

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM

DEREGULATION BILL: AMENDMENTS IN RELATION TO AGRICULTURAL HOLDINGS ACT 1986, BREEDINGS OF DOGS ACT 1973 AND BREEDING AND SALE OF DOGS (WELFARE) ACT 1999

1. This Legislative Consent Memorandum is laid under Standing Order (“SO”) 29.2. SO29 prescribes that a Legislative Consent Memorandum must be laid, and a Legislative Consent Motion may be tabled, before the National Assembly for Wales if a UK Parliamentary Bill makes provision in relation to Wales for a purpose that falls within, or modifies the legislative competence of the National Assembly.
2. The Deregulation Bill (the “Bill”) was introduced in the House of Commons on 23 January 2014. The Bill can be found at:

<http://services.parliament.uk/bills/2013-14/deregulation.html>

Summary of the Bill and its Policy Objectives

3. The Bill is sponsored by the Cabinet Office. The UK Government’s policy objectives for the Bill is to remove or reduce unnecessary regulatory burdens that hinder or cost money to businesses, individuals, public services or the taxpayer.
4. The Bill includes measures relating to general and specific areas of business, companies and insolvency, the use of land, housing, transport, communications, the environment, education and training, entertainment, public authorities and the administration of justice. The bill also provides for a duty on those exercising specified regulatory functions to have regard to the desirability of promoting economic growth. In addition, the Bill will repeal legislation that is no longer of practical use.

Provisions in the Bill for which consent is sought

Agricultural Holdings Act 1986; resolution of disputes by third party determination

5. The consent of the Assembly is sought to the amendment to the Deregulation Bill, tabled on 13 March 2014 which makes amendments to various sections of and the Schedules to the Agricultural Holdings Act 1986. Those amendments to the 1986 Act make provision which enables the parties to agree for the settlement of disputes (other than those relating to a notice to quit) by an independent expert rather than arbitration.
6. Currently the Agricultural Holdings Act 1986 provides three methods of resolving disputes between landlords and tenants, namely:
 - a. the Agricultural Land Tribunal (in relation to Wales);

- b. arbitration; and
 - c. the Courts.
7. Arbitration is the primary method of dispute resolution under the Agricultural Holdings Act 1986. Most disputes, particularly those governed by practical agricultural considerations, are compulsorily referable to arbitration under the Agricultural Holdings Act 1986 which does not provide for an alternative dispute mechanism. The effect of the amendment will be to provide the parties concerned with a less burdensome alternative dispute resolution process which is quicker and cost-effective.
8. The amendments to the Agricultural Holdings Act 1986 apply in relation to Wales.
9. The amendments to the Agricultural Holdings Act 1986 do not include powers for Welsh Ministers to make subordinate legislation.
10. It is the view of the Welsh Government that these provisions fall within the legislative competence of the National Assembly for Wales in so far as they relate to:
- a. Agriculture (under paragraph 1 of Part 1, Schedule 7 to the Government of Wales Act 2006); and
 - b. Housing (under paragraph 11 of Part 1, Schedule 7 to the Government of Wales Act 2006).

Breeding of Dogs Act 1973 (c.60) and Breeding and Sale of Dogs (Welfare) Act 1998 (c.11)

11. The consent of the Assembly is sought to the amendment to the Deregulation Bill, tabled on 18 March 2014 which repeals:
- a. Sub-section 1(4)(i) of the Breeding of Dogs Act 1973 (and makes the necessary consequential amendments); and
 - b. Sub-sections 8(1)(e) and 8(3) of the Breeding and Sale of Dogs (Welfare) Act 1999 (and makes the necessary consequential amendments).
12. The proposed repeal of sub-section 1(4)(i) of the Breeding of Dogs Act 1973 and sub-sections 8(1)(e) and 8(3) of the Breeding and Sale of Dogs (Welfare) Act 1999 (together with the necessary consequential amendments) set out in the Deregulation Bill extends to England and, with the consent of the Assembly, Wales.
13. Section 1(4)(i) of the Breeding of Dogs Act 1973 currently requires the local authority, in determining whether to grant a licence to a breeding establishment for dogs, to have regard to the need for securing the

keeping of accurate records. Subsections 8(1)(e) of the Breeding and Sale of Dogs (Welfare) Act 1991 currently makes it an offence for the keeper of a licensed breeding establishment to sell to the keeper of a licensed pet shop or a licensed Scottish rearing establishment a dog which, when delivered, is not wearing a collar with an identifying tag or badge. Subsection 8(3) of the 1991 Act currently makes it an offence for the keeper of a licensed pet shop to sell a dog which, when delivered to him, was wearing a collar with an identifying tag or badge but is not wearing such a collar when delivered to the purchaser.

14. In England and Wales, new legislation is being developed (which will replace the existing legislation on dog breeding and identification) which, essentially, requires the identification of an animal by a microchip. If the existing requirements to retain paper records on dog identification were to be retained, this would be a duplicate requirement and retention would be a needless burden on small businesses. For information, the repeal of the dog breeding legislation mentioned above does not remove the requirement for a dog owned by a person to ensure that it has a collar and a tag identifying it and to which a lead can be attached.
15. For information, in relation to Wales, the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 is due to be laid and made before summer recess and to come into force 6 months later. It contains appropriate identification mechanisms such as the need to microchip a dog before it leaves a breeding premises and appropriate records on dog breeding.
16. On that basis it is considered that the dog breeding provisions being revoked by the amendment in the Deregulation Bill are no longer needed and, consequently, the proposed revocations should apply in relation to Wales.
17. The Deregulation Bill provision described above simply repeal sub-section 1(4)(i) of the Breeding of Dogs Act 1973 and sub-sections 8(1)(e) and 8(3) of the Breeding and Sale of Dogs (Welfare) Act 1999 (and makes the necessary consequential amendments). This Bill provision does not, consequently, provide any powers for the Welsh Ministers to make subordinate legislation.
18. It is the view of the Welsh Government that (in so far as these provisions relate to Wales) these provisions fall within the legislative competence of the National Assembly for Wales in so far as they relate to Animal Health and Welfare under paragraph 1 of Part 1 of Schedule 7 to the Government of Wales Act 2006.

Advantages of utilising this Bill rather than Assembly legislation

19. It is the view of the Welsh Government that it is appropriate to deal with these provisions in this UK Bill as it represents the most practicable and proportionate legislative vehicle to enable these provisions to apply

in relation to Wales. The proposed amendments are technical and non-contentious. In addition, the inter-connected nature of the relevant Welsh and English administrative systems mean that it is most effective and appropriate for the Bill provisions for both to be taken forward at the same time in the same legislative instrument.

Financial implications

20. There are no financial implications for the Welsh Government.

Alun Davies AM
Minister for Natural Resources and Food
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