

AGRICULTURE (WALES) ACT 2023

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 3 - Consequential Amendments Etc. to the Cmo Regulation

300. Schedule 3 is introduced by section 55. It makes amendments to the CMO Regulation, (defined in section 54), which relates to markets in agricultural products.

Part 1: Amendments relating to Chapter 3 of Part 2 (intervention in markets)

301. Part 2 of Schedule 7 to the 2020 Act disapplies certain provisions of the CMO Regulation, in relation to Wales, for the duration of existing time limited provision about exceptional market conditions in Schedule 5 to the 2020 Act. (The disapplied provisions relate to exceptional market conditions.)
302. Since the Act is replacing the time limited provision in Schedule 5 to the 2020 Act, Part 1 of Schedule 3 amends the CMO Regulation in consequence in relation to intervention in markets (in that the amendment made to the CMO Regulation by Schedule 7 to the 2020 Act will cease to be appropriate). But since the amendment made by Schedule 7 to the 2020 Act to the CMO Regulation is not yet in force, Schedule 3 provides (in Part 1) alternative consequential amendments to the CMO Regulation.
303. The amendment at paragraph 1 makes provision that applies if paragraph 2 of Schedule 7 to the 2020 Act has been brought into force before paragraph 1 of Schedule 3 (and has amended the CMO Regulation for Wales in order to disapply Article 219, 220, 221 and 222 of Part V of the CMO Regulation for Wales).
304. The effect of the paragraph 1 amendment is to amend the amendment made to the CMO Regulation by paragraph 2 of Schedule 7 to the 2020 Act, by removing the time limited element of that amendment (the time limited element is no longer appropriate since the provision made by the Act for exceptional market conditions is not time limited). The end result is that Articles 219, 220, 221 and 222 of Part V of the CMO Regulation are disapplied in relation to agricultural producers in Wales, on an open-ended basis.
305. The effect of paragraph 2 is the same: to disapply Articles 219, 220, 221 and 222 of Part V of the CMO Regulation in relation to agricultural producers in Wales, on an open-ended basis. However, the amendment in this paragraph is structured differently and will have effect only if the amendment at paragraph 2 of Schedule 7 to the 2020 Act has not been commenced before Part 1 of Schedule 3 is commenced.

Parts 2 and 3: Amendments relating to section 34 (marketing standards) and section 35 (carcass classification)

306. Part 4 of Schedule 7 to the 2020 Act amends articles of the CMO Regulation in relation to marketing standards and carcass classification in Wales.
307. The effect of the amendments in paragraphs 4 to 16, and, of Schedule 3 is to substitute, in the relevant articles of the CMO Regulation, references to the 2020 Act with references to the Act.

Part 4: Saving provision

308. Paragraphs 17 and 18 preserve existing regulations made by the European Commission under the CMO Regulation, which regulate carcass classification and marketing standards in relation to agricultural products marketed in Wales. The effect is that these regulations will continue to apply even though the powers under which they were made have been disapplied in Wales.