

*Draft Regulations laid before Senedd Cymru under paragraph 8(1) of Schedule 5 to the Retained EU Law (Revocation and Reform) Act 2023, for approval by resolution of Senedd Cymru.*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2023 No. (W.)**

**RETAINED EU LAW REFORM,  
WALES**

**The Retained EU Law (Revocation  
and Reform) Act 2023  
(Consequential Amendments)  
(Wales) Regulations 2023**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers in sections 19(1) and 20(1)(b) of the Retained EU Law (Revocation and Reform) Act 2023 (c.28) (“the 2023 Act”). Section 19(1) is the power to make appropriate provision in consequence of provisions of the 2023 Act and which by virtue of section 20(1) includes the ability to make supplementary, incidental, consequential, transitional, transitory or saving provision.

These Regulations make amendments to primary legislation and subordinate legislation which apply in relation to Wales, in consequence of the renaming of retained EU law (and related terms) as assimilated law (and related terms) at all times after the end of 2023, as set out in section 5 of the 2023 Act.

Part 2 of these Regulations makes consequential amendments to relevant primary legislation and Part 3 makes consequential amendments to relevant subordinate legislation.

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.

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**2023 No. (W.)**

**RETAINED EU LAW REFORM,  
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**The Retained EU Law (Revocation  
and Reform) Act 2023  
(Consequential Amendments)  
(Wales) Regulations 2023**

*Made*

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*Coming into force*

*1 January 2024*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 19(1) and 20(1)(b) of the Retained EU Law (Revocation and Reform) Act 2023(1).

The Welsh Ministers are a relevant national authority for the purposes of section 19(1) of the Retained EU Law (Revocation and Reform) Act 2023(2).

In accordance with paragraph 8(1) of Schedule 5 to the Retained EU Law (Revocation and Reform) Act 2023 Act, a draft of this instrument has been laid before and approved by a resolution of Senedd Cymru.

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(1) 2023 c. 28.

(2) The term “relevant national authority” is defined in section 21(1) of the Retained EU Law (Revocation and Reform) Act 2023.

## PART 1

### Introductory

#### **Title and commencement**

**1.**—(1) The title of these Regulations is the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Wales) Regulations 2023.

(2) These Regulations come into force on 1 January 2024.

## PART 2

### Amendments to primary legislation

#### **Learner Travel (Wales) Measure 2008**

**2.** In section 14A(5) of the Learner Travel (Wales) Measure 2008(1), for “retained direct EU” substitute “assimilated direct”.

#### **Waste (Wales) Measure 2010**

**3.** Section 17 of the Waste (Wales) Measure 2010(2) is amended as follows—

- (a) in subsection (4)(a)(i), for “retained EU” substitute “assimilated”;
- (b) in subsection (6)(b), for “retained direct EU” substitute “assimilated direct”.

#### **Tax Collection and Management (Wales) Act 2016**

**4.** In section 65(4)(a) of the Tax Collection and Management (Wales) Act 2016(3), for “retained direct EU” substitute “assimilated direct”.

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- (1) 2008 nawm 2. Section 14A was inserted by section 1 of the Safety on Learner Transport (Wales) Measure 2011 (nawm 6) and amended by S.I. 2019/236 (W.55).
  - (2) 2010 nawm 8. Section 17(3) to (8) was inserted by S.I. 2019/414 (W. 96). (S.I. 2019/414 was amended prior to coming into force by SI 2020/1339 (W. 296); there are other amending instruments but none is relevant to these Regulations).
  - (3) 2016 anaw 6. Section 65(4)(a) was amended by S.I. 2019/833 (W.153).

## PART 3

### Amendments to subordinate legislation

#### **The Food Supplements (Wales) Regulations 2003**

5. In regulation 5(2)(a) of the Food Supplements (Wales) Regulations 2003(1), for “retained EU” substitute “assimilated”.

#### **The Landfill Allowances Scheme (Wales) Regulations 2004**

6. Regulation 2 of the Landfill Allowances Scheme (Wales) Regulations 2004(2) is amended as follows—

- (a) in paragraph (4)(a)(i), for “retained EU” substitute “assimilated”;
- (b) in paragraph (6)(b), for “retained direct EU” substitute “assimilated direct”.

#### **The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004**

7.—(1) The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004(3) are amended as follows.

