OFFERYNNAU STATUDOL CYMRU

2019 Rhif 1382 (Cy. 245)

YMADAEL Â'R UNDEB EWROPEAIDD, CYMRU

HADAU, CYMRU

Rheoliadau Hadau (Diwygio etc.) (Cymru) (Ymadael â'r UE) 2019

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae Rhan 2 o'r Rheoliadau hyn wedi ei gwneud drwy arfer y pwerau a roddir gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972. Mae rheoliad 2 yn diwygio Rheoliadau Marchnata Planhigion Ffrwythau a Deunyddiau Lluosogi (Cymru) 2017 i alluogi Gweinidogion Cymru i awdurdodi marchnata planhigion ffrwythau a deunyddiau lluosogi sy'n dod o wledydd y tu allan i'r Undeb Ewropeaidd o dan amgylchiadau penodol.

Mae Rhan 3 o'r Rheoliadau hyn wedi ei gwneud drwy arfer y pwerau a roddir gan Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018. Mae rheoliad 3 yn diwygio Rheoliadau Marchnata Hadau a Deunyddiau Lluosogi Planhigion (Diwygio) (Cymru) (Ymadael â'r UE) 2019 i sicrhau bod y diwygiad a wnaed gan reoliad 2 yn parhau i weithredu'n effeithiol ar ôl i'r Deyrnas Unedig ymadael â'r Undeb Ewropeaidd.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

WELSH STATUTORY INSTRUMENTS

2019 No. 1382 (W. 245)

EXITING THE EUROPEAN UNION, WALES

SEEDS, WALES

The Seeds (Amendment etc.) (Wales) (EU Exit) Regulations 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2 of these Regulations is made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972. Regulation 2 amends the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017 to enable the Welsh Ministers to authorise the marketing of fruit plant and propagating material from countries outside the European Union in certain circumstances.

Part 3 of these Regulations is made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018. Regulation 3 amends the Marketing of Seeds and Plant Propagating Material (Amendment) (Wales) (EU Exit) Regulations 2019 to ensure that the amendment made by regulation 2 continues to operate effectively after the withdrawal of the United Kingdom from the European Union.

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.

OFFERYNNAU STATUDOL CYMRU

2019 Rhif 1382 (Cy. 245)

YMADAEL Â’R UNDEB EWROPEAIDD, CYMRU

HADAU, CYMRU

Rheoliadau Hadau (Diwygio etc.) (Cymru) (Ymadael â’r UE) 2019

Gwnaed *am 6:00 p.m. ar 22 Hydref 2019*

Yn dod i rym yn unol â rheoliad 1(2)

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan—

(a) mewn perthynas â Rhan 1, y pwerau a grybwyllir ym mharagraffau (b) ac (c);

(b) mewn perthynas â Rhan 2, adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(**1**);

(c) mewn perthynas â Rhan 3, paragraff 1(1) o Atodlen 2 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018(**2**).

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 mewn perthynas â’r polisi amaethyddol cyffredin(**3**).

Mae’r gofyniad ym mharagraff 4(a) o Atodlen 2 (sy’n ymwneud ag ymgynghori â’r Ysgrifennydd Gwladol) i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 wedi ei fodloni.

(**1**) 1972 p. 68; diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) a Rhan 1 o’r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7). Mae wedi ei diddymu yn rhagolygol gan adran 1 o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) o’r diwrnod ymadael (gweler y diffiniad o “exit day” yn adran 20 o’r Ddeddf honno).

(**2**) 2018 p. 16.

(**3**) O.S. 2010/2690.

WELSH STATUTORY INSTRUMENTS

2019 No. 1382 (W. 245)

EXITING THE EUROPEAN UNION, WALES

SEEDS, WALES

The Seeds (Amendment etc.) (Wales) (EU Exit) Regulations 2019

Made *at 6:00 p.m. on 22 October 2019*

Coming into force in accordance with regulation 1(2)

The Welsh Ministers make these Regulations in exercise of the powers conferred by—

(a) in relation to Part 1, the powers mentioned in paragraphs (b) and (c);

(b) in relation to Part 2, section 2(2) of the European Communities Act 1972(**1**);

(c) in relation to Part 3, paragraph 1(1) of Schedule 2 to the European Union (Withdrawal) Act 2018(**2**).

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the common agricultural policy(**3**).

The requirement in paragraph 4(a) of Schedule 2 (relating to consultation with the Secretary of State) to the European Union (Withdrawal) Act 2018 has been satisfied.

(**1**) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7). It is prospectively repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) from exit day (see the definition of “ exit day” in section 20 of that Act).

(**2**) 2018 c. 16.

(**3**) S.I. 2010/2690.

