

National Assembly for Wales

Constitutional and Legislative Affairs Committee

CLA582 - The Zootechnical Standards (Wales) Regulations 2015

Procedure:

Negative

Background

These Regulations provide for the recognition of organisations which record the pedigree of cattle, goats, pigs and set out the requirements which govern these organisations in relation to: the form and content of pedigree records, the form of Zootechnical certificates and methods of recording breeding performance and assessing genetic value for the acceptance of animals for breeding purposes.

These Regulations apply in relation Wales and revoke and replace the Zootechnical Standards Regulations 1992 (SI 1992/2370) and the Zootechnical Standards (Amendment) Wales Regulations 2008 (SI 2008/1064).

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument

Merits Scrutiny

There are two points identified for reporting under Standing Order 21.3 in respect of this instrument. These Regulations replace current domestic Zootechnical legislation to implement a number of European instruments which have been agreed since Welsh legislation came into force in 1992 and amendments made in 2008.

Corresponding Regulations were made in England in 2012 to avoid infraction proceedings. These English Regulations also include provision for a ministerial review to be undertaken after 5 years within the coming into force of the Regulations and publication of the conclusions of a review in a report. There has therefore, been some delay in the making of these Welsh Regulations and there is also no similar provision for a ministerial review after a set period of time within the Welsh Regulations.

The European Commission has also put forward proposals for a new overarching Zootechnical Regulation in 2014 which is likely to come into effect post 2016. Given these developments, it is likely that these Regulations will need to be revoked in a relatively short period given the delay in their making.

This is an example of statutory instruments for which transposition notes from the Government would have considerably assisted the Committee's scrutiny of the Regulations. The preparation of such notes would also ensure that the Government has transposed all the necessary provisions of European law.

Government's Response

Two points have been identified for reporting under Standing Order 21.3 of the Zootechnical Standards (Wales) Regulations 2015. The first notes that corresponding Regulations were made in England in 2012, that the English Regulations include provision for a ministerial review to be undertaken after five years of the coming into force of the Regulations, and that the European Commission has put forward proposals for a new overarching Zootechnical Regulation which is likely to come into effect post 2016. In Wales, effect is being given to the EU legislation administratively. The delay in introducing these Regulations occurred due to small technical issues having to be resolved and the arrival of a new EU proposal which was anticipated to have progressed faster than has been the case. The delay in the new overarching EU proposal has meant that our reliance on its progress was misplaced. In respect of the ministerial review: we accept that UK transposition guidance includes the principle that new SIs should include such a review. However, this guidance is not binding on the devolved administrations, and the requirement for a ministerial review to be taken after five years is not something that the WG has tended to follow, rather it is a policy aim of the current administration in Whitehall. It is open to the WG to review its legislation at any time, without prescribing for this in legislation. Also, the EU proposal to amalgamate all Zootechnical legislation will, in effect, provide a comprehensive review. Whilst we understand that the Commission is aiming for the new overarching Zootechnical Regulation to come into effect post 2016, given the delays that have occurred to date, we think it is preferable to make these Regulations now. Scotland and Northern Ireland are yet to amend their Regulations.

The second point comments that this is an example of statutory instruments for which transposition notes would have assisted the Committee's scrutiny of the Regulations. The Welsh Government does not currently require Transposition Notes to be produced.

Committee's Consideration

The Committee has serious concerns about the delays in the making of the Regulations and is unconvinced by the explanation provided by the Welsh Government. The delays in the passing of regulations to implement European instruments is matter of on-going concern for the Committee.

The Committee also believes that there were overwhelming reasons for transposition notes to be produced, and in these circumstances stating that there is no requirement for such notes to be produced is an inadequate response.

The Committee reports to the Assembly in line with points made under merits scrutiny and our further consideration above.

