 18(1) (power to modify legislation relating to support for apiculture);
 - (i) section 19(1) (power to modify legislation relating to support for rural development);
 - (j) section 23(1) (power to modify retained direct EU legislation relating to public market intervention or aid for private storage);
 - (k) section 25(2) (provision of information relating to agri-food supply chain);
 - (l) section 27(2) (provision of information relating to relevant activities);
 - (m) section 32(1) (enforcement of information requirements);
 - (n) section 34(1) (marketing standards for agricultural products);
 - (o) section 34(6) (agricultural products relevant to marketing standards);
 - (p) section 35(1) (carcass classification);
 - (q) section 53 (power to amend sections 51 and 52; but see subsections (2) to (7) of section 53 for further requirements in relation to a statutory instrument containing regulations under that section).
- (8) Subsection (6) also applies to a statutory instrument containing regulations under any provision not mentioned in subsection (7), where the regulations modify any provision of primary legislation.
- (9) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of Senedd Cymru.

51 Meaning of “agriculture” and related references

- (1) In this Act, “agriculture” means—
- (a) horticulture;
 - (b) farming arable crops;
 - (c) dairy farming;
 - (d) keeping and breeding livestock;
 - (e) using land as grazing land;
 - (f) using land as farm woodland or for agroforestry;
 - (g) controlled environment agriculture;
 - (h) otherwise growing plants for sale, or for the sale of part of a plant;

- (i) maintaining land in a state that makes it suitable for an activity listed in paragraphs (a) to (h).
- (2) In subsection (1)—
 - “livestock” includes, among other things, any animal kept to produce food, drink, oils, fibres or leathers, or to graze land;
 - “controlled environment agriculture” means growing plants in a closed ecosystem permitting the management of environmental variables (including temperature, humidity, light and nutrients).
- (3) References in this Act to agricultural markets, agricultural businesses, agricultural producers and agricultural products are to be construed in accordance with subsection (1).

52 Meaning of “ancillary activity”

In this Act, “ancillary activity” means—

- (a) taking action, on land used for agriculture—
 - (i) to create and manage habitats, or for other purposes relating to nature conservation,
 - (ii) to mitigate and adapt to climate change, or
 - (iii) to maintain and enhance the resilience of ecosystems;
- (b) selling, marketing, preparing, packaging, processing or distributing products deriving from agriculture.

53 Power to amend sections 51 and 52

- (1) The Welsh Ministers may amend sections 51 and 52 by regulations.
- (2) Before laying a draft statutory instrument containing regulations under this section before Senedd Cymru (for the purposes of section 50(6)), the Welsh Ministers must carry out the steps specified in subsections (3) and (4).
- (3) The Welsh Ministers must consult any persons appearing to them to be likely to be affected by the regulations on a proposed draft of the regulations.
- (4) The Welsh Ministers must—
 - (a) allow those persons a period of at least 12 weeks to submit comments on the proposed draft regulations,
 - (b) consider any comments submitted within that period, and
 - (c) publish a summary of those comments.
- (5) Where the Welsh Ministers lay a draft statutory instrument containing regulations under this section before Senedd Cymru for the purposes of section 50(6), they must include with the draft a statement that—
 - (a) specifies whether there are differences between the draft regulations that were consulted on under subsection (3) and regulations under this section that are contained in the draft statutory instrument being laid, and
 - (b) if there are differences between the draft regulations that were consulted on and the regulations that are contained in the draft statutory instrument being laid, gives details of those differences.

- (6) A draft statutory instrument containing regulations under this section may not be approved by a resolution of Senedd Cymru in accordance with section 50(6) until after the expiry of the period of 40 days beginning with the day on which the draft statutory instrument is laid.
- (7) In calculating whether a period of 40 days has expired for the purposes of subsection (6), no account is to be taken of any time during which Senedd Cymru is dissolved or is in recess for more than four days.

54 Other interpretation

In this Act—

“the CMO Regulation” (“*y Rheoliad CMO*”) means [Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products;

“functions” (“*swyddogaethau*”) includes powers and duties;

“modify” (“*addasu*”) includes amend, revoke and repeal (and related expressions are to be construed accordingly);

“plants” (“*planhigion*”) includes fungi;

“primary legislation” (“*deddfwriaeth sylfaenol*”) means—

- (a) an Assembly Measure;
- (b) an Act of Senedd Cymru;
- (c) an Act of Parliament;

“private dwelling” (“*annedd breifat*”) means so much of any land as consists of—

- (a) a building or other structure used wholly or mainly as a private dwelling,
or
- (b) a garden, yard, private garage or outhouse enjoyed with such a building or structure;

“subordinate legislation” (“*is-ddeddfwriaeth*”) means an instrument made under primary legislation or under retained direct EU legislation.

55 Consequential amendments and repeals etc.

- (1) Schedule 2 (which makes minor and consequential amendments etc. relating to the [Agriculture Act 2020 \(c. 21\)](#) and other Acts) has effect.
- (2) Schedule 3 (which amends the CMO Regulation) has effect.

56 Coming into force

- (1) The following provisions come into force on the day after the day on which this Act receives Royal Assent—
 - (a) Part 4 for the purposes of making regulations under section 32 of the [Forestry Act 1967 \(c. 10\)](#);
 - (b) this Part, except section 55 and Schedules 2 and 3.
- (2) The following provisions come into force at the end of the period of two months beginning with the day on which this Act receives Royal Assent—
 - (a) Part 1;

- (b) Chapter 1 of Part 2;
 - (c) Chapter 2 of Part 2;
 - (d) Part 5.
- (3) The following provisions of Schedule 2, and section 55 to the extent it relates to those provisions, also come into force at the end of the period of two months beginning with the day on which this Act receives Royal Assent—
- (a) paragraph 1(5)(b) for the purposes of the application of section 53(5)(a) of the [Agriculture Act 2020 \(c. 21\)](#) in relation to Part 1 of Schedule 5 to that Act;
 - (b) paragraph 1(9) for the purposes of the repeal of Part 1 of Schedule 5 to the Agriculture Act 2020;
 - (c) paragraph 2;
 - (d) Part 2.
- (4) Except as provided for by subsections (1) to (3), the provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- (5) An order under subsection (4)—
- (a) may make transitional, transitory or saving provision;
 - (b) may appoint different days for different purposes.

57 Short title

The short title of this Act is the Agriculture (Wales) Act 2023.