

## Constitutional and Legislative Affairs Committee

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Meeting Venue:  
**Committee Room 2 – Senedd**

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Meeting date:  
**24 June 2013**

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Meeting time:  
**14:15**

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



For further information please contact:

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### Agenda

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#### **1 Introduction, apologies, substitutions and declarations of interest**

#### **2 Instruments that raise no reporting issues under Standing Order 21.2 or 21.3**

*Indicative time 2.15 – 2.20pm*

#### Negative Resolution Instruments

#### **CLA274 – The Cancellation of Student Loans for Living Costs Liability (Wales) Regulations 2013**

Negative procedure: Date Made: 3 June 2013; Date Laid: 7 June 2013; Coming into Force Date: 1 August 2013

<http://www.assemblywales.org/bus-home/bus-legislation/bus-fourth-legislation-sub/bus-legislation-sub-annulment-fourth.htm>

#### Affirmative Resolution Instruments

#### **CLA275 – The Anti-Social Behaviour Act 2003 (Amendment to the Education Act 1996) (Wales) Order 2013**

Affirmative procedure: Date Made: Not stated 2013; Date Laid: 11 June 2013;  
Coming into Force in accordance with article 1

<http://www.assemblywales.org/bus-home/bus-fourth-legislation-sub/bus-legislation-sub-approval-fourth.htm>

### **3 Instruments that raise issues to be reported to the Assembly under Standing Order 21.2 or 21.3**

*Indicative time 2.20 – 2.30pm*

#### Affirmative Resolution Instruments

#### **CLA276 – The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2013** (Pages 1 – 44)

Negative procedure: Date Made: Not stated; Date Laid: Not stated; Coming into Force  
Date: 1 January 2014

CLA(4) 17–13(p1) – Report

CLA(4) 17–13(p2) – Regulations

CLA(4) 17–13(p3) – Explanatory Memorandum

CLA(4) 17–13(p4) – Letter from Cariad

CLA(4) 17–13(p5) – Letter from RSPCA Cymru

<http://www.assemblywales.org/bus-home/bus-fourth-legislation-sub/bus-legislation-sub-approval-fourth.htm>

### **4 Commencement Orders**

*Indicative time 2.30 – 2.35pm*

#### **The Housing and Regeneration Act 2008 (Commencement No. 3 and Transitional, Transitory and Saving Provisions) (Wales) Order 2013** (Pages 45 – 60)

CLA(4) 17–13(p6) – The Housing and Regeneration Act 2008 (Commencement No. 3 and Transitional, Transitory and Saving Provisions) (Wales) Order 2013

<http://www.senedd.assemblywales.org/mgIssueHistoryHome.aspx?Ild=4668>

**The Public Audit (Wales) Act 2013 (Commencement, Consequential Amendments, Transitional and Saving Provisions) (Wales) Order 2013** (Pages 61

- 69)

**CLA(4) 17-13(p7)** – The Public Audit (Wales) Act 2013 (Commencement, Consequential Amendments, Transitional and Saving Provisions) (Wales) Order 2013

<http://www.senedd.assemblywales.org/mglIssueHistoryHome.aspx?Ild=4668>

## **5 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business:**

*Indicative time 2.30 – 3.00pm*

(ix) any matter relating to the internal business of the committee, or of the Assembly, is to be discussed.

**Consideration of Legislative Consent Memoranda** (Pages 70 – 84)  
**CLA(4)-17-13(p8)** – Legislative Consent Memoranda

## **6 Evidence in relation to the Mobile Homes (Wales) Bill post Stage 2**

(Pages 85 – 94)

*Public Meeting*

*Indicative time 3.00 – 3.35pm*

Peter Black AM, Member in Charge of the Mobile Homes (Wales) Bill  
Gwyn Griffiths, Legal Services

<http://www.senedd.assemblywales.org/mglIssueHistoryHome.aspx?Ild=4729>

*Indicative time 3.45pm – 4.30pm (video link)*

Carl Sargeant, Minister for Housing and Regeneration  
Helen Kellaway, Legal Services, Welsh Government  
Ton Taylor, Housing Policy, Welsh Government

**CLA(4)-17-13(p9)** – Letter from the Minister for Housing and Regeneration

## **7 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business:**

(vi) the committee is deliberating on the content, conclusions or recommendations of a report it proposes to publish; or is preparing itself to take evidence from any person;

**Consideration of the Draft Report on the Social Services and Well-being Wales Bill** (Pages 95 – 140)

**CLA(4)-17-13(p10)** – Draft Report on the Social Services and Well-being Wales Bill



## Constitutional and Legislative Affairs Committee Draft Report CLA

### **Title: The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2013**

The Regulations provide for the licensing of persons involved in the breeding of dogs. Part 2 of the Regulations specifies dog breeding for the purposes of section 13 (1) of the Animal Welfare Act 2006. The consequence of this specification is that, subject to qualifying criteria, any person wishing to breed dogs in Wales must obtain a licence from their local authority under these Regulations. This requirement replaces the requirement to obtain a licence under the Breeding of Dogs Act 1973 in Wales.

### **Procedure: Affirmative**

### **Technical Scrutiny**

Under Standing Order 21.2 the Assembly is invited to pay special attention to the following instrument:-

1. Regulation 24 applies a number of relevant post conviction powers which would apply in relation to a conviction for an offence of breach of a condition of a licence . These are disqualification, cancellation of a licence and/or disqualification from holding a licence and seizure of animals. 'Relevant post conviction power' is defined in Section 62 of the Animal Welfare Act 2006 and whilst it includes sections 34 (disqualification) and 42 (orders as to licences) it does not include Section 35 (seizure). Section 35 whilst not a 'relevant post conviction power' would however be available to a Court in the event that an Order was made under Section 34 of the Animal Welfare Act 2006 -

**23( vi) - that its drafting appears to be defective or it fails to fulfil statutory requirements)**

### **Merits Scrutiny**

Under Standing Order 21.3 the Assembly is invited to pay special attention to the following instrument:-

1. The existing legislation for dog breeding is the Breeding of Dogs Act 1973 as amended, the requirements for licensing are based upon a breeder producing 5 or more litters per annum. These Regulations revoke the existing licence regime and impose a new regime. The explanatory memorandum states that the main policy proposals within the new Regulations include:

- tighter licensing criteria;
- the requirement to microchip all dogs before they are 56 days old or leave the breeding premises; whichever is later;
- a staff:dog ratio which has a minimum staff requirement;
- standardising the minimum age a pup can leave breeding premises;and
- the need for breeding establishments to introduce socialisation, and environmental enrichment and enhancement programmes.

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

2. Regulation 8 (2) provides for a staff–dog ratio of 1 full–time attendant per 20 dogs kept or 1 part–time attendant per 10 dogs kept. ‘Dogs’ are not specifically defined in either the Regulations or the Animal Welfare Act 2006. As puppies, breeding bitches and stud dogs are all referred to as ‘dogs’ in regulation 3, the requirement in regulation 8 (2) would mean that 1 full–time attendant is responsible for 20 dogs, to include puppies. It appears from the [Minister’s Statement](#) on 11<sup>th</sup> June 2013 that the figure of 20 dogs was to exclude any puppies born to those animals. In addition, The Regulatory Impact Assessment at page 5 of the Explanatory Memorandum costs the proposals on the basis that 1 person is to be responsible for 20 dogs plus their offspring, which is not what the legislation provides.

**21.3 (v) – that it imperfectly achieves its policy objectives**

### **Legal Advisers**

Constitutional and Legislative Affairs Committee  
**June 2013**

**Government response to follow**

*Draft Regulations laid before the National Assembly for Wales under section 61(2) of the Animal Welfare Act 2006 (and paragraph 34 of Schedule 11 to the Government of Wales Act 2006), for approval by resolution of the Assembly.*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2013 No. (W.)**

**ANIMALS, WALES**

**ANIMAL WELFARE**

**The Animal Welfare (Breeding of  
Dogs) (Wales) Regulations 2013**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations provide for the licensing of persons involved in the breeding of dogs. Part 2 of the Regulations specifies dog breeding for the purposes of section 13(1) of the Animal Welfare Act 2006 (c.45) (“the Act”). The consequence of this specification is that, subject to qualifying criteria, any person wishing to breed dogs in Wales must obtain a licence from their local authority under these Regulations. This requirement replaces the requirement to obtain a licence under the Breeding of Dogs Act 1973 in Wales.

A person who breeds dogs in Wales without a licence under these Regulations commits an offence under section 13(6) of the Animal Welfare Act 2006 and is liable to imprisonment for a term of up to 6 months or a fine not exceeding level 5 on the standard scale or both. Under section 30 of the Animal Welfare Act 2006 local authorities may prosecute for any offence under the Act.

Part 3 of the Regulations sets out how a person may apply to the local authority for a licence and sets out matters in respect of which a local authority must be satisfied when considering the granting and renewing of a licence. It provides for a local authority to charge fees to cover any reasonable expenses incurred in performing this function and for monitoring compliance with these Regulations. It requires a local authority have regard to guidance issued by the Welsh

Ministers in carrying out their functions under these Regulations.

Part 4 sets out circumstances in which a licence maybe suspended, varied or revoked. Part 5 also provides for appeals against licensing decisions by local authorities.

Part 6 provides that a breach of a condition of a licence granted under these Regulations is an offence. It provides powers for inspectors to take samples and enter premises and applies relevant post conviction powers contained in the Act. It provides for local authorities to enforce the Regulations. It provides that licences granted under the Breeding of Dogs Act 1973 continue to have effect as if granted under these Regulations.

Schedule 1 to these Regulations sets out compulsory licence conditions which must be included on each licence granted by a local authority.

Schedule 2 to these Regulations amends the Breeding of Dogs Act 1973 and amends references to it in four Acts consequential upon its repeal in relation to Wales.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a Regulatory Impact Assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government Cathays Park, Cardiff CF10 3NQ.



*Draft Regulations laid before the National Assembly for Wales under section 61(2) of the Animal Welfare Act 2006 (and paragraph 34 of Schedule 11 to the Government of Wales Act 2006), for approval by resolution of the Assembly.*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2013 No. (W.)**

**ANIMALS, WALES**

**ANIMAL WELFARE**

**The Animal Welfare (Breeding of  
Dogs) (Wales) Regulations 2013**

*Made*

*Coming into force*

*1 January 2014*

The Welsh Ministers, as the appropriate national authority in relation to Wales<sup>(1)</sup>, make the following Regulations in exercise of the powers conferred by sections 13(2), (7), (8)(e), (10) and Parts 1 and 3 of Schedule 1 to the Animal Welfare Act 2006<sup>(2)</sup>.

In accordance with section 13(9) of that Act, the Welsh Ministers have consulted those persons appearing to them to represent interests with which these Regulations are concerned as they considered appropriate.

In accordance with section 61(2) of that Act<sup>(3)</sup>, a draft of this instrument has been laid before, and approved by resolution of, the National Assembly for Wales.

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(1) The appropriate national authority is defined in section 62(1) of the Animal Welfare Act 2006. Functions conferred on the National Assembly for Wales are now vested in the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) 2006 c.45.

(3) 2006 c.45. By virtue of section 162 of, and paragraph 34 of Schedule 11 to, the Government of Wales Act 2006 (c.32), the reference in section 61(2) to “House of Parliament” includes the National Assembly for Wales.

# PART 1

## Introduction

### **Title, application and commencement**

1.—(1) The title of these Regulations is the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2013.

(2) They apply in relation to Wales and come into force on 1 January 2014.

### **Repeal of section 1 (1) of the Breeding of Dogs Act 1973**

2. Section 1(1) of the Breeding of Dogs Act 1973 is repealed.

### **Interpretation**

3. In these Regulations—

“the Act” (“*y Ddeddf*”) means the Animal Welfare Act 2006;

“breeding bitch” (“*gast fridio*”) means an un-neutered female dog over the age of 6 months;

“draft enhancement and enrichment programme” (“*rhaglen wella a chyfoethogi ddraff*”) means a document detailing how dogs will have the opportunity to express normal behaviour patterns submitted by the applicant to the local authority under regulation 7;

“draft socialisation programme” (“*rhaglen gymdeithasoli ddraff*”) means a document detailing how dogs will be introduced to human handling, domestic environments, play and how they will be prepared for separation from the dam submitted by the applicant to the local authority under regulation 7;

“enhancement and enrichment programme” (“*rhaglen wella a chyfoethogi*”) means a document approved in writing by the local authority detailing how dogs will have the opportunity to express normal behaviour patterns;

“full-time attendant” (“*gweinydd llawn-amser*”) means a person who works, either paid or unpaid, at least 37 hours per week;

“inspector” (“*arolygydd*”) means any person who has written authority from a local authority to act in matters arising under or in relation to the Act or these Regulations;

“licence” (“*trwydded*”) means a licence granted under regulation 8;

“licence conditions” (“*amodau trwydded*”) means those conditions set out in Schedule 1 to these

Regulations and any further conditions attached to a licence by the local authority;

“local authority” (“*awdurdod lleol*”) means the county council or a county borough council in whose area the applicant for a licence under regulation 7 carries out the activity of dog breeding;

“part-time attendant” (“*gweinydd rhan-amser*”) means a person who works, either paid or unpaid, between 18.5 and 37 hours per week;

“puppy” (“*ci bach*”) means a dog under the age of 6 months;

“stud dog” (“*ci gre*”) means an un-neutered male dog over the age of 6 months;

“socialisation programme” (“*rhaglen gymdeithasoli*”) means a document approved in writing by the local authority detailing how puppies will be introduced to human handling, domestic environments, play and how they will be prepared for separation from the dam.

## PART 2

### Requirement to hold a licence

#### Licensing of dog breeders

4. Dog breeding is a specified activity, for the purposes of section 13(1) of the Act.

#### Dog breeding: interpretation

5.—(1) A person carries on the activity of dog breeding for the purposes of section 13(1) of the Act if that person keeps on premises 3 or more breeding bitches and—

- (a) breeds on those premises 3 or more litters of puppies in any 12 month period;
- (b) advertises for sale from those premises a puppy or puppies born from 3 or more litters of puppies for sale in any 12 month period;
- (c) supplies from those premises a puppy or puppies born from 3 or more litters of puppies in any 12 month period;
- (d) advertises a business of breeding or selling puppies from those premises; or
- (e) occupies premises which benefit from a planning consent authorising dog breeding.

(2) For the purposes of paragraph (1) any dog found on premises will be presumed to be kept by the occupier of those premises until the contrary is proved.

(3) For the purposes of paragraphs (1) (a) to (c) it is immaterial whether or not the litters of puppies are bred from the breeding bitches referred to in paragraph 5(1).

(4) This regulation is subject to regulation 6.

#### **Dog breeding: exclusion**

**6.—**(1) A person does not carry on the activity of dog breeding for the purposes of section 13(1) of the Act if the dogs mentioned in regulation 5 are bred—

- (a) for use in regulated procedures, and
- (b) at a place specified in a section 2C licence by virtue of section 2B(2) (b) of the Animals (Scientific Procedures) Act 1986.

(2) In subsection (1) “regulated procedure” and “section 2C licence” have the meaning given by section 30 of that Act.

## **PART 3**

### **Licences**

#### **Application for a licence**

**7.—**(1) To apply for a licence under these Regulations an applicant must submit—

- (a) an application in a form and manner approved by the local authority;
- (b) a draft enhancement and enrichment programme;
- (c) a draft socialisation programme; and
- (d) such supporting documentation as the authority reasonably requires.

