

pN(5)009 – The Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

Background and Purpose

This instrument makes amendments to the Registration of Establishments (Laying Hens) (Wales) Regulations 2004, the Welfare of Animals (Transport) (Wales) Order 2007, the Welfare of Farmed Animals (Wales) Regulations 2007 and the Welfare of Animals at the Time of Killing (Wales) Regulations 2014. These amendments are said by the Government to be to ensure that the statute book remains operable following the UK's exit from the EU and to address deficiencies in domestic legislation arising from EU Exit.

These Regulations were laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A

Committee Recommendation as to Appropriate Procedure

We have considered the criteria set out in Standing Order 21.3C. These Regulations raise matters of public, political or legal importance under paragraph (v) of that Standing Order in two respects.

Firstly, as is explained in paragraph 4.9 of the Explanatory Memorandum, they introduce a policy change in that "certificates of competence, issued to slaughtermen by other Member States" will no longer be recognised for the purposes of the Welfare of Animals at the Time of Killing (Wales) Regulations 2014.

Secondly, as is explained in the Explanatory Memorandum, many of the amendments made by these Regulations are to replace references to the National Assembly with references to the Welsh Ministers. This is not a consequence of the UK's departure from the EU, but of transitional provisions contained in the Government of Wales Act 2006.

Paragraph 21(b) of Schedule 7 to the European Union (Withdrawal) Act 2018 specifically includes "power to make supplementary, incidental, consequential, transitional, transitory or saving provision (including provision restating any retained EU law in a clearer or more accessible way).

Making it clear that functions are those of the Welsh Ministers, and not of the National Assembly, will make the Regulations being amended clearer and more accessible. However, we question whether, as the Minister states in paragraph 2 of Part 2 of the Explanatory Memorandum "all the changes being made are solely in order to address deficiencies arising from EU exit."

For these reasons, we recommend that the Government's approach should be confirmed by the National Assembly under the affirmative procedure.

Government Response

If the Welsh Government does not agree with the Committee's recommendation as to the appropriate procedure for these Regulations, the Welsh Government must explain why it disagrees with the Committee's recommendation in accordance with Standing Order 27.9B.

