

# SL(5)518 – The Wildlife and Countryside Act 1981 (Variation of Schedule 2) (Wales) Order 2020

## Background and Purpose

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This Order amends Schedule 2 to the Wildlife and Countryside Act 1981 (“the Act”).

Part 1 of that Schedule lists the birds that may be killed or taken outside the close season. The close season is defined in section 2(4) of the Act.

Article 2 of this Order amends the entry for White-fronted Goose (*Anser Albifrons*) in Part 1 of Schedule 2 to the Act, so that Greenland White-fronted Goose are exempt from that Schedule. The effect of this amendment is to make it an offence in Wales (under section 1 of the Act) to kill or take (or to injure in the course of an attempt to kill) Greenland White-fronted Goose outside the close season for White-fronted Goose.

## Procedure

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Negative.

## Technical Scrutiny

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

## Merits Scrutiny

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The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

**Standing Order 21.3 (ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be interest to the Assembly.**

1. There are inconsistencies between the meaning of the Welsh and English texts of the third paragraph of the Explanatory Note. The Welsh language text states that article 2 amends the entry for White-fronted Goose in Part 1 of Schedule 2 to the Act, therefore that entry is no longer applicable in relation to Wales. This is not the case. It is so that Greenland White-fronted Goose are exempt from that Schedule.

2. Secondly, in the Welsh text, it notes that the effect of the amendment is to make it an offence in Wales (under section 1 of the Act) to kill or take (or to injure in the course of an attempt to kill) any subspecies of the White-fronted Goose, as opposed to naming the Greenland White-fronted Goose specifically.

## Implications arising from exiting the European Union

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No implications are identified for reporting under Standing Order 21.3 in respect of this instrument.

## Government Response

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A government response is required.



## Committee Consideration

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The Committee considered the instrument at its meeting on 24 March 2020 and reports to the Assembly in line with the reporting point above.



Cynulliad Cenedlaethol Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

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National Assembly for Wales

**Legislation, Justice and Constitution Committee**