(2) The applicant must pay any appropriate fee in accordance with regulation 12.

#### **Grant or renewal of licences**

**8.—**(1) On receipt of an application complying with regulation 7, a local authority must inspect the applicant’s premises and if satisfied—

- (a) the licence conditions are or will be met;
- (b) with the enhancement and enrichment programme;
- (c) with the socialisation programme; and
- (d) as to any other matters the local authority considers relevant;

may grant a licence to the applicant.

(2) The local authority must attach to each licence granted—

- (a) the conditions contained in Schedule 1 to these Regulations;
  - (b) a condition specifying the maximum number of dogs to be kept under the terms of the licence; and
  - (c) a condition specifying a staff to dog ratio which must ensure as a minimum staff requirement—
    - (i) 1 full-time attendant per 20 dogs kept; or
    - (ii) 1 part-time attendant per 10 dogs kept.
- (3) The local authority may grant or renew a licence for any period up to 1 year.

### **Consideration of applications for licences**

**9.**— (1) When considering whether to grant or renew a licence the local authority must be satisfied that—

- (a) dogs are at all times kept in accommodation that is of an appropriate construction and size, with appropriate exercise facilities, temperature, lighting, ventilation and cleanliness;
- (b) appropriate whelping facilities are available;
- (c) dogs are supplied with suitable food, drink and bedding; and
- (d) dogs are supplied with adequate facilities to enable them to exhibit normal behaviour patterns.

(2) Prior to granting or renewing a licence, in considering whether the licence conditions will be met, a local authority is entitled to take account of the applicant's conduct or any other circumstances that the local authority considers are relevant.

### **People who may not apply for a licence**

**10.** No person may apply for a licence if they are disqualified under—

- (a) section 33 of the Welfare of Animals Act (Northern Ireland) 2011<sup>(1)</sup>;
- (b) section 34 of the Act;
- (c) section 40(1) and (2) of the Animal Health and Welfare (Scotland) Act 2006<sup>(2)</sup>
- (d) section 33A of the Dogs (Northern Ireland ) Order 1983<sup>(3)</sup>;
- (e) section 3(3) of the Breeding of Dogs Act 1973<sup>(1)</sup> from keeping a breeding establishment;

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(1) 2011 c. 16.  
 (2) 2006 asp 11.  
 (3) 1983/764 (N.I. 8).

- (f) section 4(3) of the Riding Establishments Act 1964 from keeping a riding establishment(2);
  - (g) section 3(3) of the Animal Boarding Establishments Act 1963 from keeping a boarding establishment(3);
  - (h) section 1(1) of the Protection of Animals (Amendment) Act 1954 from having custody of an animal(4);
  - (i) section 5(3) of the Pet Animals Act 1951 from keeping a pet shop(5); or
  - (j) section 6(2) of the Dangerous Wild Animals Act 1976 from the ownership of an animal(6)
- and any licence issued to a person so disqualified is invalid.

### **Death of a licence holder**

#### **11.—**

(1) If the licence holder dies that licence is deemed to have been granted to the personal representatives of the licence holder so long as none of the personal representatives is subject to an order for disqualification under any of the provisions set out in regulation 10, and remains in force for a period of three months beginning with the date of death, but remains subject to the provisions in Part 3.

(2) The personal representatives must notify the local authority which issued the licence that the licence has vested in them within 4 weeks of the death of the licence holder.

(3) A local authority may, on the application of those personal representatives, extend the period of 3 months referred to in paragraph (1) if the local authority is satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make extension undesirable.

### **Fees**

**12.—**(1) A local authority may charge such fees as it considers necessary—

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- (1) 1973 c.60 Section 3(3) was amended by section 5(1) of the Breeding and Sale of Dogs (Welfare) Act 1999 (1999 c.11).
  - (2) 1964 c. 70 Section 4(3) was amended by section 64 of, and paragraph 6(2) of Schedule 3 to, the Animal Welfare Act 2006.
  - (3) 1963 c. 43 Section 3(3) was amended by section 64 of, and paragraph 5(2) of Schedule 3 to, the Animal Welfare Act 2006.
  - (4) 1954 c.40. Section 1 was repealed by section 65 of, and Schedule 4 to, the Animal Welfare Act 2006.
  - (5) 1951 c.35 Section 5(3) was amended by section 64 of, and paragraph 3(2) of Schedule 3 to, the Animal Welfare Act 2006.
  - (6) 1976 c.38. Section 6(2) was amended by section 64 of, and paragraph 9 of Schedule 3 to, the Animal Welfare Act 2006.

(a) for the consideration of an application for a licence; and

(b) for the grant or renewal of a licence.

(2) The fee charged for consideration of an application for a licence must not exceed the reasonable costs of carrying out that consideration.

(3) The fee charged for granting or renewing a licence must not exceed the sum of the costs of making the grant or renewal and the reasonable anticipated costs of future monitoring of compliance with these Regulations and the licence conditions by the licence holder.

### **Guidance**

**13.** The local authority must have regard in the carrying out of its functions under these Regulations to such guidance as may be issued by the Welsh Ministers.

## **PART 4**

### **Suspension, Variation and Revocation of a Licence**

#### **Grounds for suspension and variation**

**14.** A local authority may at any time suspend or vary a licence on being satisfied that—

(a) the matters referred to in regulation 9(1)(a) to (d) are not satisfied;

(b) the licence conditions are not being complied with;

(c) there has been a breach of these Regulations;

(d) information supplied by the licence holder is false; or

(e) it is necessary to protect the welfare of an animal.

#### **Procedure for suspension and variation**

**15.—(1)** A suspension or licence variation under regulation 14 has effect at the end of the period of 7 days beginning with the date of service of the notice of suspension or notice of variation.

(2) If it is necessary to protect the welfare of an animal the local authority may specify in the notice that the suspension or variation has immediate effect.

(3) A notice of suspension or variation must—

(a) state the local authority's grounds for suspension or variation;

(b) state when it comes into effect;

- (c) specify measures that the local authority considers are necessary in order to remedy the grounds; and
- (d) explain the right of the licence holder to make written representations in accordance with paragraph (4) and give the details of the person to whom such representations may be made and the date by which they must be made.

(4) Where the notice does not have immediate effect the licence holder may make written representations against the notice to the local authority within 7 days of the date of service of the notice.

(5) Where representations are made under paragraph (4), the suspension or variation does not have effect until the local authority considers the representations and makes a determination on them in accordance with paragraph (6).

(6) The local authority must make a determination of the representations in writing with reasons to the licence holder within 7 days of receipt of those representations.

(7) If a licence has been suspended for more than 28 days the local authority must—

- (a) reinstate a suspended licence; or
- (b) revoke a suspended licence.

#### **Reinstatement of licence**

**16.—**(1) A local authority must reinstate a suspended licence by way of notice once it is satisfied that that grounds specified in the notice of suspension have been or will be remedied.

(2) Where a licence is reinstated under paragraph (1) the period for which it is issued may be varied.

#### **Grounds for revocation of a licence**

**17.—**(1) The local authority may revoke a licence on being satisfied that—

- (a) the matters referred to in regulation 9(1)(a) to (d) are not satisfied;
- (b) the licence conditions are not being complied with;
- (c) there has been a breach of these Regulations;
- (d) information supplied by the licence holder is false; or
- (e) it is necessary to protect the welfare of an animal;

(2) Where a licence holder is disqualified under any of the enactments listed in regulation 10 their licence is automatically revoked when the time limit for any



appeal against that disqualification expires or, if an appeal is made, when that appeal is refused.

#### **Notice of revocation**

**18.** A notice of revocation must—

- (a) state the local authority's grounds for revocation;
- (b) state when it comes into effect; and
- (c) set out the right of appeal to a magistrates' court.

## **PART 5**

### **Appeals**

#### **Right of Appeal**

**19.—**(1) Any person who is aggrieved by the refusal to grant or renew, or the decision to revoke, a licence may appeal to a magistrates' court.

(2) The procedure on an appeal to a magistrates' court under paragraph (1) is by way of complaint, and the Magistrates' Courts Act 1980(1) applies to the proceedings.

(3) The period within which an appeal may be brought is 28 days beginning with the day following the date on which the decision is notified.

## **PART 6**

### **Miscellaneous provisions**

#### **Power to take samples**

**20.** An inspector may, for the purposes of ensuring the provisions of these Regulations are being complied with, take saliva or hair samples for DNA testing, from any dog on premises occupied by the licence holder.

#### **Duty to assist in the taking of samples**

**21.** The licence holder must comply with any reasonable request of an inspector in order to facilitate the identification and examination of a dog and the taking of samples in accordance with regulation 20 and, in particular, must arrange the penning of a dog if so requested by an inspector.

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(1) 1980. c. 43.

## **Offences**

22. It is an offence for a person, without lawful authority or excuse, to contravene any licence condition and a person guilty of such offence shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale, or to imprisonment for a term not exceeding 6 months, or both.

## **Powers of Entry**

23. Breach of a licence condition must be treated as a relevant offence for the purpose of section 23 of the Act (entry and search under warrant in connection with offences).

## **Post Conviction Powers**

24. The relevant post conviction powers contained in sections 34, 35 and 42 of the Act apply in relation to a conviction for an offence of breach of a condition of a licence granted under these Regulations.

## **Transitional provisions**

25. A licence granted under the Breeding of Dogs Act 1973 will continue to have effect as if it were a licence granted under regulation 5.

## **Consequential amendments**

26. Schedule 2 (consequential amendments) has effect.

## **Enforcement**

27. These Regulations are enforced by the local authority.

Signature

Minister for Natural Resources and Food, one of the  
Welsh Ministers

Date

# SCHEDULES

## SCHEDULE 1

Regulation 8(2)

### PART 1

#### Licence Conditions

##### Condition 1: Enhancement and Enrichment

**1.** The licence holder must implement an enhancement and enrichment programme approved by the local authority.

##### Condition 2: Socialisation

**2.** The licence holder must implement a socialisation programme approved by the local authority.

##### Condition 3: Health

**3.** The licence holder must take all reasonable steps to protect dogs from pain, suffering, injury and disease.

##### Condition 4: Mating

**4.** The licence holder must ensure a breeding bitch

- (a) is not mated until she is 12 months old;
- (b) does not give birth to more than 1 litter of puppies in a 12 month period; and
- (c) does not give birth to more than 6 litters of puppies in total.

##### Condition 5: Change of ownership of a puppy

**5.** The licence holder must retain ownership and possession of a puppy until it is at least 56 days old.

##### Condition 6: Identification of breeding bitches and stud dogs

**6.—(1)** The licence holder must ensure all breeding bitches and stud dogs are identified with a microchip.

**(2)** The microchip referred to in sub-paragraph (1) must—

- (a) have a unique number;
- (b) comply with either ISO standard 11784:1996 or Annex A to ISO standard 11785:1996 of the International Standards Organisation's standards for microchips; and

- (c) within 7 days of implantation be registered on a database that the licence holder reasonably believes accurately records:
  - (i) the name, address and telephone number of the dog's owner;
  - (ii) the name of the dog;
  - (iii) the breed of the dog;
  - (iv) the sex of the dog;
  - (v) the date of birth of the dog; and
  - (vi) the unique microchip number.

Condition 7: Identification of puppies

7.—(1) The licence holder must ensure a puppy is identified with a microchip before it:

- (a) is 56 days old; or
- (b) leaves premises occupied by the licence holder with a view to a change of ownership;

whichever is the later.

(2) The microchip referred to in sub-paragraph (1) must comply with paragraph 6(2) above.

(3) The licence holder must register as the first registered owner of any puppy on the database used to register the dog's microchip, in accordance with paragraph 6 (2)(c), before —

- (a) the puppy leaves the premises occupied by the licence holder with a view to changing ownership; or
- (b) the licence holder transfers ownership of the puppy to a third party;

whichever is the earlier.

(4) On transfer of ownership of a puppy, the licence holder must provide the information listed in paragraph 6(2)(c)(i) to the database the licence holder used to register the dog's microchip, in accordance with paragraph 6(2)(c), in relation to the new owner.

Condition 8 : Breeding bitch record requirements

8.—(1) The licence holder must maintain a written record in relation to each breeding bitch kept setting out her:

- (a) name;
- (b) date of birth;
- (c) breed;
- (d) physical description including colour and identifying features;
- (e) health status;
- (f) unique microchip number;
- (g) mating details including;

- (i) name, breed and unique microchip number of the sire; and
- (ii) the following details in relation to each puppy born—
  - (aa) date of birth;
  - (bb) unique microchip number ; and
  - (cc) when ownership is transferred, the new owner's name and address.

(2) When ownership of a breeding bitch is transferred the name, address and telephone number of the new owner must be recorded by the licence holder on the record referred to in sub-paragraph (1) and a copy of the record must be provided to the new owner and a copy retained by the licence holder.

(3) The record referred to in sub-paragraph (1) must be available for inspection and retained by the licence holder for the lifetime of the breeding bitch.

#### Condition 9 : Puppy record requirements

**9.—(1)** The licence holder must maintain a written record confirming the following details in relation to each puppy:

- (a) sex;
- (b) date of birth;
- (c) breed;
- (d) physical description including colour and identifying features;
- (e) health status;
- (f) unique microchip number;
- (g) name, breed and unique microchip number of the dam; and
- (h) name, breed and unique microchip number of the sire.

(2) When ownership of a puppy is transferred, the name address and telephone number of the new owner must be recorded by the licence holder on the record referred to in sub-paragraph (1) and a copy of the record must be provided to the new owner and a copy retained by the licence holder.

(3) The record referred to in sub-paragraph (1) must be available for inspection by the local authority at any time and retained by the licence holder for 3 years from the date of birth of the puppy.

## SCHEDULE 2

### Amendment of Statutory Instruments

Regulation 2(4)

#### **Breeding of Dogs Act 1973**

1.—(1) The Breeding of Dogs Act 1973 is amended as follows.

(2) In section 1 (licensing of breeding establishments for dogs), after subsection (1) insert—

“(1A) Subsection (1) does not apply in relation to Wales.”

(3) In section 5 (interpretation), in subsection (2), in the definition of “local authority”, omit “and in Wales the council of a county or county borough”.

#### **Local Government (Wales) Act 1974**

2. In Schedule 16 of the Local Government (Wales) Act 1994 (other consequential amendments), omit paragraph 42.

#### **Guard Dogs Act 1975**

3. In section 3 of the Guard Dogs Act 1975 (guard dog kennel licences), before subsection (6) insert –

“(5B) Where a person is convicted of an offence under section 13(6) of the Animal Welfare Act 2006 arising from the contravention of section 13(1) of that Act in relation to dog breeding in Wales, or of an offence under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2013, subsections (4) and (5) apply as they do to convictions under this Act.”

#### **Dangerous Wild Animals Act 1976**

4. At the end of section 6 of the Dangerous Wild Animals Act 1976 (penalties) insert—

“(3B) Where a person is convicted of an offence under section 13(6) of the Animal Welfare Act 2006 arising from the contravention of section 13(1) of that Act in relation to dog breeding in Wales, or of an offence under the Animal Welfare (Breeding of Dogs)(Wales) Regulations 2013, subsections (2) and (3) apply as they do to convictions under this Act”.

