

## **Explanatory Memorandum to the Badger (Control Area) (Wales) (Revocation) Order 2012.**

This Explanatory Memorandum has been prepared by sustainable futures and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

### **Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of Revocation of the Badger (Control Area) (Wales) (Revocation) Order 2012.

John Griffiths AM  
Minister for the Environment and Sustainable Development  
23 May 2012

## **1. Description**

The Badger (Control Area) (Wales) Order 2011 (“2011 Order”) is revoked as a result of the Minister for the Environment and Sustainable Development’s decision that he is no longer satisfied that destruction of badgers is necessary to eliminate or substantially reduce the incidence of bovine TB in the Intensive Action Area (IAA) and instead, to authorise a badger vaccination project.

## **2. Matters of special interest to the Constitutional and Legislative Affairs Committee**

Following the Minister’s announcement that the threshold test in section 21 of the Animal Health Act 1981 was no longer met, it became necessary to revoke the 2011 Order by means of the Badger (Control Area) (Wales) (Revocation) Order 2012 (“Revocation Order”).

This Order follows the negative resolution procedure.

## **3. Legislative background**

The 2011 Order was made by the Welsh Ministers using powers contained in sections 1, 21 and 86 of the Animal Health Act 1981. These same powers can be used to make the Revocation Order.

Powers under sections 1, 21 and 86 of the Animal Health Act 1981 were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and the National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044) and they are now exercisable by the Welsh Ministers by virtue of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

## **4. Purpose & intended effect of the legislation**

In the light of the Minister’s decision that he is no longer satisfied that destruction of badgers within the IAA is necessary in order to eliminate or substantially reduce the incidence of bovine TB in cattle in that area, the legal test for continuing the 2011 Order no longer continues to be met, and therefore it is necessary and appropriate to revoke the 2011 Order.

## **5. Consultation**

The Countryside Council for Wales (as the statutory consultee pursuant to section 12(3) of the Animal Health Act), has been consulted and supports the revocation of the Badger (Control Area) (Wales) Order 2011

## **6. Regulatory Impact Assessment (RIA)**

No RIA has been prepared for the Revocation Order. The 2011 Order, which it revokes, was never implemented. As such it is considered that the impact of this Order will be minimal.