(2) In regulation 12(4), for “retained EU” substitute “assimilated”.

(3) In Schedule 1, in paragraph 1(e), for “retained EU” substitute “assimilated”.

#### **The Hazardous Waste (Wales) Regulations 2005**

8. Regulation 2A of the Hazardous Waste (Wales) Regulations 2005(4) is amended as follows—

- (a) in paragraph (3)(a)(i), for “retained EU” substitute “assimilated”;
- (b) in paragraph (6)(b), for “retained direct EU” substitute “assimilated direct”.

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- (1) S.I. 2003/1719 (W. 186), amended by S.I. 2019/179 (W. 45). There are other amending instruments but none is relevant to these Regulations.
  - (2) S.I. 2004/1490 (W. 155), amended by S.I. 2019/414 (W. 96). (S.I. 2019/414 was amended prior to coming into force by SI 2020/1339 (W. 296); there are other amending instruments but none is relevant to these Regulations).
  - (3) S.I. 2004/1656 (W. 170), amended by S.I. 2019/245 (W. 60). There are other amending instruments, but none is relevant to these Regulations.
  - (4) S.I. 2005/1806 (W. 138), amended by S.I. 2019/414 (W. 96). (S.I. 2019/414 was amended prior to coming into force by SI 2020/1339 (W. 296); there are other amending instruments but none is relevant to these Regulations).

### **The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009**

**9.**—(1) The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009(1) are amended as follows.

(2) In regulation 2(3)(a), for “retained EU” substitute “assimilated”.

(3) In Schedule 2, in paragraph 1A, for “retained EU” substitute “assimilated”.

### **The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) Regulations 2009**

**10.**—(1) The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) Regulations 2009(2) are amended as follows.

(2) In Schedule 1, in the “Subject-matter” column of the table—

- (a) in the entry relating to Article 4(2)), for “retained EU” substitute “assimilated”;
- (b) in the entry relating to Article 4(3), for “retained EU” substitute “assimilated”.

### **The Beef and Veal Labelling (Wales) Regulations 2011**

**11.** Regulation 4 of the Beef and Veal Labelling (Wales) Regulations 2011(3) is amended as follows—

- (a) in the heading, for “retained direct EU” substitute “assimilated direct”;
- (b) in paragraph (1), for “retained direct EU” substitute “assimilated direct”.

### **The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011**

**12.** Regulation 2 of the Recycling, Preparation for Re-use and Composting Targets (Monitoring and

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(1) S.I. 2009/995 (W.81), amended by S.I. 2019/244 (W.59). There are other amending instruments, but none is relevant to these Regulations.

(2) S.I. 2009/3254 (W. 283), amended by S.I. 2019/179 (W. 45). There are other amending instruments but none is relevant to these Regulations.

(3) S. I 2011/991 (W. 145), amended by S.I. 2019/732 (W. 137). There are other amending instruments but none is relevant to these Regulations.)

Penalties) (Wales) Regulations 2011(1) is amended as follows—

- (a) in paragraph (4)(a)(i), for “retained EU” substitute “assimilated”;
- (b) in paragraph (6)(b), for “retained direct EU” substitute “assimilated direct”.

### **The Poultrymeat (Wales) Regulations 2011**

**13.**—(1) The Poultrymeat (Wales) Regulations 2011(2) are amended as follows.

(2) In regulation 2(1), for ““retained EU poultrymeat provision” (“*darpariaeth cig dofednod yr UE a ddargedwir*”)” substitute ““assimilated poultrymeat provision” (“*darpariaeth cig dofednod a gymathwyd*”)”.

(3) In regulation 9—

- (a) in paragraph (1), for “retained EU” substitute “assimilated”;
- (b) in paragraph (2)(a), for “retained EU” substitute “assimilated”.

(4) In regulation 14(1)(a), for “a retained EU” substitute “an assimilated”.

(5) In the heading of Schedule 1, for “retained EU” substitute “assimilated”.

### **The Trade in Animals and Related Products (Wales) Regulations 2011**

**14.**—(1) The Trade in Animals and Related Products (Wales) Regulations 2011(3) are amended as follows.

(2) In regulation 15—

- (a) in paragraph (1), for “retained direct EU” substitute “assimilated direct”;
- (b) in paragraph (4)—
  - (i) in sub-paragraph (a), for “retained direct EU” substitute “assimilated direct”;
  - (ii) in sub-paragraph (c), for “retained direct EU” substitute “assimilated direct”;
  - (iii) in sub-paragraph (e), for “retained direct EU” substitute “assimilated direct”.