### **Zoo Licensing Act 1981**

5. In section 4 of the Zoo Licensing Act 1981 (grant or refusal of licence), in subsection (5), insert at the end—

““section 13(6) of the Animal Welfare Act 2006, so far as the offence arises from the contravention of section 13(1) of that Act in relation to dog breeding in Wales;

the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2013.”

## **Explanatory Memorandum to**

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer 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 the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2013. I am satisfied that the benefits outweigh any costs.

A handwritten signature in blue ink, appearing to read 'Alun Davies', with a horizontal line underneath.

Alun Davies AM  
Minister for Natural Resources and Food

DATE: 12 June 2013



## **1. Description**

There is a high level of public concern about the welfare of dogs and puppies in some breeding establishments in Wales. Research carried out under the Companion Animal Welfare Enhancement Scheme (CAWES) identified that there was an inconsistent approach to licensing by Local Authorities, as well as several gaps between the requirements of the Breeding of Dogs Act 1973 (as amended) and the Animal Welfare Act 2006. It was agreed, therefore, that updated legislation is required to ensure the welfare needs of the animals at these premises are suitably met. Consequently these Regulations provide requirements for local authorities to develop new licensing requirements for licensing dog breeding establishments.

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

The draft Regulations are subject to approval of the National Assembly by affirmative resolution by virtue of section 61 of the Animal Welfare Act 2006 and section 162 of and paragraph 34 of Schedule 11 to the Government of Wales Act 2006.

The draft Regulations repeal section 1(1) of the Breeding of Dogs Act 1973 and make consequential amendments to 4 other Acts.

## **3. Legislative background**

Section 13 of the Animal Welfare Act 2006 (“the Act”) created the power for the National Assembly for Wales to repeal the Breeding of Dogs Act 1973 and replace it with new regulations in relation to Wales. Those powers now vest in the Welsh Ministers by operation of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

The power to make new Regulations must be exercised for the purpose of promoting the welfare of animals. Section 13 also requires that the Welsh Ministers consult with persons appearing to them to represent any interests concerned prior to exercising the power.

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

The existing legislation for dog breeding is the Breeding of Dogs Act 1973 as amended; the requirements for licensing are based upon a breeder producing 5 or more litters per annum.

The existing Regulations were made 40 years ago and modern science suggests that greater animal welfare standards are required. Dog breeding establishments have come under intense scrutiny in recent years due to the increased number of high profile incidents where puppies were being bred in inappropriate conditions. Television programmes such as *Byd Ar Bedwar*, *The One Show*, *Week In Week Out* and *Rogue Traders* have all investigated allegedly unscrupulous breeders across Wales. Campaign groups such as *Puppy Love*, *Puppy Alert*, *CARIAD* and the *Advisory Council on the Welfare*

Issues of Dog Breeding have been set up to raise awareness of puppy breeding with the general public and put pressure on Governments. There has also been a strong veterinary input via the British Veterinary Association and others to the debate.

Research carried out under the Companion Animal Welfare Enhancement Scheme (CAWES) reported that, as of 31<sup>st</sup> March 2011, there were 251 licensed dog breeding establishments in Wales, along with 149 unlicensed premises and 1587 that were exempt from the current legislative requirements. The majority of these are based in the West Wales counties of Carmarthenshire, Pembrokeshire and Ceredigion.

The Animal Welfare Act 2006 came into force in Wales on 27<sup>th</sup> March 2007. The proposed Regulations are coming forward under Section 13 of that Act and the overarching policy objective is to improve the welfare standards within dog breeding establishments.

The main policy proposals within the new Regulations include:

- tighter licensing criteria;
- the requirement to microchip all dogs before they are 56 days old or leave the breeding premises, whichever is later;
- a staff: dog ratio which has a minimum staff requirement;
- standardising the minimum age a pup can leave the breeding premises; and
- the need for breeding establishments to introduce socialisation, and environmental enrichment and enhancement programmes.

In developing the above policy proposals, the Welsh Government has strived to find the right balance between introducing unnecessary or onerous requirements upon legitimate dog breeders while providing much needed provisions to protect the health and welfare of breeding bitches, stud dogs and their offspring and deter individuals from operating any illegal dog breeding activity.

## **5. Consultation**

Details of consultations undertaken are included in the Regulatory Impact Assessment below.

## **PART 2 – REGULATORY IMPACT ASSESSMENT**

### **Options**

The main options considered were:

- Option 1: No change.
- Option 2: Licensing of all dog breeders in Wales.
- Option 3: Licensing of all dog breeders in Wales that operate above a determined threshold.

#### Option 1

Evidence gathered through the Welsh Government's Companion Animal Welfare Enhancement Scheme (CAWES) suggested that updated legislation was required to govern dog breeding in Wales. In addition, ad hoc evidence has been received by the Welsh Government that would support this research. The general public feel strongly that stricter welfare requirements are needed and therefore, Option 1 is not viable.

#### Option 2

The Task and Finish Group on Dog Breeding initially considered the viability of introducing Regulations that would make anybody who bred just one litter eligible for licensing. However, this would have massive implications for enforcement officials who are already stretched, and could result in dog owners who have breeding bitches that are mated accidentally, requiring a licence. Whilst it would perhaps encourage owners that do not want a licence to neuter their animals neutered or employ better standards of husbandry, this was not seen as a realistic option due to the enforcement problems.

#### Option 3

It is therefore considered that the introduction of Regulations to impose licences on dog breeders that operate above a determined threshold was the only logical approach. This is consistent with the structure of the current legislation, the Breeding of Dogs Act 1973 (as amended), but stricter licensing requirements would meet the objective of raising welfare standards.

### **Costs & benefits**

For Local Authorities, this should be a cost-neutral programme. Evidence was submitted as a case study by one local authority, Pembrokeshire, who stated that, whilst their licence fees were increasing in 2013/14, this was part of a planned 3-year increase and not as a result of the new Regulations.

#### Example 1

An example of how the legislation could affect breeders financially was submitted during the first consultation process. This is based on the proposal to introduce a minimum staff: dog ratio of 1 full-time worker per 20 dogs.

#### Welsh Association of Licensed Kennels (WALK)

**Based on 20 dogs kept at premises:**

2 stud dogs

2 young bitches (under 12 months - not whelping age)

16 breeding bitches, which will have 1 litter each per year (average 4 pups sold per bitch)

Sales (64 pups at £180 each)

**Costs**

Employment - £11,430

(37 hrs @ £5.92 min wage inc. an allowance for NI/Tax)<sup>1</sup>

Vaccination of adult dogs - £300

(£15 each per annum)

Food for adults and puppies – £2,500

Bedding - £400

Vaccination of puppies - £640

Vet Bills - £1,000

(e.g. worming, fleas, caesareans, hernias etc.)

Overheads - £1,000

(e.g. electricity, water, fuel)

Total - £17,270

**Loss (£5,750)**

This does not take into account the following:-

- Repair and Maintenance of kennels
- Cost of replacement of bitches
- Rates of Kennels
- The costs involved with the proposed legislation regarding micro chipping.
- How many people would work for the minimum wage of £5.92 per hour?
- There could be a couple of retirement bitches in the total number

Example 2

A submission received in the second consultation<sup>2</sup> suggested that the 'income' figures cited in Example 1 were very conservative. A selection of prices charged for puppies on a typical Internet site, epupz.com, were provided. It demonstrated that average prices for commonly sold breeds were:

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<sup>1</sup> This is at 2011 prices

<sup>2</sup> At 2012 prices

<b>Breed</b>	<b>First 10 prices for puppies from a search on epupz.co.uk using breed name on 22<sup>nd</sup> May 2012</b>	<b>Average puppy price</b>
Bichon Frise	£375, £550, £700, £500, £380, £450, £150, £375, £350, £350	£418
Cavalier King Charles Spaniel	£625, £695, £375, £600, £300, £600, £500, £550, £400, £600	£525
Boxer	£600, £650, £595, £500, £800, £800, £800, £350, £800, £650	£655
Springer Spaniel	£350, £500, £550, £300, £550, £400, £450, £450, £450, £150	£415
German Shepherd	£650, £650, £800, £400, £400, £450, £400, £550, £350, £800	£545

There will be a range of costs depending on what breeds are being sold, the latest “fashions” and demand for animals e.g. if based on the “epupz” web site the range of prices average out from £415 to £655 at the top end. It is noted that some dogs will cost considerably more e.g. British Bulldogs can vary from £1,500 to £4,000, mastiffs up to £1,800 and others considerably less.

However, it is recognised that the figures quoted in the epupz web site are selling direct to the consumer. A number of licenced breeders sell directly to other parties and the consequent sale costs are lower. But no figures have been produced from that sector. Consequently we can only stress that potential costs range from the example cited to a top end. It will be for individual breeders to decide how they want to profile their business activities.

### **Tightening the licensing criteria**

The new Regulations, as currently drafted, tighten the licensing criteria currently set by the Breeding of Dogs Act 1973 (as amended). They require anybody who owns 3 or more breeding bitches and meets one or more of a list of criteria (breeds 3 or more litters per year, or advertises or supplies pups for sale from those premises, or supplies from those premises a puppy or puppies from three or more litters in a 12 month period, or advertises a business of selling puppies) to be licensed by their Local Authority. It is expected that this will result in an increase in the number of breeders eligible for licensing in Wales.

Data gathered under the Companion Animal Welfare Enhancement Scheme (CAWES) showed that at 31<sup>st</sup> March 2011, there were 251 licensed dog

breeders in Wales as well as 149 unlicensed and 1587 exempt (i.e. they do not meet the current licensing criteria).

Since the publication of the CAWES report, local authorities have been taking steps to ensure that all those breeders that should be licensed under the current regulations are indeed licensed. The only **additional** breeders that will require a licence under the new regulations are those with 3 or 4 breeding bitches. It is not currently known how many breeders fall into this category nor how they will react to the change in regulations (for example, they could reduce the number of breeding bitches they have or cease breeding altogether), however, the best estimate is that between 10 and 25% of the currently exempt breeders will need a licence from their local authority. Based on an estimated licence fee of £80 per annum, this suggests a cost to the industry of between £12,500 and £32,000 per annum.

<b>Cost Impact</b>	<b>Benefit</b>
Additional licence cost to breeder. A report produced by Pembrokeshire Local Authority in 2009 stated that licensing fees by Local Authorities in Wales varied from £56.50 to £305 per annum.	Greater enforcement power by Local Authorities. It is an offence to prevent a licensing officer from entering commercial premises for inspection purposes.
Requirement to microchip all dogs on premises and puppies prior to rehoming (cost benefit analysis below).	Reassurance for the public as the Local Authority would be able to handle any complaints/concerns and breeders would be inspected at least annually.
Requirement to improve standards to meet the new welfare conditions (cost benefit analysis below).	Breeders would have to meet certain standards to retain their breeding licence.

### **Improvements to Premises**

The Breeding of Dogs Act 1973 (as amended) provides basic details on the construction and operation of dog breeding establishments. However there is a lack of clarity on the requirement in the 1973 Act. The new Regulations help to address this issue through the Welsh Ministers Guidance. It is important that all breeding establishments ensure they meet the “five needs” as set out in the Animal Welfare Act 2006. An animal’s needs shall be taken to include:

1. Its need for a suitable environment.
2. Its need for a suitable diet.
3. Its need to be able to exhibit normal behaviour patterns.
4. Any need it has to be housed with, or apart from other animals.
5. Its need to be protected from pain, suffering, injury and disease.

It is expected that in general a good dog breeder should already be complying with all those needs; therefore it is hoped that the new requirements should not impose a significant additional financial burden. However, those establishments shown not to meet the requirements will incur the cost associated with raising their standards. It has not been possible to produce an estimate of this cost based upon the available information.

Welsh Ministers Guidance has set out the minimum standards expected.

<b>Cost Impact</b>	<b>Benefit</b>
<p>Engagement with stakeholders from organisations that represent breeders are of the view that most registered breeders already operate to higher standards than those currently specified.</p> <p>It is recognised that poorer breeding establishments will have to upgrade their existing premises to comply, although as this could differ between such establishments it is impossible to determine.</p>	<p>Raising the minimum standard for breeding establishments will greatly enhance the conditions some breeding bitches are kept in.</p> <p>Improved health and well being of the resident dogs and puppies.</p> <p>Setting minimum standards will allow local authorities to take a more critical position of facilities provided and therefore improve conditions on the ground.</p>

### **Microchipping**

As part of a wider intent, action is being taken forward to make microchipping compulsory for all animals in due course. The intent is that all dogs in Wales will need microchipping by the 1 March 2015.

In the meantime, there is no current requirement for breeding establishments to microchip any dogs kept on their premises, or any of the puppies that they sell. However, we are aware that many breeders already microchip pups prior to sale.

These draft Regulations will require a breeder to have all their animals microchipped either at 56 days or before they leave the premises, whichever is the later.

The purpose of microchipping puppies is to ensure an audit trail from the breeding establishment to the new owner. Should welfare or medical problems arise in the future which indicate that the source of the problem emanates from the breeding establishment/processes, it would be possible to establish that link and take the necessary action to ensure there is no future reoccurrence.

The Regulations also require that all dogs used for the purposes of breeding (both the sire and dam) will have to be microchipped. This will ensure an audit trail of how many litters the dam has had and the frequency along with details of age and ownership.

<b>Cost Impact</b>	<b>Benefit</b>
<p data-bbox="225 273 608 338">Additional cost to breeding establishments.</p> <p data-bbox="225 383 762 595">Microchipping could be undertaken in several ways – by a veterinary surgeon, by the breeders themselves if appropriately trained, or by another person/organisation offering an implanter service.</p> <p data-bbox="225 640 778 741">The approximate cost of microchipping by a veterinary surgeon varies but has been quoted from £10-£30 per dog.</p> <p data-bbox="225 786 767 999">If breeders choose to implant the microchips themselves, they would need to attend a training course and be certified. The one-off cost of training would be in the region of £70-£100.</p> <p data-bbox="225 1043 772 1290">A scanner and microchips would need to be purchased. A scanner retails from approximately £80-100 upwards. In respect of microchips it would be expected that breeders would purchase in bulk and that attracts discount. Prices do vary per supplier.</p> <p data-bbox="225 1335 416 1368">For example:</p> <p data-bbox="225 1413 767 1480">10 chips retail at approx £6-7 per chip including online registration</p> <p data-bbox="225 1525 767 1592">25 chips retail at approx £5-6 per chip including online registration</p> <p data-bbox="225 1637 735 1704">100 chips retail at approx £4-£5 per chip including online registration.</p> <p data-bbox="225 1749 778 1883">Dog breeding establishments have the recourse of reclaiming the cost of microchipping from a buyer when they sell a pup.</p>	<p data-bbox="810 273 1358 562">Microchipping is a way of achieving a relatively painless and permanent method of identification, unlike ID tags which can be removed. The microchip is very small and is injected with a needle. Discomfort should be momentary and is similar to a dog receiving a vaccination.</p> <p data-bbox="810 607 1342 819">It is a relatively inexpensive process. Most suppliers offer low-cost microchipping and, for a small outlay in respect of training and a scanner, any breeding establishment would be able to undertake this in-house.</p> <p data-bbox="810 864 1358 1043">Identification details can be easily updated. As the information is kept on a computer database, a simple notification is all that is required to update details of ownership.</p> <p data-bbox="810 1088 1342 1267">As a microchip is a permanent record that the dog belongs to a particular person, it is likely that this would be a disincentive to any one intending to steal a dog.</p> <p data-bbox="810 1312 1302 1413">Where a dog is lost, microchipping greatly increases the chances of it being returned to the owner.</p> <p data-bbox="810 1458 1358 1995">Unfortunately, some animals do get injured and die. When a vet or the council comes to retrieve or treat the pet they will check the microchip and be able to trace the owner and inform the owner of what has happened. Over half the animals found as strays are not returned to their owners. Many often having to be put to sleep. Consequently, a microchipped animal has a significant welfare benefit if it is able to be returned promptly. Kennels, even when properly run can create significant welfare disbenefits for a dog.</p>



	<p>The Minister for Natural Resources and Food made an announcement on the 26<sup>th</sup> April that he intended proceeding with the compulsory microchipping of all dogs will be required by the 1 March 2015, therefore breeders would not be at a disadvantage commercially to unlicensed breeders, who otherwise would not be required to microchip their animals. With these proposals animals coming from Wales will already be microchipped and initially will be a useful selling point.</p>
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### **Monitoring**

There will be an additional cost to local authorities associated with monitoring the tighter licensing criteria, however, as noted above the impact on local authorities is expected to be cost neutral with the additional monitoring cost covered by the additional revenue from licences.,

### **Communications costs**

There will be a cost to the Welsh Government associated with informing local authorities and dog breeders about the change in regulations. The cost of this is expected to be approximately £500.

