

Code of Practice for Species Control Provisions in Wales

I would like to thank the Committee for highlighting the *Code of Practice for Species Control Provisions in Wales* could be drafted in a clearer way to help the Welsh Ministers and Natural Resources Wales understand what “should” means and what “must” means in the Code.

The Code of Practice sets out to explain the circumstances when a species control agreement or order may be offered or made. The use of such provisions is limited to very specific circumstances and as such, the Code is aimed primarily at Natural Resources Wales as one of the two designated environmental authorities, the other being the Welsh Ministers. The Code was produced in close liaison with Natural Resources Wales and presented to their Regulatory Business Board and Biodiversity Board for information prior to publication.

Whilst the majority of uses of ‘must’ in the Code refer to specific statutory requirements it is acknowledged, in some other cases, there are possible inconsistencies between the use of the terms ‘must’ and ‘should’

My officials will therefore write to the Natural Resources Wales to clarify how the terms ‘must’ and ‘should’ are to be understood, explaining where the Code uses ‘must’ it expresses a specific legal requirement or is considered of highest priority to deliver Welsh Government invasive species policy objectives. The term ‘should’ expressing the views of Welsh Government as to how operations should be carried out to comply with the requirements to achieve a satisfactory, proportionate and consistent outcome in the delivery of species control provisions. The Code can be viewed on the on the Welsh Government website. A clarification note on the use of the terms must and should for those parties subject to a species control agreement or order will also be provided on the website.

Welsh Government will consider the application of this Code as part of the annual process of reporting on the number of species control agreements and orders issued each year. In the medium term, we will review and amend the Code to take account of the Committee’s comments and any feedback we receive from any affected parties.