

Government Response: The Animal By-Products, Pet Passport and Animal Health (Fees) (Wales) (Amendment) Regulations 2023

Technical Scrutiny point 1: We note the substitution of “border inspection post” for “border control post” will mean the new wording no longer appears in the correct alphabetical position in the Welsh text in regulation 2 of the Animal Health (Miscellaneous Fees) (Wales) Regulations 2018. A minor change will be made to the wording of the provision to correct this prior to making.

Technical Scrutiny point 2: We note that defining “the Animal Health and Welfare Act 1984” as “the 1984 Act” in brackets after the full title of that Act in the preamble is superfluous as the Act is not referred to again in the Regulations. This will be corrected prior to making.

Technical Scrutiny point 3: We note the omission of “Column 2” and “Column 3” from the head of the columns in the first row of the substituted columns in regulation 2(5). This omission will be corrected prior to making.

Technical Scrutiny point 4: Taken together, in our view the descriptions in regulation 3(8)(a)(iii)(aa) and 3(8)(a)(iii)(bb) do allow for differentiation in the amendments to the sixth row of the Table in Schedule 3 to the Animal Health (Miscellaneous Fees) (Wales) Regulations 2018, as a reader should be able to follow that 3(8)(a)(iii)(aa) makes an amendment to “an EC” where it first appears, whilst 3(8)(a)(iii)(bb) makes an amendment to “or an EC” which appears later on in the sixth row of Column 1. However, for clarity, a minor change will be made to the wording in regulation 3(8)(a)(iii)(aa) prior to making to make clear that the substitution is made in the first place “an EC” appears.

Technical Scrutiny point 5: Whilst Note (2) may be a note for the whole of Table 2 in Schedule 6 to the Animal Health (Miscellaneous Fees) (Wales) Regulations 2018, it is footnoted in Column 2 of the table, which is now being substituted by a new Column 2. Therefore our view is that it should be included as part of the substitution. However, the closing quotation marks should therefore appear at the end of Note (2) rather than after the final words of Column 2, and this will be corrected prior to making.

Merit Scrutiny point 7: Whilst the enabling powers referred to in the preamble are correct, and therefore the validity of the Regulations is not affected, we note it would have been better practice to state the specific subsections to section 10 of the Animal Health and Welfare Act 1984 in identifying those enabling powers, rather than just citing section 10. This will be corrected prior to making.

Merit Scrutiny point 8: Whilst the reference to paragraph 1(8) of Schedule 7 to the European Union (Withdrawal) Act 2018 is correct, we note it would have been better to also make reference to paragraph 12 of Schedule 7 in order to clearly set out the

relevance of paragraph 1(8). To improve accessibility this will be corrected prior to making.

Merit Scrutiny point 9: Target stakeholder communication was undertaken, led by APHA, on a GB wide basis. This was the most appropriate form of engagement. The links to the August 2022 and March 2023 gov.uk updates have now been added to both English and Welsh versions of the Explanatory Memorandum. As well as these formal communications, fee changes were discussed during regular stakeholder meetings within each policy area affected by the Regulations.