### **Consultation**

The first consultation on the draft Animal Welfare (Breeding of Dogs) (Wales) Regulations 2011 took place over 12 weeks between 21<sup>st</sup> October 2010 and 13<sup>th</sup> January 2011. The groups consulted were those that had an interest in the policy area and included:

- Other UK Administrations;
- All Welsh Local Authorities;
- Environment Agency;
- HMRC;
- Animal Health Veterinary Laboratories Agency;
- All member organisations of Animal Welfare Network Wales with a vested interest in the policy area;
- Wales Council for Voluntary Action;
- Representative bodies for veterinarians;
- Federation of Small Businesses;
- Police;
- Pet Industry Unions;

- Ad hoc members of the public who had written to the Welsh Government about dog breeding and had asked to be kept informed of developments;
- Welfare organisations;
- The Kennel Club;
- Agricultural organisations;
- Countryside Council for Wales;
- Animal Health & Welfare Strategy Steering Group;
- All Party Group for Animal Welfare;
- Hunt Committees; and
- Members of the Task for Finish Review Group on Dog Breeding.

The consultation pack was also available to download from the Welsh Government website.

It was clear that there were a number of key areas of concern:

- Irresponsible breeding in so called “puppy farms” should be brought to an end;
- The welfare of all breeding dogs (stud dogs and bitches) and their offspring is paramount;
- Some of the criteria for being licensed was too narrow;
- There was strong support for microchipping to become compulsory, but there were issues that needed to be clarified.

Discussions have taken place with organisations that expressed an interest in meeting to discuss the concerns they raised during the consultation process.

They were split into four groups, namely:

- Welfare campaigners;
- Countryside, working dog and Hunt sector;
- Licensed breeders; and
- Hobby breeders.

We have taken the outputs of the discussions and applied them against the existing proposed Regulations. It was clear that across the board there were a number of areas where we were asked to make changes to the proposed Regulations. Key changes sought were:

- The point at which a person become qualified to be licensed in terms of the number of breeding bitches and the number of litters;
- Anybody advertising or supplying dogs for sale and has more than four breeding bitches should be caught by the licensing regime;
- A specific exemption for hunt packs affiliated to the Council for Hunting Associations and the Masters of Draghounds and Bloodhounds Associations; and
- A tighter definition of ‘full time attendant’.

#### Major change

The inclusion of a staff: dog ratio was broadly accepted, however the ratio was changed from 1:20 to a minimum of 1:30 for the second consultation on the

basis that Local Authorities would be able to reduce this ratio if they believed that the licence applicant was unable to meet the standards required.

A second consultation took place in November 2012, with the same groups consulted as above, plus individuals who had expressed an interest in being contacted.

It was clear that the amended staff: dog ratio (1:30 instead of 1:20 for full-time workers, and 1:15 instead of 1:10 for part-time workers) was inappropriate.

Of the 137 consultation responses who actually answered the questions in the consultation, 78% did not agree with the change. Critically in addition to this the British Veterinary Association (BVA) and the British Small Animal Veterinary Association (BSAVA) have since revised their stance. Originally they set out a position of a ratio of 1:30 on this proposal, but after considerable internal discussion, their advice now reflects our original policy and recommends a ratio of no more than 20 dogs to one full time member of staff (or 10 dogs to one part time staff).

Other welfare experts and in particular the Advisory Council on the Welfare Issues of Dog Breeding (set up following the Bateson Report), calculated that it was impossible for one person to have control of 30 dogs and all their puppies and be able to satisfy reasonably the requirements laid out in the Animal Welfare Act and indeed the Welsh Government's Code of practice on dogs.

An example of time allocation was provided by a number of respondents based on the 1:30 staff: dog ratio. The figures were based on the interpretation of a full-time worker in the Regulations as 'a person who works at least 37 hours per week', split over 7 days a week. It was suggested that this would result in approx 5.5 hours for care each day, an average of approximately 11 minutes per dog per day (assuming continuous effort and totally undivided focus on the dogs).

However, the following was provided, based on conservative estimates reflecting a respondent's personal dog care experience in rescues:

Cleaning of kennel	(say) 15 minutes
Assume 3 dogs in kennel	min. 5 minutes per dog/day
Replacement of bedding material	min.3 minutes per dog/day
<i>(note, most 'volume' breeders use shredded paper or sawdust which would require changing daily)</i>	
Cleaning of individual food and water bowls	min. 2 minutes per dog/day
Food preparation and replacement of water bowls	min. 5 minutes per dog/day
Grooming (for required breeds)	weekly 15 minute grooming session - averaging min. 2 minutes per dog/day

Routine cleaning, feeding and grooming tasks are likely, then, to take a minimum of 17 minutes per dog per day, on the above conservative analysis.

Based on the above examples it suggests that a minimum staff/dog ratio of 1:30 does not allow time even for this to be done in a thorough way.

### Minor changes

Some minor changes have been made on the Welsh Minister's Guidance following comments on the Consultation:

- Adding the following sentence to the requirement for water in section 2.1: *“Where there is more than one dog in a kennel and there are no automatic drinking facilities, it is advisable to provide a number of drinking bowls and checked at least twice daily to ensure adequate access to fresh water at all times”.*
- Adding the following sentence about waste management: *“Licensee should check with Natural Resources Wales for current guidance on the appropriate means of disposal.”*
- The addition of a Schedule containing a template for breeding bitch logbooks.

### **Competition Assessment**

A competition filter can be found at Appendix A.

### **Post implementation review**

It would be appropriate to consider starting a review of legislation three years after the legislation is made and brought into effect. There is at least one organisation which is seeking UKAS accreditation on breeding standards and it would be appropriate to consider that position in any review but after legislation has settled down.

## APPENDIX A

### The Competition Assessment

#### The competition filter test

The competition filter test is set out below, together with points raised

The competition filter test	
Question	Answer yes or no
<b>Q1:</b> In the market(s) affected by the new regulation, does any firm have more than 10% market share?	No
<b>Q2:</b> In the market(s) affected by the new regulation, does any firm have more than 20% market share?	No
<b>Q3:</b> In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share?	No
<b>Q4:</b> Would the costs of the regulation affect some firms substantially more than others?	Yes
<b>Q5:</b> Is the regulation likely to affect the market structure, changing the number or size of businesses/organisation?	Yes
<b>Q6:</b> Would the regulation lead to higher set-up costs for new or potential suppliers that existing suppliers do not have to meet?	No
<b>Q7:</b> Would the regulation lead to higher ongoing costs for new or potential suppliers that existing suppliers do not have to meet?	No
<b>Q8:</b> Is the sector characterised by rapid technological change?	No
<b>Q9:</b> Would the regulation restrict the ability of suppliers to choose the price, quality, range or location of their products?	No

#### Questions 1 to 3: the market

No one firm will have at least 10% of the market. At the last Companion Animal Welfare Assessment in March 2011 there were some 251 licensed premises in Wales and 1587 premises which breed animals but which are not under current Regulations eligible to be licensed.

#### Question 4: substantially different effect on businesses/organisation

All businesses should already be complying with the Animal Welfare Act (the Act) and the duty of care; however we are aware that some businesses are not

meeting the current standard of welfare of the Act. All businesses should have met the duty of care requirements of the Act, which sets up framework provisions. These Regulations provide for the detail to ensure animal welfare standards are not compromised. We have had no figures supplied to us from the industry on potential infrastructure changes that might be needed, despite two consultations and meeting with them. Some local authorities have been in discussion with licensed breeders since February on potential changes that might occur.

#### **Question 5: changes to market structure**

A yes answer is given but that is by no means a certainty. If these regulations penalise certain firms it is because the welfare of the animals may have become compromised and investment is needed to ensure an animal's welfare is not compromised. This could result in some businesses ceasing to trade. But from the figures that have been supplied, it is clear a different business strategy produces far higher returns.

A by-product of these Regulations could also be an increase in activity in the Microchipping sector. As demand grows, so more individuals and businesses may choose to train to become implanters to provide this required service.

#### **Questions 6 and 7: penalising new suppliers**

There will be a delay of some three months to allow local authorities and licensed breeders to consider these Regulations further. However, after commencement the new standards will be applied at the next licensing for new premises. If a premises is due to be renewed the day following implementation the local authority must issue a licence if they comply or if they believe they will comply. Likewise premises whose licensing is not due, for example, until 9 months time will not be affected until then. New applications should be in a position to comply at the beginning of their licensing cycle regardless of when that is.

#### **Question 8: technological change**

A no answer is given. Change of animal welfare standards can take some time to evolve through research and development.

#### **Question 9: restrictions on suppliers**

Whilst we do not agree that the proposals will restrict breeders, it is possible that new standards may cause existing prices to rise. The Welsh Association of Licensed Kennels argue that the traceability of puppies to Wales, because of its reputation as 'the puppy farming capital of the UK', may deter potential buyers. However, if positive marketing is undertaken there will be an indication that Welsh breeders will be working to higher standards than are required in other parts of the UK. Responsible licensed breeders in our discussions welcomed this positively.





## **The Campaign to End Puppy Farming.**

By email

Mr. David Melding A.M.  
Chair  
Constitutional and Legislative Affairs Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

20 June 2013

Dear Mr. Melding

C.A.R.I.A.D. is a coalition of 28 dog rescue and welfare organisations across Wales which campaigns for improvements in welfare standards in dog breeding and specifically for the ending of puppy farming. We would be grateful if the Committee would consider a number of concerns we have about the Animal Welfare (Breeding of Dogs) (Wales) Regulations, 2013, as drafted, that we feel have the potential to undermine the achievement of Government policy objectives to ensure adequate protection of dog welfare.

### **1 Background**

1.1 Our experience is that there are a large number of dog breeding establishments in Wales, concentrated in the south-west, with many having poor welfare conditions for dogs kept. Many breeding establishments are of a large size. In Carmarthenshire, for example, the average number of breeding dogs kept in licensed dog-breeding establishments was 39 in 2012. This does not include puppies produced. There are a significant minority of establishments with over 100 breeding dogs kept.

1.2 Conditions found in many dog breeding establishments based on RSPCA inspector reports, local authority official visits, reports of those visiting establishments for purchase and some undercover investigations undertaken and published, frequently include the following :

- permanent kennelling of dogs in barren kennels
- lack of adequate provision of bedding
- failure to ensure adequate protection from heat or cold
- very limited or no exercise of dogs
- failure to socialise puppies
- failure to provide veterinary care
- repetitive breeding from breeding bitches to exhaustion
- disposal of breeding dogs no longer required with these most often unaccounted for
- failure to provide veterinary care

**C.A.R.I.A.D.**

Care And Respect Includes All Dogs

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1.3 Unfortunately, our experience is that such conditions are frequently found not only in those premises avoiding scrutiny by local authorities i.e. unlicensed premises, but in many premises which are licensed and 'approved'. The process of licensing by local authorities frequently appears to focus almost exclusively on basic structural features of the kennel environment (e.g. materials used etc) and on the carrying out of very basic procedures to prevent disease spread. There appears often to be insufficient attention paid to those conditions that relate to the behavioural and psychological needs of dogs such as adequate opportunity for exercise, variety and stimulation, and interaction with carers. Moreover, there is often only cursory attention to health needs. We have undertaken analyses of license reports produced by some authorities which strongly support this view.

1.4 While many ex-breeding dogs are never accounted for, some find their way into rescue organisations. Most often such dogs exhibit a range of health problems invariably untreated. These include eye infections, ear infections, skin allergies, mammary tumours and others which have been caused by the conditions under which dogs have been kept, and the failure to treat. Scientific evidence attests to these consequences with findings that ex-puppy farm dogs are significantly more likely to have health problems and to display behavioural problems including high anxiety, fearfulness, and passivity.

## **2 The draft Animal Welfare (Breeding of Dogs) (Wales) Regulations 2013**

2.1 We have closely followed the development of the proposed Animal Welfare (Breeding of Dogs) Wales Regulations over recent years and have been hopeful that, when finally implemented, these Regulations would represent a significant step forward for the welfare of dogs and puppies involved in breeding.

2.2 Features of the proposed Regulations that we view as potentially positive and progressive include the following :

- the requirement that licensed breeders supply and implement programmes relating to both 'enhancement and enrichment' of the dogs environment and experience (including exercise provision), and to the proper socialisation of puppies, which is critical to their development.
- the requirement for micro-chipping of breeding dogs and puppies
- the introduction of a minimum staff to dog ratio
- the giving of powers to local authorities to suspend or revoke licenses – where previously this required going to a magistrates court
- the extension of the range of breeders requiring licensing to those with 3 or more breeding bitches
- the inclusion of statutory Guidance

2.3 We note that it is critical that any regulations adopted are properly and consistently enforced. For the Regulations to be successful they must be drafted in such a way that clear conditions may be defined that licensees must meet, and that local authorities are both fully committed and able to apply and enforce. Too often, we have found where there are significant breaches of even the minimal conditions currently required that no action is taken.

## **3 Concerns raised in relation to our understanding of the Committee's remit**

3.1 With respect to the Committee's remit, we have some concerns on 'technical' grounds believing that the form or meaning of some of the draft text needs further explanation (Standing Order 21.2(v)), or is defective (Standing Order 21.2 (vi)). Moreover, we have certain concerns with respect to the 'merits' of the draft text relating particularly to Standing Order 21.3 (v) as aspects of the draft Regulations may, in our view, undermine their ability to achieve the policy objectives stated in the Explanatory Memorandum and expressed elsewhere (e.g. in consultation documents).

## 4 Matters of concern regarding the Regulations as drafted

### A) Removal of local authority power to define license conditions

4.1 Our primary concern, we understand to be a 'merits' concern (re S.O. 21.3(v)). This concern relates to what appears to be an important omission in the draft Regulations text which may undermine the ability of local authorities to specify enforceable license conditions relating to the range of criteria the Regulations require to be fulfilled. This may undermine the potential of the Regulations to achieve meaningful improvements in dog welfare – a core policy intention.

