

SL(6)195 – The Non-Commercial Movement of Pet Animals (Amendment) (Wales) Regulations 2022

Background and Purpose

These Regulations amend retained EU legislation to authorise the use of an alternative rabies antibody titre test for pet animals entering Wales from outside of the United Kingdom.

The Welsh Government's policy rationale, as explained in the Explanatory Memorandum, is that:

"Permitting the use of an additional test will significantly speed up the rabies testing process for pet animals entering Wales at a time when the system faces a significant backlog due to pet animals entering with their owners fleeing from Ukraine. This will reduce the overall burden on quarantine spaces and enable people being reunited with their pets earlier, while also protecting Great Britain's biosecurity."

These Regulations will expire on 1 October 2022.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

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

Merits Scrutiny

Two points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 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 Senedd

We note the breach of the 21-day convention (i.e. the convention that 21 days should pass between the date a "made negative" instrument is laid before the Senedd and the date the instrument comes into force), and the explanation for the breach provided by Lesley Griffiths MS, Minister for Rural Affairs and North Wales, and Trefnydd, in a [letter to the Llywydd dated 8 April 2022](#).

In particular, we note the following paragraphs in the letter:



“It has become necessary not to adhere to the 21-day convention due to the high numbers of animals arriving in a short period, which will imminently exceed the limited available spaces in quarantine.

The use of the faster test will reduce the waiting periods of pets in quarantine and the overall burden on quarantine spaces, enabling refugees to enter Wales quicker and becoming reunited with their pets earlier, while also protecting Wales’ biosecurity. The Explanatory Memorandum expands on the technical details.

Additionally, these Regulations will ensure consistency with equivalent changes, also urgently being made in England and in Scotland.”

2. Standing Order 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 Senedd

Regulation 1(2) of these Regulations provides that they expire on 1 October 2022. This is also explained in the Explanatory Memorandum. However, the Explanatory Note states that these Regulations will expire on 7 October 2022.

Whilst it is accepted that the Explanatory Note does not form part of the Regulations, this has the potential to cause confusion as to the expiry date of these Regulations.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

11 April 2022