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(1) S.I. 2011/1014 (W. 152), amended by S.I. 2019/414 (W. 96). (S.I. 2019/414 was amended prior to coming into force by SI 2020/1339 (W. 296); there are other amending instruments but none is relevant to these Regulations).

(2) S.I. 2011/1719 (W. 195), amended by S.I. 2019/732 (W. 137). There are other amending instruments but none is relevant to these Regulations.

(3) S.I. 2011/2379 (W. 252). Relevant amending instruments are S.I. 2020/44 (W. 5), 2020/1348 (W. 271), 2020/1612 (W. 337), 2020/1639 (W. 344).

(3) In Schedule 2, in paragraph 11A(1), for “retained direct minor EU legislation” substitute “assimilated direct minor legislation”.

### **The Natural Resources Body for Wales (Establishment) Order 2012**

**15.**—(1) The Natural Resources Body for Wales (Establishment) Order 2012(1) is amended as follows.

(2) In article 11(3)(a), for “retained EU” substitute “assimilated”.

(3) In article 11A—

- (a) in paragraph (2)(b)(i), for “retained EU law” substitute “assimilated”;
- (b) in paragraph (4)(a), for “retained EU law” substitute “assimilated”.

### **The Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013**

**16.**—(1) The Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013(2) are amended as follows.

(2) In regulation 2(1), for ““the retained EU Regulations” (*“Rheoliadau’r UE a ddargedwir”*)” substitute ““the specified food Regulations” (*“ y Rheoliadau bwyd penodedig”*)”.

(3) In regulation 16, for “retained EU” substitute “specified food”.

(4) In regulation 19(2), in the words before subparagraph (a), for “retained EU” substitute “specified food”.

### **The Welfare of Animals at the Time of Killing (Wales) Regulations 2014**

**17.** In Schedule 2, paragraph 3(2) to the Welfare of Animals at the Time of Killing (Wales) Regulations 2014(3), for “retained EU” substitute “assimilated”.

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(1) S.I. 2012/1903 (W. 230), amended by S.I. 2020/1215 (W. 274). There are other amending instruments but none is relevant to these Regulations.

(2) S.I. 2013/2591 (W. 255). Relevant amending instruments are S.I. 2022/1362 (W. 273), SI 2023/343 (W. 50).

(3) S.I. 2014/951 (W. 92), amended by S.I. 2019/684 (W. 131). There are other amending instruments but none is relevant.

### **The Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016**

**18.**—(1) The Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016(1) are amended as follows.

(2) In regulation 2(2), for “the retained EU Regulation concerned” substitute “Regulation 178/2002, Regulation 1831/2003 or Regulation 767/2009, respectively”.

(3) In regulation 15A(4)(c), for “retained direct EU” substitute “assimilated direct”.

### **The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017**

**19.**—(1) The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017(2) are amended as follows.

(2) In regulation 5—

(a) in paragraph (8)(b), for “retained EU” substitute “assimilated”;

(b) in paragraph (13)(b)(ii), for “retained EU” substitute “assimilated”.

(3) In regulation 6(4), for “retained EU” substitute “assimilated”.

(4) In regulation 17(4)(e), for “retained EU” substitute “assimilated”.

(5) In regulation 25(3)(c), for “retained EU” substitute “assimilated”.

(6) In regulation 31(3), for “retained EU” substitute “assimilated”.

(7) In Schedule 3, paragraph 2(c)(vi), for “retained EU” substitute “assimilated”.

(8) In Schedule 4, paragraph 8, for “retained EU” substitute “assimilated”.

### **The Carcase Classification and Price Reporting (Wales) Regulations 2018**

**20.**—(1) The Carcase Classification and Price Reporting (Wales) Regulations 2018(3) are amended as follows.

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- (1) S.I. 2016/386 (W. 120), amended by S.I. 2022/1362 (W. 273). There are other amending instruments but none is relevant.
- (2) S.I. 2017/567 (W. 136), amended by S.I. 2019/245 (W. 60). There are other amending instruments but none is relevant to these Regulations.
- (3) S.I. 2018/1215 (W. 248), amended by S.I. 2019/732 (W. 137). There is another amending instrument but it is not relevant.