4.2 In the Breeding of Dogs Act, 1973, which the current Regulations are intended to replace, clause 1(4) stated the following,

*'In determining whether to grant a licence for the keeping of a breeding establishment for dogs by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing :*

- a) that the dogs will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation, and cleanliness;*
- b) that the dogs will be adequately supplied with suitable food, drink and bedding material, adequately exercised and (so far as necessary) visited at suitable intervals;*
- c) that all reasonable precautions will be taken to prevent and control the spread of infectious or contagious diseases;*
- d) that appropriate steps will be taken for the protection of the dogs in case of fire or other emergency;*
- e) that all appropriate steps will be taken to secure that the dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment;*

*and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all the objects specified in paragraphs (a) to (e)'* (underlining added)

The underlined text has provided the explicit basis for local authorities to define licence conditions consistent with the core requirements (a to e) that they may then use as the criteria against which applications for licenses are appraised.

4.3 The current draft Regulations include a section, Section 9, which is broadly equivalent to Section 1,4 of the 1973 Act above as follows :

*'9. – 1) When considering whether to grant or renew a licence the local authority must be satisfied that –*

- a) dogs are at all times kept in accommodation that is of an appropriate construction and size, with appropriate exercise facilities, temperature, lighting, ventilation, and cleanliness;*
- b) appropriate whelping facilities are available*
- c) dogs are supplied with suitable food, drink and bedding*
- d) dogs are supplied with adequate facilities to enable them to exhibit normal behaviour patterns.'*

4.4 However, we wish to draw the attention of the Committee to the fact that no equivalent text or clause is now included in the Regulations to the underlined text above in the 1973 Act. This, we feel, creates an uncertainty or ambiguity as to whether a local authority does have the continued power to define conditions relating to the core requirements specified under Section 9. We note, further, that in the earlier draft Breeding of Dogs (Wales) Regulations 2011 (now superseded), a related clause was included (Section 5,1 e) : *'specify such conditions in the licence as appear to it (the local authority) necessary to ensure the matters set out ,,, are met'*). However, this did not appear in either the subsequent 2012 or 2013 drafts. It is not clear why.

4.5 We are aware that there have been steps taken by a number of authorities in Wales to introduce improved license conditions which are more consistent with a current understanding of what appropriate accommodation, exercise facilities etc should mean and which incorporate Animal Welfare Act criteria (as do the current draft Regulations). These new model conditions, developed initially by Pembrokeshire County Council, are consistent with the extant regulations and have been recommended for adoption by the Welsh Local Government Association (please see attached letter from Mr Steven Thomas, Chief Executive of the WLGA). Much preparatory work has, we understand, been undertaken by Pembrokeshire County Council and others to prepare breeders for their adoption. It would be anticipated that the model licence conditions now being promoted by the WLGA may be readily updated to incorporate the new provisions under the draft Regulations.

4.6 While the sum of the draft text might be interpreted to imply that local authorities continue to be able to define licence conditions relating to the criteria referred to, there appears to us now to be an uncertainty concerning the local authorities powers which could lead to challenge by a breeder e.g. where a license is refused on grounds of breach of license conditions defined by a local authority. Moreover, local authorities could adopt the view they have the legal power only to adopt those licensing conditions included in Schedule 1. This may inhibit development of what appears to be a productive approach by certain local authorities in Wales with respect to the new model licensing conditions. This would be straightforwardly remedied by retention under Section 9,1 of the new Regulations of the 1973 clause (or similar), e.g. *'and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all the objects specified in paragraphs (a) to (d).'*

4.7 We would draw attention of the Committee further to Section 8 (2) of the draft Regulations which may contribute to the ambiguity. This states that,

- 2) The local authority must attach to each licence granted –*
- a) the conditions contained in Schedule 1 to these Regulations;*
  - b) a condition specifying the maximum number of dogs to be kept under the terms of the licence*
  - c) a condition specifying a staff to dog ratio which must ensure as a minimum staff requirement –*
    - (i) 1 full-time attendant per 20 dogs kept; or*
    - (ii) 1 part-time attendant per 10 dogs kept.'*

4.8 The conditions under 'Schedule 1' are the compulsory conditions. There is no reference to attachment of any other licence conditions. While Section 8(2) may not preclude attachment of other conditions, with the failure to refer to these explicitly in combination with lack of specific reference to an authority's power to define associated licence conditions, an important ambiguity remains. We recommend that Section 2 be extended to include a fourth possible attachment, e.g. *'d) and any other conditions the local authority may specify'*.

4.9 Finally, on this issue, we note that under 'Interpretation' in Section 3 of the draft Regulations, *'licence conditions'* are defined as follows, *'those conditions set out in Schedule 1 to these Regulations and any further conditions attached to a licence by the local authority'*. This appears to us to predicate the inclusion of a clause empowering authorities to specify conditions relating to criteria under Section 9. The definition is not sufficient for this in itself, however.

## **B) Ambiguity in conditions determining eligibility for licensing**

4.10 It is very important that it is clear who is eligible for licensing under the Regulations. The criteria for this are defined in Part 2, Section 5. We believe a technical matter arises here of a requirement for further explanation to clarify meaning.

4.11 Section 5(1) states that, 'A person carries on the activity of dog breeding for the purposes of Section 13(1) of the Act if that person keeps on premises 3 or more breeding bitches and – ..'. Five conditions a) to e) are then listed. It is unclear from this wording whether one or all of the further conditions need to be met. However, the Explanatory Memorandum is clear (p.6) that 'anybody who owns 3 or more breeding bitches and meets one or more of a list of criteria ...etc' is required to be licensed by the local authority. While the Explanatory Memorandum is unambiguous, the Regulations are not. They need to state clearly that, one or more of the conditions a) to e) is required along with possession of 3 breeding bitches. Otherwise some breeders will argue that all the criteria do not apply to them and that they are therefore not required to be licensed.

### **C) Requirement for development of the associated statutory Guidance**

4.12 Under Section 13 of the draft Regulations there is the requirement that, 'The local authority must have regard in the carrying out of its functions under these Regulations to such guidance as may be issued by the Welsh Ministers'. We note that this is a very important provision from the point of view of properly fulfilling the policy intention of the Regulations.

4.13 A key problem with the extant regulations is that the criteria set have been both limited and poorly defined. Our experience is that ambiguous terms that had the potential to allow for ensuring appropriate minimum standards – e.g. 'suitable accommodation', 'exercising facilities' have often been very conservatively interpreted with, for example, small barren kennels, sheds or even lorry trailers being viewed as acceptable accommodation, while tiny mesh enclosed concrete areas or brief release into a small concrete yard have been taken to represent adequate exercise facilities.

4.14 In 2000, a number of bodies (the RSPCA, the British Veterinary Association, the Chartered Institute of Environmental Health and the Local Government Association) published 'guidance' to support local authority officers in interpretation of the Breeding of Dogs Act, 1973 and subsequent dog breeding regulations. This is often referred to as the 'CIEH Guidance'. The availability of this was communicated to local authorities in a Home Office circular. We have found again and again that this guidance has been ignored. For example, it recommended (at the time) a staff to dog ratio of 1 to 30 (n.b. later veterinary advice supersedes this). We are aware of premises licensed in west Wales where the ratio is 1 to 120. When challenged, the licensing authority replied – 'the guidance is not statutory'.

4.15 That the Guidance associated with the Regulations will be statutory is an important step forwards. However, the Guidance needs to be comprehensive, appropriate and clearly defined. Our view is that work is still needed on this in advance of implementation of the Regulations. In particular, the draft Regulations require that a potential licensee submits a draft 'Enhancement and enrichment programme' and a draft 'Socialisation Programme' and that these be implemented. At the moment, there is almost no guidance that relates to what this might cover. A particular issue requiring clarification is what may be minimally acceptable in each of these areas as specification of this will be essential for local authorities to be able to enforce requirements to implement these programmes.

4.16 We hope that as a 'merits' matter, relating to Standing Order 21.3 (v) – the need to ensure that the Regulations will achieve their policy objectives - and given the critical role of the Statutory Guidance in achieving the policy objectives, that the Committee will consider making the recommendation that the Guidance associated with the Regulations is further developed with clear indications of minimum expectations to which local authorities must have regard in all relevant areas by the proposed implementation date of 1<sup>st</sup> January 2014.

## 5 Other matters

5.1 While we understand that these matters are likely to be outside the remit of the Committee, we would like to take the opportunity to alert members to certain further conditions or circumstances that we feel are likely to be necessary to ensure that new Regulations do have a widespread effect on improving breeding dog and puppy welfare in Wales. These are :

- a) that local authorities take advantage of provisions in the draft Regulations under Section 12 to obtain sufficient funds through licensing charges to enable them to properly assess, monitor and enforce licence conditions.
- b) that officers charged with undertaking licensing duties receive full training with respect to the animal welfare matters they are required to evaluate, as well as to the Regulations themselves. Officers will be required to make judgements about such matters as adequacy of conditions and exercise for various dog breeds, appropriate socialisation activities, and facilities and actions that will provide enrichment and stimulation for dogs.
- c) that local authorities make publicly available (e.g. on authority web-sites) details of breeders who have met licensing requirements. This is a reasonable expectation of the public – i.e. as to whether a breeder has met statutory requirements. It is likely to facilitate enforcement - breeders operating without a licence would be more readily identifiable - and may facilitate redress under trading standards regulations where puppies purchased develop later health or behavioural problems.
- d) the setting up of an inspectorate, possibly part-time and funded from licence fees, that can review and report on local authority practice on a regular basis to ensure minimum standards are applied and that there is consistency in approach between authorities.

Thank you and Committee members for your kind attention.

Yours sincerely,

David Grimsell  
On behalf of C.A.R.I.A.D.

**Attachment** – copy of letter from Mr. Steven Thomas, Chief Executive of the WLGA concerning the new model licence conditions recently developed by Pembrokeshire County Council.

**Our Ref/Ein Cyf:**  
**Your Ref/Eich Cyf:**  
**Date/Dyddiad:**  
**Please ask for/Gofynnwch am:**  
**Direct line/Llinell uniongyrchol:**  
**Email/Ebost:**

ST/SW

10<sup>th</sup> May 2013  
Simon Wilkinson  
029 2046 8657  
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WLGA • CLILC

Mr D Grimsell  
C.A.R.I.A.D.  
P.O. Box 60  
Lampeter  
Ceredigion  
SA48 9BE

Dear Mr Grimsell

### **Animal establishment licence conditions**

Once again, may I apologise for the delay in responding to your letter.

The WLGA is encouraged by the work that Pembrokeshire has carried out in improving the current licence conditions. We are further encouraged that the local authority is willing to share this work with all other local authorities in Wales, in order to assist the uniformity of approach that businesses should expect from local authorities.

We also see this as an excellent opportunity to ensure there is a clear and level fair playing field for businesses in providing consistency to those using their services.

Currently, we are in the process of an assessment of the uptake by local authorities in Wales of the new conditions as put forward.

With Pembrokeshire's permission, it is intended to rebadged the suite of licences with the WLGA logo, and encourage all local authorities in Wales to adopt them as soon as is practicable.

The WLGA has already been party to a number of discussions with the Wales Heads of Trading Standards, and the Directors of Public Protection Wales regarding the conditions. Hopefully it will be possible to provide Wales wide coverage and implementation in as short a time as is practicable.

Yours sincerely

**Steve Thomas CBE**  
Chief Executive / Prif Weithredwr

Steve Thomas CBE  
Chief Executive  
Prif Weithredwr

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# Cymdeithas Frenhinol Atal Creulondeb i Anifeiliaid Royal Society for the Prevention of Cruelty to Animals

20th June 2013

David Melding AM  
Chair of the Constitutional & Legislative Affairs Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

Dear David Melding AM,

## **Re: Animal Welfare (Breeding of Dogs) (Wales) Regulations 2013**

As you will be aware, on Tuesday June 11th, the Minister for Natural Resources and Food laid before the National Assembly for Wales draft regulations in relation to the breeding of dogs.

I understand the Constitutional & Legislative Affairs Committee is to consider these draft regulations prior to a motion to approve them in the Senedd on July 2nd. Furthermore, I also understand that it is within the remit of the Committee to deliberate on the merits of the draft regulations.

Whilst we welcome the Welsh Government's decision to bring forward regulations and welcome much of their contents, RSPCA Cymru is very concerned about the Welsh Government's supporting, associated statements which raise serious questions regarding interpretation.

The draft regulations state that one full-time attendant may look after a maximum of 20 dogs, which, although not perfect, RSPCA Cymru broadly welcomes.

However, we are deeply concerned by a discrepancy contained within supporting statements - indicating that this figure excludes any puppies born to those dogs. Consequently, depending on the size of a breeding bitch's litter, one attendant faces the prospect of caring for hundreds of dogs at any one time.

That situation, we believe, would mean attendants will not have the time or resources to ensure dogs have opportunities to express normal behaviour or be handled or socialised appropriately. It would also mean attendants would not have the time to carry out the very duties and requirements outlined elsewhere within the regulations and guidance. Subsequently, therefore, the regulations would fail to guarantee appropriate welfare standards for dogs.

Crucially, however, we believe the content of the draft regulations laid contradicts these supporting statements.

Under Part 3, 8(2)(c)(i), the regulations state the "minimum staff requirement" is "1 full-time attendant per 20 dogs kept" or "1 part-time attendant per 10

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Caergaint  
Vice Patron His Grace  
The Archbishop of Canterbury

**Chris O'Brien, Public Affairs Manager**

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## Cymdeithas Frenhinol Atal Creulondeb i Anifeiliaid Royal Society for the Prevention of Cruelty to Animals

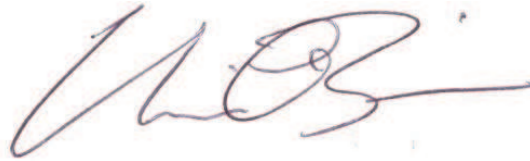
dogs kept". The regulations do not appear to make any reference to this excluding puppies – unlike the Minister's accompanying Written Statement. The regulations clearly define a puppy as a "**dog** under the age of 6 months" – suggesting that puppies should be included, rather than excluded, from the proposed 1 to 20 ratio.

Clearly, addressing this apparent discrepancy is pivotal in assessing whether these regulations will sufficiently improve guaranteed welfare standards for dogs based in breeding establishments. Therefore, we urge the Committee to look closely at this issue which requires much-needed clarity.

RSPCA Cymru also believes that, should the interpretation contained within Welsh Government supporting statements be judged to be correct, the Constitutional & Legislative Affairs Committee is well-placed to deliver a powerful statement to the Welsh Government stating that these draft regulations are insufficient in addressing the welfare needs of dogs based in breeding establishments.

Should you require any further information, please do not hesitate to get in touch.

Yours Sincerely,



**Chris O'Brien**  
Public Affairs Manager, RSPCA Cymru



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W E L S H S T A T U T O R Y  
I N S T R U M E N T S

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**2013 No. 1469 (W. 140) (C. 57)**

**HOUSING, WALES**

**The Housing and Regeneration Act  
2008 (Commencement No. 3 and  
Transitional, Transitory and Saving  
Provisions) (Wales) Order 2013**

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

Article 2 of this Order appoints 10 July 2013 as the day on which section 318 (protected mobile home sites to include sites for gypsies and travellers) of the Housing and Regeneration Act 2008 (“the 2008 Act”) and related repeals in Schedule 16 to that Act are brought into force in relation to Wales.

