

LEGISLATIVE CONSENT MEMORANDUM ON THE FARRIERS (REGISTRATION) BILL

Introduction

01. The Climate Change, Environment and Rural Affairs Committee of the National Assembly for Wales considered the Legislative Consent Memorandum (LCM) on the Farriers (Registration) Bill at its meeting of 16 March 2017.

Background

02. On 16 February 2017, the Cabinet Secretary for Environment and Rural Affairs laid a Legislative Consent Memorandum for The Farriers (Registration) Bill. The Memorandum relates to clauses in the Bill which include provisions within the legislative competence of the Assembly.

03. Standing Order 29 includes details about the process for consent in relation to UK Parliament Bills. When the UK Parliament wishes to legislate on a subject matter which has already been devolved to the National Assembly for Wales, convention requires it to receive the consent of the Assembly before it may pass the legislation in question. Such consent is given by the Assembly through Legislative Consent Motions (LCMs).

04. Before a LCM can be tabled, a Legislative Consent Memorandum relating to the legislation in question must be laid and may be considered by an Assembly committee or committees. In this case, the Memorandum has been referred by the Business Committee to the Climate Change, Environment and Rural Affairs Committee to consider and report on it.

Policy Objective(s) and Summary of the Bill

05. The Farriers (Registration) Bill was introduced as a Private Member's Bill in the House of Commons on 29 June 2016 and had its second reading on 27 January 2017. It passed Committee Stage on 7 March 2017.

06. The principal objective of the Bill is to make changes to the constitution of the Farriers Registration Council and its committees. Consent from the National Assembly for Wales is required for these provisions because they fall within the



legislative competence of the National Assembly for Wales in so far as they relate to Animal Health and Welfare under paragraph 1 of Part 1, Schedule 7 to the Government of Wales Act 2006.

07. The purpose of this Bill is to modernise the governance, structure and operation of the Farriers Registration Council and its statutory committees, and thereby protect and maintain the public interest.
08. The Bill amends the Farriers (Registration) Act 1975, which sets out the statutory responsibilities of the FRC, the regulatory body for the farriery profession in Great Britain.
09. The arrangements for the regulation of farriers, as set out in the Farriers (Registration) Act 1975, are now out of date and no longer in line with the regulation of other professions. The amendments proposed in the Farriers (Registration) Bill are intended to update the constitution of the Farriers Registration Council and its Investigating and Disciplinary Committees, and to make it easier to make such changes in future.

Provisions in the Bill for which consent is required

Clause 1 – Constitution of Farriers Registration Council and its committees

10. The purpose of this clause and the schedule to the Bill which it introduces is to update the constitution of the Farriers Registration Council and its Investigating and Disciplinary Committees, to make them fit for purpose, bringing them into line with regulation of other professions and alleviating practical difficulties.
11. This clause therefore introduces the schedule which amends and replaces the relevant schedules of the Farriers (Registration) Act 1975 to make changes to the constitution of the Farriers Registration Council and its Committees.
12. The main changes are:
 - Replacing the current legal prescription requiring both self-employed and employed working-farrier members of Council. This distinction is no longer necessary, representative or valid as 96% of registered farriers are self-employed;
 - altering the membership of the statutory Investigating Committee and Disciplinary Committee. Instead of the committees constituted from members of Council the reverse will apply; membership must not be members of Council. This is to achieve



“separation of powers” ensuring that those who set standards for the profession are not the same as those who investigate and adjudicate upon potential breaches of those standards;

- introducing “fitness to serve” requirements for all members of Council and the statutory committees, as is the practice in other regulatory bodies, as well as defined terms of office; and
- altering the requirement for appointment of the Chair of the Council to election of the Chair by members of the Council.

Clause 2 – Power to make further changes to constitution of Council and its Committees

13. The purpose of this clause is to make provision that any future amendments to the governance arrangements of the Farriers Registration Council and its committees can be made by secondary legislation.
14. Any change to the Farriers Registration Council and its Committees requires an amendment to the Farriers (Registration) Act 1975, which at present requires primary legislation. This is inflexible, and makes it difficult to ensure that the Farriers Registration Council and its committees are kept up to date and remain fit for purpose.
15. This clause therefore provides a power to make amendments by secondary legislation to those parts of the Farriers (Registration) Act 1975 which set out the constitutions of the Farriers Registration Council and its committees. The clause provides for this power to be exercised by the Secretary of State, on whom the Bill imposes a duty to consult the Farriers Registration Council and other persons the Secretary of State considers appropriate before making any such changes. This clause also includes a requirement that before making such changes by secondary legislation, the Secretary of State must obtain the consent of the Scottish Ministers and the Welsh Ministers.

Conclusion

16. The Committee notes that the Farriers Registration Council is a body with a constitution which applies across the whole of Great Britain and that the Bill gives rise to the need for a LCM.



17. The Committee noted that the Bill proposals are based on the outcomes of the UK-wide consultation exercise conducted by Defra in 2013.
18. Committee members noted the Bill reflects stakeholder concerns about the need for greater transparency; the need to remove potential conflicts of interest; and the need to modernise the constitutional arrangements of the Registration Council.
19. The Committee noted that the Welsh Government believes that the Bill is an appropriate legislative vehicle to implement the changes and that there will be no financial implications for the Welsh Government as a result of the Bill.
20. The Committee found no reason to object to the Assembly agreeing the Legislative Consent Motion associated with the Memorandum.

