

SL(6)596 – The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2025

Background and Purpose

The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2024 (**the 2024 Regulations**) amended the Charges for Residues Surveillance Regulations 2006 (**the 2006 Regulations**) to enable the competent authorities responsible for official controls to recover costs incurred in carrying out inspections and controls relating to surveillance of animals and animal products.

The 2024 Regulations also amended the 2006 Regulations by amending the fees to be paid in respect of the surveillance of animals and animal products.

The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2025 (**the 2025 Regulations**) correct an error in the amended fee introduced by the 2024 Regulations.

The 2025 Regulations insert the correct figure into Schedule 1 to the 2006 Regulations, amending the charge to be recovered for residue surveillance of Solipeds¹ from £0.04287 per carcase to £0.4287 per carcase.

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

One point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts

Regulation 1(3) in the English text states that the 2025 Regulations come into force on 28 March 2025. However, regulation 1(3) in the Welsh text states that the 2025 Regulations come into force on 28 March 2028.

¹ Solipeds are animals with a single, unclown hoof on each foot; for example, horses, donkeys, mules and hinnies.



It is clear from the context that the correct commencement date is 28 March 2025 and that there is an error in the Welsh text.

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument.

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

In our [report on the 2024 Regulations](#), we queried whether the figure of £0.04287 was correct. It appears that the Welsh Government accepts that the figure of £0.04287 was not correct.

We also note that the Explanatory Memorandum to the 2025 Regulations states that the revised charge applies to surveillance carried out from 1 October 2024 to 31 March 2025. In other words, the Explanatory Memorandum appears to say that the correction made by the 2025 Regulations will apply retrospectively.

There is, in the law of England and Wales, a presumption that legislation does not have retrospective effect. That presumption can be rebutted, but very clear words (or a necessary implication) are needed to do so.

We cannot see anything on the face of the 2025 Regulations that rebuts the presumption, nor can we find any necessary implication that rebuts the presumption. Therefore, in our view, the new figure of £0.4287 will not apply retrospectively – the new figure will apply only from the date the 2025 Regulations come into force (which we believe is 28 March 2025).

However, ultimately, this appears to be a non-issue because, according to the Explanatory Memorandum:

4.2 There are no slaughterhouses in Wales that are licensed to slaughter Solipeds, so this error does not have a detrimental impact on the delivery of the [National Residue Control Programme], however, these Regulations are required to correct the statute book, ensuring the 2024 Regulations are implemented uniformly across the UK which will provide clarity to both the [Veterinary Medicines Directorate] and operators.

7.1 These Regulations have no impact on any business, charity or voluntary body as there are no slaughterhouses licensed to slaughter Solipeds in Wales.

Welsh Government response

A Welsh Government response to the technical reporting point is required.

Legal Advisers

Legislation, Justice and Constitution Committee

19 March 2025



Senedd Cymru
Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
—
Welsh Parliament
Legislation, Justice and Constitution Committee