The commencement of section 318 will result in agreements in respect of pitches on local authority gypsy and traveller sites in Wales becoming subject to the Mobile Homes Act 1983 (“the 1983 Act”). This replicates what was achieved in England by the Housing and Regeneration Act 2008 (Commencement No. 8 and Transitional, Transitory and Saving Provisions) Order 2011<sup>(1)</sup> which commenced section 318 of the 2008 Act in relation to England on 30 April 2011.

Articles 3 to 7 are transitional, transitory and saving provisions in relation to agreements for pitches on local authority gypsy and traveller sites. Article 3 saves the disapplication of certain provisions in relation to agreements for transit pitches. Broadly these disapplications mean that the 28 day time limit for providing a written statement, the right to seek a tribunal order in relation to the giving of a written statement, and the right to apply to the tribunal to amend the terms of such an agreement, do not apply to these agreements.

Article 4 provides that the 1983 Act shall apply to all agreements to station a mobile home on a local

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(1) S.I. 2011/1002.

authority gypsy and traveller site in Wales which exist on the commencement of section 318 of the 2008 Act as it would apply to any such agreement made after the commencement. As a result, the terms set out in Schedule 1 to the 1983 Act, as inserted by the Mobile Homes Act 1983 (Amendment of Schedule 1) (Wales) Order 2013 will be implied to such agreements.

Article 5 disapplies, in relation to an existing agreement, certain provisions of sections 1 and 2 of, and Schedule 1 to, the 1983 Act (inserted into that Act by the Mobile Homes Act 1983 (Amendment of Schedule 1) (Wales) Order 2013).

Article 6 is a transitory provision which requires local authorities to give a written statement to the occupiers of permanent pitches within 28 days of the appointed day and it (and the Schedule to the Order) sets out what such a statement must include.

Article 7 is a general saving provision to ensure that rights and liabilities under existing agreements are not affected by the application of the 1983 Act to existing agreements.

**NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

The provisions of the Housing and Regeneration Act 2008 (“the 2008 Act”) in the table below have been brought into force in relation to Wales by Commencement Orders made before the date of this Order.

Various provisions of the 2008 Act have also been brought into force in relation to England only by the following Statutory Instruments:

S.I. 2008/3068, S.I. 2009/803, S.I. 2009/2096 and S.I. 2011/1002.

See also section 325(6) of the 2008 Act for the provisions which came into force on 22 July 2008 (the day on which the 2008 Act was passed).

See also section 325(2) of the 2008 Act for the provisions which came into force on 22 September 2008 (at the end of 2 months from when the 2008 Act was passed).

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
section 308	19 August 2011	S.I. 2011/1863 (W.201)
section 309 (in part)	26 July 2011	S.I. 2011/1863 (W. 201)
section 309 (in part)	19 August 2011	S.I. 2011/1863

full)		(W.201)
section 315 (in part)	30 March 2009	S.I. 2009/773 (W. 65)

The provisions in the 2008 Act in the table below have been brought into force in relation to England and Wales by the Secretary of State before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
sections 1 to 3 and Schedule 1	8 September 2008	S.I. 2008/2358
section 4	8 September 2008, 1 December 2008 and 1 April 2010	S.I. 2008/2358, S.I. 2008/3068 and S.I. 2010/862
sections 5 to 18 and Schedules 2 to 4	1 December 2008	S.I. 2008/3068
section 19	1 December 2008 and 1 April 2010	S.I. 2008/3068 and S.I. 2010/862
sections 20 to 30	1 December 2008	S.I. 2008/3068
section 31	1 April 2010	S.I. 2010/862
section 32 and 33	1 April 2009 and 1 April 2010	S.I. 2009/803 and S.I. 2010/862
section 34	1 April 2009	S.I. 2009/803
section 35	1 April 2010	S.I. 2010/862
section 36	1 April 2009	S.I. 2009/803
section 37	8 September 2008	S.I. 2008/2358
section 38 to 43	1 December 2008	
section 44	8 September 2008	S.I. 2008/2358
section 45	1 December 2008	
section 46 and 47	8 September 2008	S.I. 2008/2358
section 48	1 December 2008	S.I. 2008/3068
section 49	8 September 2008	S.I. 2008/2358
section 50 and Schedule 5	8 September 2008, 1 December 2008 and 1 April 2009	S.I. 2008/2358, S.I. 2008/3068 and S.I. 2009/803
section 51 and Schedules 6 and 7	8 September 2008	S.I. 2008/2358

sections 52 to 55	8 September 2008	S.I. 2008/2358
section 56 and Schedule 8	8 September 2008, 1 December 2008, 1 April 2009 and 1 April 2010	S.I. 2008/2358, S.I. 2008/3068, S.I. 2009/803 and S.I. 2010/862
section 57	8 September 2008, 1 December 2008 and 1 April 2010	S.I. 2008/2358, S.I. 2008/3068 and S.I. 2010/862
section 58	8 September 2008, 1 December 2008, 1 April 2009 and 1 April 2010	S.I. 2008/2358, S.I. 2009/803 and S.I. 2010/862
section 59	8 September 2008	S.I. 2008/2358
sections 60 to 63	1 April 2010	S.I. 2010/862
section 64	16 February 2009 and 1 April 2010	S.I. 2009/363 and S.I. 2010/862
sections 65 to 71 and Schedules 6 and 7	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
section 72	8 September 2008	S.I. 2008/2358
sections 73 to 80	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
sections 81 to 85	8 September 2008	S.I. 2008/2358
section 86	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
sections 87 to 92	8 September 2008	S.I. 2008/2358
Section 93	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2009/803
section 94	1 April 2010	S.I. 2010/862
sections 95 to 98	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
sections 99 to 104	8 September 2008	S.I. 2008/2358
section 105	8 September 2008	S.I. 2008/2358
sections 106 to 111	1 April 2010	S.I. 2010/862
sections 112 and	8 September	S.I. 2008/2358

113	2008 and 1 April 2010	and S.I. 2010/862
section 114	8 September 2008 and 7 September 2009	S.I. 2008/2358 and S.I. 2009/2096
section 115	1 April 2010	S.I. 2010/862
section 116	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
section 117	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
section 118	1 April 2010	S.I. 2010/862
section 119	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
sections 120 to 126	1 April 2010	S.I. 2010/862
section 127	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
sections 128 to 130	1 April 2010	S.I. 2010/862
section 131	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
sections 132 to 143	1 April 2010	S.I. 2010/862
sections 144 and 145	1 April 2009 and 1 April 2010	S.I. 2009/803 and S.I. 2010/862
sections 146 to 173	1 April 2009 and 1 April 2010	S.I. 2009/803 and S.I. 2010/862
section 174	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
sections 175 to 191	1 April 2010	S.I. 2010/862
sections 192 to 197	8 September 2008	S.I. 2008/2358
section 198	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
sections 199 to 201	1 April 2010	S.I. 2010/862
section 202	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
sections 203 to 211	1 April 2010	S.I. 2010/862
section 212	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
section 213	1 April 2010	S.I. 2010/862

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section 214	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
section 215	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
section 216	8 September 2008	S.I. 2008/2358
sections 217 to 227	1 April 2010	S.I. 2010/862
section 228	1 April 2009 and 1 April 2010	S.I. 2009/803 and S.I. 2010/862
sections 229 to 233	1 April 2010	S.I. 2010/862
section 234	1 April 2009 and 1 April 2010	S.I. 2009/803 and S.I. 2010/862
sections 235 to 239	1 April 2010	S.I. 2010/862
section 240	1 April 2009 and 1 April 2010	S.I. 2009/803 and S.I. 2010/862
sections 241 to 243	1 April 2010	S.I. 2010/862
section 244	1 April 2009 and 1 April 2010	S.I. 2009/803 and S.I. 2010/862
sections 245 to 274	1 April 2010	S.I. 2010/862
sections 275 and 276	8 September 2008 and 1 April 2010	S.I. 2008/2358, S.I. 2010/862
section 277 and Schedule 9	8 September 2008, 1 December 2008, 1 April 2009 and 1 April 2010	S.I. 2008/2358, S.I. 2008/3068, S.I. 2009/803 and S.I. 2010/862
section 278	1 April 2010	S.I. 2010/862
section 299 and Schedule 11	1 December 2008 and 20 May 2009	S.I. 2008/3068, S.I. 2009/1261
section 311 and Schedule 14	1 December 2008	S.I. 2008/3068
section 314 and Schedule 15 (in part)	2 March 2009	S.I. 2009/415
section 316	7 September 2009	S.I. 2009/2096
section 317	22 September 2008	S.I. 2008/2358
section 321 and Schedule 16 (in part)	22 September 2008, 1 December 2008, 2 March 2009, 1	S.I. 2008/2358, S.I. 2008/3068, S.I. 2009/415, S.I. 2009/803,



**2013 No. 1469 (W. 140) (C. 57)**

**HOUSING, WALES**

**The Housing and Regeneration Act  
2008 (Commencement No. 3 and  
Transitional, Transitory and Saving  
Provisions) (Wales) Order 2013**

*Made*

*12 June 2013*

The Welsh Ministers, in exercise of the powers conferred by sections 322(2) and 325(3) and (4) of the Housing and Regeneration Act 2008(1), make the following Order.

**Title and interpretation**

1.—(1) The title of this Order is the Housing and Regeneration Act 2008 (Commencement No. 3 and Transitional, Transitory and Saving Provisions) (Wales) Order 2013.

(2) In this Order—

“the 1983 Act” (“*Deddf 1983*”) means the Mobile Homes Act 1983(2);

“the 2008 Act” (“*Deddf 2008*”) means the Housing and Regeneration Act 2008;

“appointed day” (“*diwrnod penodedig*”) is the day appointed by article 2;

“existing agreement” (“*cytundeb presennol*”) means a local authority agreement which is made before the appointed day;

“gypsies and travellers” (“*sipsiwn a theithwyr*”) means persons of nomadic habit of life, whatever their race or origin, but does not include members of an organised group of travelling showpeople, or

---

(1) 2008 c.17.

(2) 1983 c.34.



persons engaged in travelling circuses, travelling together as such<sup>(1)</sup>;

“local authority agreement” (“*cytundeb awdurdod lleol*”) means an agreement under which a person is entitled to station a mobile home on a local authority gypsy and traveller site in Wales;

“local authority gypsy and traveller site” (“*safle sipsiwn a theithwyr awdurdod lleol*”) means any land which is occupied by a local authority as a caravan site providing accommodation for gypsies and travellers;

“permanent pitch” (“*llain barhaol*”) means a pitch on which a person is entitled to station a mobile home under the terms of an agreement to which the 1983 Act applies and which is not a transit pitch;

“pitch” (“*llain*”) means land, forming part of a local authority gypsy and traveller site in Wales and including any garden area, on which a person is entitled to station a mobile home; and

“transit pitch” (“*llain bontio*”) means a pitch on which a person is entitled to station a mobile home, under the terms of an agreement to which the 1983 Act applies, for a fixed period of up to 3 months.

(3) Other expressions used, but not defined, in this Order and which are used in the 1983 Act have the same meaning in this Order as they have in the 1983 Act.

#### **Appointed day: local authority gypsy and traveller sites**

2.—(1) 10 July 2013 is the appointed day for the coming into force of the following provisions so far as relating to Wales—

- (a) section 318 (protected mobile home sites to include sites for gypsies and travellers) of the 2008 Act;
- (b) section 321(1) (repeals) of, and Schedule 16 to, the 2008 Act so far as they relate to the following repeals—

---

(1) Section 5 of the Mobile Homes Act 1983, before amendment by section 318 of the Housing and Regeneration Act 2008 (c.17), provides that the 1983 Act does not apply to land occupied by a local authority as a caravan site providing accommodation for gypsies. The definition of ‘gypsies’ which this exclusion relied upon was repealed by section 80 of the Criminal Justice and Public Order Act 1994 (c. 33), though it was saved for the purpose of interpreting section 5. This definition of ‘gypsies and travellers’ derives from that saved definition.

<i>Title</i>	<i>Repeal</i>
Mobile Homes Act 1983 (c.34)	In section 5(1), in the definition of “protected site”, the words from “does not include” to “that,”;
Criminal Justice and Public Order Act 1994 (c.33)	In section 80(4), the words from “in the definition” to “1983 or”.

(2) Paragraph (1) is subject to articles 3 to 7.

### **Transit pitches: saving for certain purposes of the 1983 Act**

3. The repeals made by the provisions brought into force by article 2 do not apply for the purposes of sections 1(3), (4) and (6) and 2(2) to (4) of the 1983 Act(1), in so far as they relate to a transit pitch.

### **Existing agreements: general transitional provision**

4. The 1983 Act applies to an existing agreement as it would apply to a local authority agreement made after the coming into force of the provisions brought into force by article 2 and The Mobile Homes Act 1983 (Amendment of Schedule 1 and Consequential Amendments) (Wales) Order 2013(2), but this is subject to article 5.

### **Existing agreements: transitional disapplication of certain terms and obligations**

5.—(1) Sections 1(2) to (9) and 2(2) to (4) of the 1983 Act do not apply to an existing agreement.

(2) In relation to an existing agreement—

- (i) where proceedings are commenced before the appointed day in which termination of the agreement is at issue, paragraphs 3 and 4 (termination) of Chapter 3, or paragraphs 3 to 6 of Chapter 4, of Part 1 of Schedule 1 to the 1983 Act (whichever is applicable in the particular case) do not apply;
- (ii) paragraph 8 (re-siting of mobile home) of Chapter 4 of Part 1 of that Schedule does not apply to a requirement that the occupier’s right to station the mobile home is exercisable for any period in relation to another pitch where the

(1) 1983 c.34. In England and Wales, section 1 was substituted, and section 2 was amended, by sections 206 and 265 of, and paragraph 9 of Schedule 15 to, the Housing Act 2004 (c.34).

(2) S.I. 2012/xxxx. (W. )

- requirement is made before the appointed day;
- (iii) paragraph 15(2) and (6) to (11) (pitch fee) of Chapter 4 of Part 1 of that Schedule does not apply in relation to the first pitch fee review under that agreement where the pitch fee review date for that review is within 28 days of the appointed day;
  - (iv) paragraph 16 (pitch fee) of Chapter 4 of Part 1 of that Schedule does not apply where works relating to an improvement were carried out before the appointed day;
  - (v) paragraph 19(c) and (d) (occupier's obligations) of Chapter 4 of Part 1 of that Schedule may not be enforced in relation to any breach of the agreement which occurs within 3 months of the appointed day;
  - (vi) paragraph 19(e) (occupier's obligations) of Chapter 4 of Part 1 of that Schedule does not apply in relation to costs and expenses incurred before the appointed day;
  - (vii) paragraph 20(f) (owner's obligations) of Chapter 4 of Part 1 of that Schedule does not apply where works relating to the improvements start before, or within the period of 28 days beginning with, the appointed day; and
  - (viii) paragraph 20(g) (owner's obligations) of Chapter 4 of Part 1 of that Schedule does not apply in relation to any matter which arises before, or within the period of 28 days beginning with, the appointed day.

**Existing agreements: local authority's duty to provide a written statement**

6.—(1) In relation to an existing agreement in respect of a pitch which, by virtue of this Order, becomes a permanent pitch, the local authority must within the period of 28 days beginning with the appointed day give to the other party to the agreement a written statement which complies with the following paragraphs.

