

Constitutional and Legislative Affairs Committee Report

CLA143

Title: The Mink Keeping (Prohibition) (Wales) Order 2012

This Order, in exercise of the power granted by section 10 of the Destructive Imported Animals Act 1932, prohibits the keeping of mink in Wales.

Procedure: Affirmative

Technical Scrutiny

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

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 in respect of this instrument at this stage:–

- the previous Order, prohibiting the keeping of Minks, lapsed in 2004 due to an administrative oversight. The prohibition that this Order seeks to introduce has not, therefore, been in force for around 8 years;
- the Welsh Government has not received any applications to keep mink in the last five years and they do not anticipate the introduction of this Order affecting any groups in Wales;
- there has been no consultation on this proposal and purportedly no public interest in the issue in the last five years;
- the main justification for introducing this Order is because not doing so could undermine efforts to eradicate mink from localised areas or the benefits that competition from otters is having on mink numbers and distribution.

The Committee is concerned that:

- no evidence has been provided to support the reason for introducing the Order. Furthermore, such evidence as there is (of the practical effect of there being no prohibition for the last 8 years) suggests that the need for the Order is now questionable;
- the Order is being introduced simply to regularise an administrative oversight that appears to have had no practical effect for at least 5 years (possibly 8).

The Committee agreed to the report to the Assembly under Standing Order 21.3:

- that the matter gives rise to a matter of public policy likely to be of interest to the Assembly; and
- that the proposed Order may now be inappropriate in view of changed circumstances since the lapsed 2004 Order was made.

Legal Advisers

Constitutional and Legislative Affairs Committee

May 2012