

Lesley Griffiths MS,
Minister for Rural Affairs and North Wales, and
Trefnydd

8 February 2022

Dear Lesley

Supplementary Legislative Consent Memorandum (Memorandum No. 2) – Animal Welfare (Kept Animals) Bill

At our meeting on Monday (7 February 2022), we considered the Supplementary Legislative Consent Memorandum (Memorandum No.2) on the Animal Welfare (Kept Animals) Bill (the Bill).

Our consideration of Memorandum No. 2 has not been as productive as we had hoped given that, in our view, Memorandum No. 2 is missing important information and lacks an appropriate level of clarity, which I have detailed below.

Memorandum No. 2 is unclear as to the extent that Part 1 of the Bill, and Schedules 1 to 4, relating to primates, require the Senedd's consent. While you note the requirement for consent for the amendments to these provisions, you do not confirm whether you consider that the Senedd's consent is needed for all the provisions of Part 1 of, and Schedules 1 to 4 to, the Bill more generally. For example, clause 6 (amongst others in Part 1) is not mentioned in Memorandum No. 2. It is therefore unclear whether the Welsh Government considers that the Senedd's consent is required for clause 6. Similarly, Schedule 4 is not mentioned in Memorandum No. 2.

As a point of general understanding, Memorandum No. 2 also does not explain the provisions of Part 1 or Schedules 1 to 4 in any detail, so as to allow readers to understand what the provisions mean and what the implications are for Wales. In highlighting this point, we draw attention to the fact that the original Memorandum described in detail each clause which required consent at that stage. As Part 1

and Schedules 1 to 4 were not included in the Memorandum because the provisions were not at that point applicable to Wales, we consider that such relevant explanations should have been provided in Memorandum No. 2.

Finally, we are also unsure as to the numbering used in Memorandum No. 2 to identify relevant clauses in the Bill. It appears that Memorandum No. 2 uses clause numbering from an earlier version of the Bill but while referring to clauses which have been amended and/or renumbered. Confirmation on this matter is critical to the Senedd's understanding and scrutiny of Memorandum No. 2.

We have taken the decision to draw these matters to your attention at this stage so that, once addressed, our report can focus on any and other significant issues which should be drawn to the Senedd's attention.

How you address the issues we believe we have identified with Memorandum No. 2 is, of course, a matter for you. However, in order to enable my Committee to formally report to the Senedd on Memorandum No. 2 by 3 March 2022, I would be grateful if you would clarify the issues we have drawn to your attention as a matter of urgency and respond by Thursday 17 February.

I am copying this letter to the Economy, Trade and Rural Affairs Committee.

Yours sincerely,

Huw Irranca-Davies

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Chair