
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (apart from regulation 10) are made in exercise of the power conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) in order 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 2 (in Part 2) makes amendments to the Welsh Language (Wales) Measure 2011 (2011 nawm 1) to deal with references to “an institution of the European Union”. This regulation comes into force on exit day.

Regulation 3 (in Part 3) amends the Food (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/732 (W. 137)) (“the 2019 Food Regulations”) which make provision correcting deficiencies in domestic food legislation which arise as a result of the United Kingdom withdrawing from the European Union.

Regulation 3(2) amends regulation 2(7) of the 2019 Food Regulations by substituting “the appropriate authorities” for “the relevant authorities”. Regulation 3(3) amends regulation 7(5) (a) of the 2019 Food Regulations by substituting “British Islands” for “United Kingdom”. These amendments are necessary to ensure the legislation aligns with changes being made to other retained EU law.

Regulation 4 (in Part 4) amends the Flood and Water (Amendments) (England and Wales) (EU Exit) Regulations 2019 (S.I. 2019/460 (W. 110)) (“the 2019 Flood Regulations”) which make provision correcting deficiencies in domestic flood and water legislation which arise as a result of the United Kingdom withdrawing from the European Union. Regulation 4(2) amends regulation 5(3)(a) of the 2019 Flood Regulations to address an erroneous reference.

Regulation 5 (in Part 5) amends the Seed Potatoes (Wales) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/738 (W. 141)) (“the 2019 Seed Potatoes Regulations”). The 2019 Seed Potatoes Regulations amend the Seed Potatoes (Wales) Regulations 2016 which make provision governing the marketing and certification of seed potatoes in Wales.

Regulation 5(2) and (3) amends the Welsh language text of the 2019 Seed Potatoes Regulations to address drafting errors.

Regulation 5(4) substitutes the Welsh language text of regulation 2(17)(b)(iii) of the 2019 Seed Potatoes Regulations to include a reference to Union grade S potatoes which was previously erroneously omitted.

Regulation 6 (in Part 6) makes an amendment to regulation 7 of the Central Rating List (Wales) Regulations 2005 (S.I. 2005/422 (W. 40)) (“the 2005 Regulations”) to remove the definition of “EEA State”. This definition is now redundant as result of the amendment made to regulation 7 of the 2005 Regulations by regulation 3 of the Local Government Finance (Amendment) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/436 (W. 104)). This regulation comes into force on exit day.

The amendments made by regulations 7 and 8 (in Part 7) are required as a consequence of the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419) (“the Data Protection SI”). The Data Protection SI makes amendments to the General Data Protection Regulation (Regulation (EU) 2016/679) (“the GDPR”) as it forms part of domestic law on the UK's exit from the EU. As the GDPR will no longer apply directly in the UK, the Data Protection SI introduces a single regime for general processing activities known as the UK GDPR. It is necessary to make changes throughout the Data Protection Act 2018, and to other legislation, as a result of this.

Changes to legislation: There are currently no known outstanding effects for the The Retained EU Law (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019. (See end of Document for details)

Regulation 7 amends the Controlled Drugs (Supervision of Management and Use) (Wales) Regulations 2008 (S.I. 2008/3239 (W. 286)) to correct references to the GDPR and replace these with references to the UK GDPR.

Regulation 8 makes similar amendments to the Pupil Information (Wales) Regulations 2011 (S.I. 2011/1942 (W. 209)), again correcting references to the GDPR and replacing these with references to the UK GDPR.

Regulations 7 and 8 come into force on exit day.

Regulation 9 (in Part 7) makes an amendment to Schedule 3 to the Data Protection SI as a consequence of making regulations 7 and 8 of these Regulations. This amendment removes the amendments made by the Data Protection SI to the Controlled Drugs (Supervision of Management and Use) (Wales) Regulations 2008 and the Pupil Information (Wales) Regulations 2011 as these amendments will have been made by regulations 7 and 8 of these Regulations. The amendments made by the Data Protection SI are to come into force on exit day. In order to ensure that the amendments made by the Data Protection SI do not come into force, regulation 9 comes into force immediately before exit day.

Regulation 10 (in Part 8) is made in exercise of the power conferred on Welsh Ministers by section 78(1) of the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (2017 anaw 1) (“the 2017 Act”) and makes an amendment to section 36(12) of the 2017 Act to remove the definition of “collective investment scheme”. This definition is now redundant as a consequence of the repeal of section 36(6) of the 2017 Act by the Welsh Tax Acts (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/833 (W. 153)) which comes into force on exit day. Regulation 10 comes into force on exit day.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Retained EU Law (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019.