- (2) The written statement must—
  - (a) specify the names and addresses of the parties;
  - (b) include particulars of the pitch that are sufficient to identify it;
  - (c) set out the express terms contained in the agreement;

- (d) set out the terms to be implied terms by virtue of the application of the 1983 Act to the agreement; and
- (e) be in the form set out in the Schedule to this Order or a form substantially to the same effect.

(3) Subject to paragraph (4), any express term contained in the agreement is unenforceable by a local authority or any person within section 3(1) of the 1983 Act if it was not set out in a written statement given to the other party in accordance with paragraph (1).

(4) Where the local authority fails to give the other party to the agreement a written statement in accordance with paragraph (1), the other party may, at any time after the 28 days mentioned in that paragraph has expired, apply to a tribunal for an order requiring the local authority—

- (a) to give the party a written statement which complies with paragraph (2)(a) to (e), and
- (b) to do so not later than such date as is specified in the order.

(5) In paragraph (4) “tribunal” has the same meaning as in the 1983 Act and a tribunal’s jurisdiction under that paragraph is to be treated as jurisdiction under the 1983 Act.

(6) A statement required to be given to a person under this article may be either delivered to them personally or sent by post.

(7) A written statement under this article is not to be treated as a written statement for the purposes of section 1 or 2 of the 1983 Act.

(8) A written statement under this article is to be treated as a written statement for the purposes of Chapter 4 of Part 1 of Schedule 1 to the 1983 Act.

#### **Existing agreements: general saving**

7. The repeals made by the provisions brought into force by article 2 do not affect any right or liability which has accrued in relation to an existing agreement or any remedy in respect of any such right or liability.

*Huw Lewis*

Minister for Minister for Communities and Tackling Poverty, one of the Welsh Ministers

12 June 2013

SCHEDULE Article 6(2)

Written Statement in relation to the  
Mobile Homes Act 1983

IMPORTANT – PLEASE READ THIS STATEMENT CAREFULLY AND KEEP IT IN A SAFE PLACE. IT SETS OUT THE TERMS ON WHICH YOU ARE ENTITLED TO KEEP YOUR MOBILE HOME ON SITE AND TELLS YOU ABOUT THE RIGHTS WHICH ARE GIVEN TO YOU BY LAW. IF THERE IS ANYTHING YOU DO NOT UNDERSTAND YOU SHOULD GET ADVICE (FOR EXAMPLE FROM A SOLICITOR OR A CITIZENS ADVICE BUREAU).

PART 1

Express Terms (other than those specified in Part 4)

1. The Mobile Homes Act 1983 (“the 1983 Act”) applies to the agreement.

**Parties to the agreement**

2. The parties to the agreement are—

.....  
.....

*(Name and address of person entitled to station a mobile home on the pitch)*

.....  
.....

*(Name and address of the local authority)*

**Start date**

3. The agreement began on.....  
*(Insert date)*

**Particulars of the pitch**

4. The particulars of the land on which you are entitled to station your mobile home are—

.....  
.....  
.....  
.....  
.....

**Plan**

5. Attached to this statement is a plan showing—

- (a) the size and location of the pitch;
- (b) the size of the base on which the mobile home is stationed; and
- (c) measurements between identifiable fixed points on the site and the pitch and base.

**Local authority’s interest**

6. The local authority’s estate or interest in the land will end on.....  
*(If this statement applies insert date); or*

The local authority’s planning permission for the site will end on .....  
*(If this statement applies insert date)*

This means that your right to stay on the site will not continue after either of these dates unless the local authority’s interest or planning permission is extended. *(If only one of these statements applies, cross out the words which do not apply. If neither of these statements apply, delete this paragraph).*

**Pitch fee**

7. The pitch fee is payable weekly/monthly/quarterly/annually.  
*(Cross out the words which do not apply)*

The pitch fee is.....

The following services are included in the pitch fee—

Water

Sewerage

.....  
.....

*(Cross out the services which are not included and add any others which are included in the pitch fee)*

**Review of pitch fee**

8. The pitch fee will be reviewed on .....

This date is the review date.

**Additional charges**

9. An additional charge is made for the following matters—

.....

.....

.....

*(List the matters for which an additional charge is made)*

## PART 2

### Information about your rights

#### **The 1983 Act**

1. Because you have an agreement with a local authority which entitles you to keep your mobile home on its site and live in it as your home, you have certain rights under the 1983 Act, affecting in particular your security of tenure and the review of the pitch fee.

#### **Implied terms**

2. These rights, which are contained in the implied terms set out in Part 3 of this statement, apply automatically and cannot be overridden, so long as your agreement continues to be one to which the 1983 Act applies.

#### **Express terms**

3. If you are not happy with any of the express terms of your agreement (as set out in Part 4 of this statement) you should discuss them with the local authority, who may agree to change them.

#### **Unfair terms**

4. If you consider that any of the express terms of the agreement (as set out in Part 4 of this statement) are unfair, you can, in accordance with the provisions of the Unfair Terms in Consumer Contracts Regulations 1999(1), complain to the Office of Fair Trading or any qualifying body.

## PART 3

### Implied Terms

Under the 1983 Act certain terms are automatically included in your agreement. These implied terms are set out in Part 1 of Schedule 1 to the 1983 Act.

*(Implied terms to be inserted by the local authority)*

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(1) S.I. 1999/2083.

## PART 4

### Express terms of the agreement

This part of the written statement sets out other terms of the agreement which are agreed between you and the local authority in addition to the implied terms.

*(Express terms to be inserted by the local authority)*



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W E L S H S T A T U T O R Y  
I N S T R U M E N T S

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**2013 No. 1466 (W. 138) (C. 56)**

**PUBLIC AUDIT, WALES**

The Public Audit (Wales) Act 2013  
(Commencement, Consequential  
Amendments, Transitional and  
Saving Provisions) (Wales) Order  
2013

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order is made in consequence of the Public Audit (Wales) Act 2013 (“the Act”), which makes provision reforming public audit arrangements in Wales.

Part 1 of the Act relates to the Auditor General for Wales (“the Auditor General”). Part 2 establishes a new corporate body, the Wales Audit Office (“the WAO”) and sets out its relationship with the Auditor General.

Article 2 of this Order brings into force certain provisions of the Act on 4 July 2013, to enable certain appointments to the WAO to be made and for preparatory work to be undertaken prior to the functions of the WAO becoming fully exercisable on 1 April 2014.

All other provisions of the Act are brought into force on 1 April 2014 by article 3, to the extent that they are not already in force on that date. Article 3 also brings into force certain consequential amendments to subordinate legislation on 1 April 2014 to remove references to auditors appointed by the Auditor General, and to include references to the WAO where appropriate.

Article 4 provides that where an auditor of a local government body has been appointed by the Auditor General, the provisions of the regulations specified will continue to have effect until that auditor’s appointment has come to an end, as if the modifications made by this Order had not been made.

It provides that where a person has been appointed as an auditor under section 145B(5)(b) of the Government of Wales Act 1998, that appointment will continue to have effect (subject to earlier termination).

It also provides that where a contract has been entered into under article 4(2)(c)(v) of the Construction Contracts (England and Wales) Exclusion Order 1998, on or before 31 March 2014, that contract will continue to have effect as if that article had not been amended by this Order.

Article 5 makes saving provision in relation to the annual accounts which the Auditor General must prepare. Paragraphs 13, 14 and 15 of Schedule 8 to the Government of Wales Act 2006 are saved for the purposes of the financial year 2013-2014.

**2013 No. 1466 (W. 138) (C. 56)**

**PUBLIC AUDIT, WALES**

**The Public Audit (Wales) Act 2013  
(Commencement, Consequential  
Amendments, Transitional and  
Saving Provisions) (Wales) Order  
2013**

*Made*

*11 June 2013*

The Welsh Ministers, in exercise of the powers conferred by section 35(2) and (3) of the Public Audit (Wales) Act 2013<sup>(1)</sup> make the following Order:

**Title, commencement, application and interpretation**

1.—(1) The title of this Order is the Public Audit (Wales) Act 2013 (Commencement, Consequential Amendments, Transitional and Saving Provisions) (Wales) Order 2013 and it comes into force in accordance with articles 2 and 3.

(2) This Order applies in relation to Wales.

(3) In this Order “the Act” means the Public Audit (Wales) Act 2013.

**Provisions coming into force on 4 July 2013**

2. The following provisions of the Act come into force on 4 July 2013—

- (a) section 1 (overview);
- (b) section 8 (how functions are to be exercised), insofar as it is necessary to prepare the code of practice, code of audit practice, annual plan and estimate of income and expenditure for the financial year 2014-2015;
- (c) section 10 (code of audit practice);
- (d) section 12 (transfer etc of supervisory functions of Welsh Ministers: consultation);

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(1) 2013 anaw 3.

- (e) section 13 (incorporation of Wales Audit Office) except in respect of provisions relating to employee members;
- (f) section 14 (powers);
- (g) section 15 (efficiency);
- (h) section 16 (relationship with the Auditor General);
- (i) section 17(2) and (3) (WAO to monitor and provide advice) insofar as it is necessary to prepare the code of practice, annual plan and estimate of income and expenditure for the financial year 2014-2015;
- (j) section 18 (delegation and joint exercise of functions of the Auditor General) insofar as it is necessary to prepare the delegation scheme;
- (k) section 20 (expenditure) only insofar as it relates to the financial year 2014-2015;
- (l) section 24 (scheme for charging fees);
- (m) section 25 (annual plan);
- (n) section 26 (annual plan: National Assembly);
- (o) section 27 (annual plan: effect);
- (p) section 28 (functions of the National Assembly);
- (q) section 29(1), (2), (3)(b) and (c) and (4) (indemnification);
- (r) section 31 (directions);
- (s) section 32 (interpretation);
- (t) section 33 (transitional, supplementary and saving provisions etc);
- (u) in Schedule 1 (incorporation of Wales Audit Office)—
  - (i) paragraph 1 (membership) except in respect of provisions relating to the employee members;
  - (ii) paragraph 2 (appointment of non-executive and employee members) except in respect of provisions relating to the employee members;
  - (iii) paragraph 3 (status) except in respect of provisions relating to the employee members;
  - (iv) paragraph 4 (appointment of non-executive members);
  - (v) paragraph 5 (appointment of chair of the WAO);
  - (vi) paragraph 6 (period of appointment and re-appointment);
  - (vii) paragraph 7 (remuneration arrangements);

- (viii) paragraph 8 (other terms of appointment);
- (ix) paragraph 9 (consultation);
- (x) paragraphs 10, 11 and 12 (termination of appointments);
- (xi) paragraph 13 (additional remuneration of the Auditor General);
- (xii) paragraph 26 (disqualification as member of, or employee of, the WAO) except in respect of provisions relating to the employee members;
- (xiii) paragraph 27 (general);
- (xiv) paragraph 28 (quorum for WAO meetings);
- (xv) paragraph 29(1) (committees);
- (xvi) paragraph 30 (ballots);
- (xvii) paragraph 31 (validity); and
- (xviii) paragraph 32 (delegation of functions) except in relation to employee members and employees;
- (v) in Schedule 2 (relationship between the Auditor General and the WAO)—
  - (i) paragraph 1 (preparation and approval etc);
  - (ii) paragraph 2 (content); and
  - (iii) paragraphs 5 to 14 (temporary exercise of the functions of Auditor General by another person);
- (w) in Schedule 3 (transitional, supplementary and saving provisions)—
  - (i) paragraph 4 (WAO's procedural rules before rules are made under paragraph 27 of Schedule 1); and
  - (ii) paragraph 13 (indemnification); and
- (x) paragraph 79(2) of Schedule 4 (minor and consequential amendments) insofar as it relates to paragraph 12 of Schedule 8 to the Government of Wales Act 2006<sup>(1)</sup>.

#### **Provisions coming into force on 1 April 2014**

3.—(1) All other provisions of the Act come into force on 1 April 2014 insofar as they have not been commenced in accordance with article 2.

(2) The Schedule to this Order provides for consequential amendments which come into force on 1 April 2014.

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(1) 2006 c.32.

## Transitional Provisions

4.—(1) In relation to the period where an auditor’s appointment under section 13 of the Public Audit (Wales) Act 2004<sup>(1)</sup> is continued by paragraph 2(2) of Schedule 3 to the Act, the following have effect as if they had not been amended by this Order—

- (a) the definition of “the auditor” in regulation 2 of the Local Authorities (Contracts) Regulations 1997<sup>(2)</sup>;
- (b) regulation 6(5)(b) of the Education Standards Grants (Wales) Regulations 2002<sup>(3)</sup>;
- (c) regulation 5(4)(b) of the Education (Capital Grants) (Wales) Regulations 2002<sup>(4)</sup>;
- (d) regulation 6(6)(b) of the Education (Assembly Learning Grant Scheme) (Wales) Regulations 2002<sup>(5)</sup>; and
- (e) the Accounts and Audit (Wales) Regulations 2005<sup>(6)</sup>.

(2) The appointment of any person as an auditor under section 145B(5)(b) of the Government of Wales Act 1998<sup>(7)</sup> continues to have effect until the end of the period for which the appointment was made (subject to any earlier termination).

(3) The amendments made to article 4(2)(c)(v) of the Construction Contracts (England and Wales) Exclusion Order 1998<sup>(8)</sup> by this Order do not apply to contracts entered into on or before 31 March 2014.

## Saving Provision

5. Paragraphs 13, 14 and 15 of Schedule 8 to the Government of Wales Act 2006 are saved for the purposes of the accounts of the Auditor General for Wales for the financial year 2013-2014.

- 
- (1) 2004 c. 23.
  - (2) S.I. 1997/2862 as amended by S.I. 2005/761 (W. 65). There are other amending instruments which are not relevant to this Order.
  - (3) S.I. 2002/438 (W. 56) as amended by S.I. 2005/761 (W. 65).
  - (4) S.I. 2002/679 (W. 76) as amended by S.I. 2005/761 (W. 65).
  - (5) S.I. 2002/1857 (W. 181) as amended by S.I. 2005/761 (W. 65). There are other amending instruments which are not relevant to this Order.
  - (6) S.I. 2005/368 (W. 34) to which there are amendments not relevant to this Order.
  - (7) 1998 c. 38.
  - (8) S.I. 1998/648 as amended by S.I. 2005/757 (W. 62). There is another amending instrument which is not relevant to this Order.

*Jane Hutt*

Minister for Finance, one of the Welsh Ministers

11 June 2013

## SCHEDULE

Article 3(2)

### Consequential Amendments

#### **Local Authorities (Contracts) Regulations 1997**

1. In regulation 2 of the Local Authorities (Contracts) Regulations 1997 for “the auditor

appointed under section 13 of that Act to audit the accounts of the authority in accordance with Chapter 1 of Part 2 of that Act” substitute “the Auditor General for Wales”.

**Construction Contracts (England and Wales) Exclusion Order 1998**

2. In article 4(2)(c)(v) of the Construction Contracts (England and Wales) Exclusion Order 1998 after “the Audit Commission or” insert “a local government body in Wales whose accounts are audited by”.

**Employers’ Liability (Compulsory Insurance) Regulations 1998**

3. In paragraph 16 of Schedule 2 (Employers exempted from insurance) to the Employers’ Liability (Compulsory Insurance) Regulations 1998<sup>(1)</sup> for “The Auditor General for Wales” substitute “The Wales Audit Office”.

