

## Constitutional and Legislative Affairs Committee Draft Report

CLA(4)-21-14

### CLA440 – The Welfare of Animals at the Time of Killing (Consequential Amendments) (Wales) Regulations 2014

These Regulations make amendments consequential on the Welfare of Animals at the Time of Killing (Wales) Regulations 2014 (S.I. 2014/951) (W. 92).

They make consequential amendments to three Acts of Parliament and one statutory instrument to provide that those Acts and instrument refer to certificates of competence and licences issued under the Welfare of Animals at the Time of Killing (Wales) Regulations 2014.

**Procedure:** Negative

#### 1. Technical Scrutiny

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

#### 2. Merits Scrutiny

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

The Explanatory Memorandum notes as follows –

“These amending Regulations are made under the negative resolution procedure of the National Assembly for Wales as the provisions of these amending Regulations do not substantially affect the provisions of Acts of Parliament.”

As regulations are being used to amend primary legislation, the Committee would expect the affirmative procedure to be used, even though these are consequential amendments.

[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 Assembly;]

## **Legal Advisers**

### **Constitutional and Legislative Affairs Committee**

**August 2014**

#### **Government's Response**

The Welfare of Animals at the Time of Killing (Wales) Regulations 2014 that came into force on the 20 May 2014 (the 2014 Regulations) made provision in Wales for the administration and enforcement of Council Regulation (EC) No. 1099/2009 and certain national rules maintained or adopted under Article 26(1) and (2) of that Regulation. The 2014 Regulations also revoked the Welfare of Animals (Slaughter or Killing) Regulations 1995 (the 1995 Regulations) as they applied to Wales.

The Welfare of Animals at the Time of Killing (Consequential Amendments) (Wales) Regulations 2014 (the 2014 WATOK Consequential Regulations) make amendments consequential upon the 2014 Regulations to three Acts of Parliament and one Statutory Instrument.

As they apply to the three Acts, the effect of the 2014 WATOK Consequential Regulations is to amend those three Acts, as appropriate, to refer to the requirements of the 2014 Regulations as well as the requirements of the 1995 Regulations or to refer to certificates of competence and licences issued under the 2014 Regulations as well as licences issued under the 1995 Regulations.

The effect of the 2014 WATOK Consequential Regulations, in the case of the Statutory Instrument, is to include a reference to certificates of competence and licences issued under the 2014 Regulations. Therefore, the Statutory Instrument will refer to certificate of competence and licences issued under the 2014 Regulations as well as licences issued under the 1995 Regulations

and certificates of competence to kill animals under the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012.

The 2014 WATOK Consequential Regulations were made by the Welsh Ministers exercising the powers contained within section 2(2) of the European Communities Act 1972. The Welsh Ministers are designated to exercise those powers in relation to the Common Agricultural Policy of the European Union. Section 2(2) of, and Schedule 2 to, the European Communities Act 1972 do not prescribe the legislative procedure that must be followed in making regulations such as the 2014 WATOK Consequential Regulations.

The 2014 WATOK Consequential Regulations were made under the negative resolution procedure of the National Assembly for Wales as the provisions of these Regulations as set out above, did not make amendments which substantially affected the relevant provisions of the Acts of Parliament which they amended.