

SL(5)246 – Code of Practice for the Welfare of Dogs

Background and Purpose

This Code of Practice is issued under section 14 of the Animal Welfare Act 2006 (the “Act”). This Code applies in Wales only, is issued by the Welsh Ministers and comes into force on 12 November 2018. It applies to all dogs for which a person is responsible.

It replaces the existing Code of Practice on the Welfare of Dogs issued by the Welsh Government in October 2008.

The Welsh Government undertook a review of the existing Code and consulted upon it in the autumn of 2017.

Appendix 1 to the Code refers to the relevant legislation. When it quotes from legislation made using the traditional gender specific (male pronouns) drafting style, it does so strictly, but only for strict accuracy. Similarly, legislation made in English only is not translated into Welsh.

Procedure

The power to make Codes of this sort was granted to the National Assembly for Wales by the Animal Welfare Act 2006 whilst it was a single body, and no procedure was specified. Following the creation of the Welsh Government as a separate legal entity under the Government of Wales Act 2006 ('GoWA'), the power transferred to the Welsh Ministers. Under the transitional provisions in Schedule 11 to GoWA, codes became subject to the same procedure as previously applied to codes made by the Secretary of State in relation to England.

A draft of the code must be laid before the Assembly. If, within 40 days (excluding any time when the Assembly is dissolved or is in recess for more than 4 days) of the draft being laid, the Assembly resolves not to approve the draft code then the Welsh Ministers must not issue the code.

If no such resolution is made, the Welsh Ministers must issue the code (in the form of the draft) and the code comes into force in accordance with its provisions. The intended date in this case is 12 November 2018.

Scrutiny under Standing Order 21.7

No points are identified for reporting under Standing Order 21.7 in respect of this code.

Government Response

No government response is required.

Implications arising from exiting the European Union

EU law contains legal requirements relating to animal health and welfare, and particularly during the movement of animals.



This Code reflects the requirements of that legislation, which will become retained EU law by virtue of the European Union (Withdrawal) Act 2018. That legislative framework will remain in force until it is amended. Animal welfare and animal health and traceability have been identified by the UK Government as policy areas where a common policy framework across the UK will be needed when the UK leaves the EU.

EU law requirements are likely to remain effective, particularly in relation to dogs that are regularly transported between the UK and the remainder of the EU. How, and if so to what extent, these matters remain relevant to dogs that are not intended to leave the UK will be a matter to be determined by the four UK governments. This Code will need to be kept under review as the policy and legislative context develops.

Legal Advisers

Constitutional and Legislative Affairs Committee

August 2018