**Education Standards Grants (Wales) Regulations 2002**

4. In regulation 6(5)(b) of the Education Standards Grants (Wales) Regulations 2002 omit—

- (a) “the auditor appointed by”; and
- (b) “to audit the accounts of the authority or any auditor qualified for such appointment by virtue of section 14(4) and (9) of the Public Audit (Wales) Act 2004”.

**Education (Capital Grants) (Wales) Regulations 2002**

5. In regulation 5(4)(b) of the Education (Capital Grants) (Wales) Regulations 2002 omit—

- (a) “the auditor appointed by”; and
- (b) “to audit the accounts of the authority or any auditor qualified for such appointment by virtue of section 14(4) and (9) of the Public Audit (Wales) Act 2004”.

**Education (Assembly Learning Grant Scheme) (Wales) Regulations 2002**

6. In regulation 6(6)(b) of the Education (Assembly Learning Grant Scheme)(Wales) Regulations 2002 omit—

- (a) “the auditor appointed by”; and

---

(1) S.I. 1998/2573 as amended by S.I. 2011/686. There are other amending instruments that are not relevant to this Order.



- (b) “to audit the accounts of the authority or any auditor qualified for such appointment by virtue of section 14(4) and (9) of the Public Audit (Wales) Act 2004”.

#### **Accounts and Audit (Wales) Regulations 2005**

7.—(1) The Accounts and Audit (Wales) Regulations 2005 are amended as follows.

(2) For each reference to “the auditor” substitute “the Auditor General for Wales”.

(3) For regulation 15(2)(c) substitute—

“(c) the auditor is the Auditor General for Wales and include the Auditor General for Wales’ address;”.

(4) In regulation 20 for “directs an auditor to hold” substitute “holds”.

#### **Company, Limited Liability Partnership and Business Names (Public Authorities) Regulations 2009**

8.—(1) The Company, Limited Liability Partnership and Business Names (Public Authorities) Regulations 2009(1) are amended as follows.

(2) In Column 1 of the Schedule (Specified “public authorities” and list of other Government departments and other bodies whose views must be sought) insert at the appropriate place—

“Wales Audit Office (known in Welsh as “Swyddfa Archwilio Cymru”)”.

(3) In Column 2 of the Schedule (Specified “public authorities” and list of other Government departments and other bodies whose views must be sought) insert at the appropriate place—

“Wales Audit Office (known in Welsh as “Swyddfa Archwilio Cymru”)”.

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(1) S.I. 2009/2982 to which there are amendments not relevant to this Order.

By virtue of paragraph(s) ix of Standing Order 17.42

Document is Restricted



Carl Sargeant AC / AM  
Y Gweinidog Tai ac Adfywio  
Minister for Housing and Regeneration

Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: LF/CS/0521/13

David Melding AM  
Chair  
Constitutional and Legislative Affairs Committee  
Cardiff Bay  
CARDIFF  
CF99 1NA

17<sup>th</sup> June 2013

Dear David

## **Mobile Homes (Wales) Bill**

In its Stage 1 report on the Regulated Mobile Home Sites (Wales) Bill (“the original Bill”) your Committee recommended that if the current Bill were changed significantly following Stage 2 proceedings, it would scrutinise the Bill further with a view to providing a supplementary report prior to the start of Stage 3 proceedings.

You will be aware that the Government tabled over one hundred amendments at Stage 2, developed in conjunction with the Member in Charge, Peter Black AM. Following scrutiny on 13 June the original Bill has changed significantly.

As a consequence the Bill, now called the Mobile Homes (Wales) Bill, restates the Caravan Sites and Control of Development Act 1960, the Mobile Homes Act 1983 and the Caravan Sites Act 1968 and incorporates additional provisions from the Bill as introduced and elsewhere. We believe that the result is a more comprehensive Bill, where provisions regarding residential mobile homes and sites can be found in one place within the Welsh statute book. Without this consolidation, those affected would have had to read across these three Acts and the Mobile Homes Act 2013.

Overall the Bill retains provisions which:

- establish a new, 5 year licensing regime for residential mobile home sites in Wales;
- ensure that in order to be granted a site licence, an owner and in some cases a manager will need to satisfy local authorities that they are a fit and proper person.
- end the effective ‘veto’ currently held by mobile homes owners over the sales of mobile homes on their land;

- enable Local Authorities to charge fees for site licences and thereby fund an enhanced regulation and enforcement regime. (The ability to charge a fee for a site licence application is replicated from the Mobile Homes Act 2013, but maintains the policy intent of the Assembly Bill as introduced);
- enable Local Authorities to better enforce the conditions of site licenses using new fixed penalty notices, compliance notices, powers to take action and the ability to charge costs of work required back to site owners;
- enable site owners and residents to appeal to the Residential Property Tribunal in certain circumstances.

Other changes include:

- enabling Local Authorities to issue fixed penalty notices up to the maximum fine on level 1 of the standard scale for minor breaches of a site licence condition. This will be possible as an alternative to issuing a compliance notice;
- including firearms offences within the list of evidence for the fit and proper person test;
- requiring mobile home owners to display utility bills in a prominent place for residents to view, providing transparency of charges;
- requiring mobile home owners to consult with residents upon any change of use of the protected site, for example, from a residential home site to holiday home site.

In addition to this the Government took the opportunity to consider the provisions of the Mobile Homes Act 2013, which amends the legislation in respect of mobile home sites in England, and has included some of these in the Bill. These will ensure a consistent approach and workability of the legislation in practice by:

- strengthening provisions regarding breaches of condition where an owner has failed to comply with a condition of the site licence;
- giving owners the right to appeal to the Residential Property Tribunal rather than the Magistrates Court against a condition attached to a site licence that they feel is unduly burdensome;
- providing new regulation-making powers to set procedural requirements to be followed in connection with the sale and the gifting of a mobile home;
- ensuring that where an offence is committed and the site owner/manager is part of corporate body, that both the individual officer as well as the corporate body may be guilty of the offence;
- providing for the Residential Property Tribunal to give a direction in respect of compensation;
- increasing fines from level 1 to level 4 on the standard scale, where there is a willful obstruction of local authority officers to enter the site;
- making it an offence to knowingly provide misleading information or make a false representation

Following Stage 2 the subordinate legislation powers in the Bill have also changed considerably. For your information I am enclosing a copy of the draft subordinate legislation table to be included in the revised Explanatory Memorandum to be tabled under Standing Order 26.27.

The Bill now contains a great deal more detail on its face, in line with the first recommendation of your committee at Stage 1, for example with regard to local authority obligations relating to site licences and breaches of the conditions of site licences. We have done so by broadly continuing the approach in the 1960 Act so as to:

- remove Welsh Ministers' powers to make regulations in respect of the revocation of site licences;
- remove the duty on Welsh Ministers to make provisions with regard to licence applications;
- enable Local authorities to administer their own application procedures and review their own fees for an application in line with a published policy.

With specific regard to your second recommendation at Stage 1 to set out in detail standards for the stationing of mobile homes, I believe that the Bill now does this. Sections 9 to 14 set out how a local authority can set the standards for the stationing of mobile homes.

With regard to recommendations 3 to 7, as stated above, the Bill now preserves a *single* licensing regime with some new provisions added, such as a fit and proper persons test. There are no powers for Welsh Ministers with regard to grant or refusal of licenses or appeals and other determinations, with the detail of these restated from existing law on the face of the Bill. We have responded to recommendation 6 by ensuring that the level of fixed penalties are not set by Ministers but are aligned to the standard scale.

During Stage 1, the then Minister for Housing, Regeneration and Heritage expressed concerns about the number of subordinate legislation provisions and said that the Welsh Government would aim to reduce those powers where there was existing provision in law. The benefit of the approach taken by the Welsh Government is that most of the regulation making powers in the Bill are now either restated from existing law or are necessary technical provisions, such as commencement.

The new powers relate to two key policy areas – the procedures around the setting of site rules (sections 52 and 53) and the procedures around sales and gifting (Schedule 2). In including these we have looked to ensure that the regulation making powers have clear principles attached to them, as per the recommendations of your committee at Stage 1. As a consequence of doing this, the actual number of regulations has increased. Nevertheless, these only refer to two new policy areas, considered to be key to the application of the legislation.

I trust the above is useful to you and I look forward to giving evidence to the Committee on 24 June. I am copying this letter to Peter Black, AM.



**Carl Sargeant AC / AM**

Y Gweinidog Tai ac Adfywio

Minister for Housing and Regeneration

**Power to make subordinate legislation**

The Bill makes a range of provisions for subordinate legislation. The following table sets out in relation to each provision:

- the person upon whom, or the body upon which, the power is conferred;
- the form in which the power is to be exercised;
- the appropriateness of the delegated power; and
- the applied procedure (affirmative, negative, no procedure) if any.

Section	Power conferred on	Form	Appropriateness	Procedure	Reason for procedure
Section 29(5)	Welsh Ministers	Regulations by statutory instrument	The evidence to be considered by local authorities when deciding if someone is a fit and proper person is set out on the face of the Bill. Suitable for regulations as it provides Welsh Ministers with the ability to amend this section to vary the list of evidence to be considered.	Affirmative	Amends an Act of the Assembly and relates to a requirement on members of the public to demonstrate they are a fit and proper person.
Section 50(1)(e)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it provides the flexibility to set out requirements for the content of written statements in addition to those on the face of the Bill	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 52(1)	Welsh Ministers	Order by statutory instrument	Suitable for order as it provides the flexibility to amend the implied terms of mobile home agreements set out in Schedule 2, except those in paragraph 10	Affirmative	These regulations have the ability to change terms of mobile home agreements.
Section 53(2)	Welsh	Regulations	Suitable for regulations as it will enable Welsh	Negative	These regulations

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Section	Power conferred on	Form	Appropriateness	Procedure	Reason for procedure
	Ministers	by statutory instrument	Ministers to set out administrative details regarding the making of site rules which govern the proper management and conduct of sites.		will prescribe technical matters of detail which may change from time to time.
Section 53(2)(b)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out other matters which site rules may cover, beyond the management and conduct of sites.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 53(3)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out the time period after which site rules made under existing legislation will cease to have effect once this section of the Bill comes into force.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 53(4)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the time period following commencement of consultation with occupiers that a site rule comes into force.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 53(5)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the time period following commencement of consultation with occupiers that a variation of a site rule comes into force.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 53(5)(a)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the procedure to be followed to delete a site rule.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 53(6)	Welsh	Regulations	Suitable for regulations as it will enable Welsh	Negative	These regulations

Section	Power conferred on	Form	Appropriateness	Procedure	Reason for procedure
	Ministers	by statutory instrument	Ministers to set out administrative details regarding the time period following commencement of consultation with occupiers that deletion of a site rule comes into force.		will prescribe technical matters of detail which may change from time to time.
Section 53(6)(a)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the procedure to be followed to delete a site rule.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 53(7)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding how occupiers are notified of proposals to make, vary or delete a site rule.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 53(8)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out matters that cannot be included in site rules.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 53(9)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding how disputes regarding the making, varying or deletion a site rule or their deposit with a local authority are to be resolved.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 53(11)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the keeping of a register of site rules by local authorities and the charging of fees for the deposit of site rules.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 58(2)	Local	Order	Suitable for order as it will enable local authorities to	No procedure	Local order, not



Section	Power conferred on	Form	Appropriateness	Procedure	Reason for procedure
	Authorities		make an order prohibiting the stationing of a mobile home on specified areas of common land.		made by statutory instrument.
Section 59(3) –	Welsh Ministers	Order by statutory instrument	Suitable for order as it enables Welsh Ministers to make consequential, transitional, transitory and saving provisions	Affirmative if amending primary legislation  Negative if amending other legislation	Affirmative procedure is appropriate where orders affect primary legislation Negative procedure is appropriate for other orders which make technical provision only.
Section 61(4) –	Welsh Ministers	Order by statutory instrument	Suitable for order as it will enable Welsh Ministers to amend administrative details regarding the size of mobile homes covered by the Bill.	Negative	These orders will prescribe technical matters of detail which may change from time to time.
Section 65(2) –	Welsh Ministers	Order by statutory instrument	Suitable for order because this provision enables Welsh Ministers to provide for commencement of the Bill.	No procedure	These orders will be confined to commencement and are technical in nature.
Schedule 1 paragraph 3(2)	Welsh Ministers	Order by statutory instrument	Suitable for order as it will enable Welsh Ministers to amend administrative details regarding the size of certain sites which are not to be a regulated site.	No procedure	These orders will prescribe technical matters of detail which may change from time to time.
Schedule 1 paragraph 14(1)	Welsh Ministers	Order	Suitable for order as it will enable Welsh Ministers to specify that exemptions contained in Schedule 1 do not apply in specified areas, at the request of a local authority	No procedure	Local order, not made by statutory instrument.
Schedule 2 paragraph 8(4)	Welsh Ministers	Regulations by statutory	Suitable for regulations as it will enable Welsh Ministers to set out the maximum commission rate	Negative	These regulations will prescribe

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		instrument	new occupiers will be required to pay site owners under new agreements.		technical matters of detail which may change from time to time.
Schedule 2 paragraph 8(6)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the procedures for the sale of mobile homes, assignment of agreements and payment of commission where a new agreement is in place.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Schedule 2 paragraph 9(5)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the content of a notice of sale required where other agreements are in place.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Schedule 2 paragraph 9(7)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out the grounds on which an application for a refusal order preventing a sale of a mobile home and assignment of an agreement	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Schedule 2 paragraph 9(8)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out the maximum commission rate new occupiers will be required to pay site owners under other agreements.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Schedule 2 paragraph 9(10)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the procedures for the sale of mobile homes, assignment of agreements and payment of commission where an agreement other than a new agreement is in place.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Schedule 2 paragraph 10(2)(a)	Welsh Ministers	Regulations by statutory	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding	Negative for first regulations	These regulations will prescribe

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Schedule 2 paragraph 11(2)(a)	Welsh Ministers	Regulations by statutory instrument	the information, and form it is to take, that an occupier must provide a proposed occupier before the completion of a sale of a mobile home and assignment of an agreement. Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the evidence of family connection an occupier is required to provide a site owner when they are proposing to use exercise their entitlement to gift a mobile home and assign an agreement to a family member.	Negative	technical matters of detail which may change from time to time. These regulations will prescribe technical matters of detail which may change from time to time.
Schedule 2 paragraph 11(5)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the procedure to follow when gifting a mobile home and assigning an agreement to a family member where a new agreement is in place.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Schedule 2 paragraph 12(5)(b)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding information, other than evidence of family, to be included in a notice that an occupier must serve on a site owner when proposing to gift a mobile home and assign an agreement to a family member where an other agreement is in place.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Schedule 2 paragraph 12(7).	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out the grounds on which an application for a refusal order preventing the gift of a mobile home and assignment of an agreement	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Schedule 2 paragraph 12(9)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the procedure to follow when gifting a mobile home and assigning an agreement to a family member where an other agreement is in place.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.

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Schedule 2 paragraph 22(a)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the form the notice a site owner must serve on an occupier informing them of a proposed change in pitch fee.	Negative for first regulations	These regulations will prescribe technical matters of detail which may change from time to time.

By virtue of paragraph(s) vi of Standing Order 17.42

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