Yn unol ag adran 59(3) o Ddeddf Llywodraeth Cymru 2006(**1**) a pharagraff 1(9) o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018, gosodwyd drafft o'r offeryn hwn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd drwy benderfyniad gan Gynulliad Cenedlaethol Cymru.

RHAN 1

Cyflwyniad

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Hadau (Diwygio etc.) (Cymru) (Ymadael â'r UE) 2019.

(2) Daw'r Rheoliadau hyn i rym fel a ganlyn—

(a) o ran y Rhan hon a Rhan 2, drannoeth y diwrnod y gwneir y Rheoliadau hyn;

(b) o ran Rhan 3, yn union cyn y diwrnod ymadael.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

RHAN 2

Marchnata hadau a deunyddiau lluosogi planhigion: diwygio deddfwriaeth ddomestig

Rheoliadau Marchnata Planhigion Ffrwythau a Deunyddiau Lluosogi (Cymru) 2017

2. Yn Rheoliadau Marchnata Planhigion Ffrwythau a Deunyddiau Lluosogi (Cymru) 2017(**2**), yn rheoliad 5, yn lle paragraffau (3) a (4) rhodder—

> "(3) Caiff Gweinidogion Cymru awdurdodi marchnata deunyddiau planhigion o unrhyw wlad y tu allan i'r Undeb Ewropeaidd os ydynt wedi eu bodloni bod y deunyddiau planhigion wedi eu cynhyrchu o dan amodau sy'n cyfateb i'r gofynion yn y Rheoliadau hyn ar gyfer deunyddiau planhigion."

(**1**) 2006 p. 32. Diwygiwyd adran 59(3) gan adran 20(2)(c) o Ddeddf Cymru 2017 (p. 4).

(**2**) O.S. 2017/691 (Cy. 163), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

In accordance with section 59(3) of the Government of Wales Act 2006(**1**) and paragraph 1(9) of Schedule 7 to the European Union (Withdrawal) Act 2018 a draft of this instrument has been laid before the National Assembly for Wales and approved by a resolution of the National Assembly for Wales.

PART 1

Introduction

Title, commencement and application

1.—(1) The title of these Regulations is the Seeds (Amendment etc.) (Wales) (EU Exit) Regulations 2019.

(2) They come into force as follows—

(a) as regards this Part and Part 2, on the day after the day on which these Regulations are made;

(b) as regards Part 3, immediately before exit day.

(3) These Regulations apply in relation to Wales.

PART 2

Marketing of seeds and plant propagating material: amendment of domestic legislation

The Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017

2. In the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017(**2**), in regulation 5, for paragraphs (3) and (4) substitute—

> "(3) The Welsh Ministers may authorise the marketing of plant material from any country outside the European Union if satisfied that the plant material has been produced under conditions equivalent to the requirements in these Regulations for plant material."

(**1**) 2006 c. 32. Section 59(3) was amended by section 20(2)(c) of the Wales Act 2017 (c. 4).

(**2**) S.I. 2017/691 (W. 163), to which there are amendments not relevant to these Regulations.

RHAN 3

Marchnata hadau a deunyddiau lluosogi planhigion: diwygio deddfwriaeth ddomestig o ganlyniad i ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd

Rheoliadau Marchnata Hadau a Deunyddiau Lluosogi Planhigion (Diwygio) (Cymru) (Ymadael â'r UE) 2019

3.—(1) Mae Rheoliadau Marchnata Hadau a Deunyddiau Lluosogi Planhigion (Diwygio) (Cymru) (Ymadael â'r UE) 2019(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 5(4), yn lle'r geiriau cyn y testun a fewnosodir, rhodder—

"Yn rheoliad 5—

(a) ym mharagraff (3), yn lle "Undeb Ewropeaidd" rhodder "Deyrnas Unedig";

(b) ar y diwedd mewnosoder—".

PART 3

Marketing of seeds and plant propagating material: amendment of domestic legislation consequent on the withdrawal of the United Kingdom from the European Union

The Marketing of Seeds and Plant Propagating Material (Amendment) (Wales) (EU Exit) Regulations 2019

3.—(1) The Marketing of Seeds and Plant Propagating Material (Amendment) (Wales) (EU Exit) Regulations 2019(**1**) are amended as follows.

(2) In regulation 5(4), for the words before the inserted text substitute—

"In regulation 5—

(a) in paragraph (3), for "European Union" substitute "United Kingdom";

(b) at the end insert—".

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig, un o Weinidogion Cymru
Am 6:00 p.m. ar 22 Hydref 2019

Minister for Environment, Energy and Rural Affairs, one of the Welsh Ministers
At 6:00 p.m. on 22 October 2019

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(**1**) O.S. 2019/368 (Cy. 90).

(**1**) S.I. 2019/368 (W. 90).

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