- (2) In regulation 2(1)—
- (a) in the definition of “classification”, in both places it occurs, for “retained EU” substitute “assimilated”;
  - (b) for ““retained EU beef provision” (“*darpariaeth eidion yr UE a ddargedwir*”)” substitute ““assimilated beef provision” (“*darpariaeth cig eidion a gymathwyd*”)”;
  - (c) for ““retained EU pig provision” (“*darpariaeth moch yr UE a ddargedwir*”)” substitute ““assimilated pig provision” (“*darpariaeth moch a gymathwyd*”)”.
- (3) In regulation 15, for “retained EU” substitute “assimilated”.
- (4) In regulation 26—
- (a) in the heading, for “retained EU” substitute “assimilated”;
  - (b) in paragraph (a), for “retained EU” substitute “assimilated”;
  - (c) in paragraph (b), for “retained EU” substitute “assimilated”.
- (5) In regulation 27—
- (a) in the heading, for “retained EU” substitute “assimilated”;
  - (b) in paragraph (1)—
    - (i) in sub-paragraph (a), for “retained EU” substitute “assimilated”;
    - (ii) in sub-paragraph (b), for “retained EU” substitute “assimilated”;
  - (c) in paragraph (2), for “retained EU” substitute “assimilated”;
  - (d) in paragraph (3), for “retained EU” substitute “assimilated”.
- (6) In regulation 36—
- (a) in paragraph (1)(b), for “retained EU” substitute “assimilated”;
  - (b) in paragraph (1)(c), for “retained EU” substitute “assimilated”.
- (7) In Schedule 1—
- (a) in the heading, for “Retained EU” substitute “Assimilated”;
  - (b) in the table, in the heading of the first column, for “retained EU” substitute “assimilated”.
- (8) In Schedule 2—
- (a) in the heading, for “Retained EU” substitute “Assimilated”;
  - (b) in Part 1, in the table, in the heading of the first column, for “retained EU” substitute “assimilated”;

- (c) in Part 2, in the table, in the heading of the first column, for “retained EU” substitute “assimilated”.

**The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Wales) Regulations 2019**

21. In regulation 2(1) of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Wales) Regulations 2019(1), in the definition of “unauthorised substance”, for “retained EU” substitute “assimilated”.

**The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020**

22. In regulation 2(1) of the Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020(2), in the definition of “relevant legislation”, for “retained direct EU” substitute “assimilated direct”.

**The Infant Formula and Follow-on Formula (Wales) Regulations 2020**

23. In Schedule 4, paragraph 11(3)(a), to the Infant Formula and Follow-on Formula (Wales) Regulations 2020(3), for “retained EU” substitute “assimilated”.

**The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020**

24.—(1) The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020(4) are amended as follows.

(2) In regulation 21(3), in the definition of “plant health derogation”, for “retained EU” substitute “assimilated”.

(3) In regulation 38(1)(f), for “retained direct EU” substitute “assimilated direct”.

(4) In regulation 43(2)(b), in both places it occurs, for “retained EU” substitute “assimilated”.

(5) In the heading of Schedule 3, for “retained direct EU” substitute “assimilated direct”.

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(1) S.I. 2019/569 (W. 125), amended by S.I. 2019/737 (W. 140).  
(2) S.I. 2020/44 (W. 5), amended by S.I. 2020/1639 (W. 344).  
(3) S.I. 2020/89 (W. 13), amended by S.I. 2021/955 (W. 219).  
(4) S.I. 2020/206 (W. 48). Relevant amending instruments are S.I. 2020/1134 (W. 259) and S.I. 2020/1628 (W. 342).

**The Feed Additives (Authorisations) (Wales) Regulations 2022**

25. In regulation 2(2) of the Feed Additives (Authorisations) (Wales) Regulations 2022(1), for “those retained EU Regulations” substitute “Regulation 1831/2003 or Regulation 767/2009, respectively”.

*Name*

Minister for Rural Affairs and North Wales, and  
Trefnydd, one of the Welsh Ministers

*Date*

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(1) S.I. 2022/1118 (W. 233) to which there are amendments not relevant to these Regulations.