

## **STATUTORY INSTRUMENT CONSENT MEMORANDUM**

### **The Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019**

1. This Statutory Instrument Consent Memorandum is laid under Standing Order (“SO”) 30A.2. SO 30A prescribes that a Statutory Instrument Consent Memorandum must be laid and a Statutory Instrument Consent Motion may be tabled before the National Assembly for Wales (“Assembly”) if a UK Statutory Instrument (SI) makes provision in relation to Wales amending primary legislation within the legislative competence of the Assembly.
2. The Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019 (“Regulations”) were laid before the sifting committees in the Houses of Parliament on 13 December 2018. The Regulations can be found at:

<https://beta.parliament.uk/work-packages/wn36fV6A>

#### **Summary of the Statutory Instrument and its objective**

3. The objective of the SI is to address failures of retained EU law to operate effectively and other deficiencies arising from the UK leaving the European Union as provided for by the European Union (Withdrawal) Act 2019. It also covers operability amendments.
4. The SI makes amendments to:
  - The Animal Welfare Act 2006.

#### **Relevant provision to be made by the SI**

5. Section 29 of the Animal Welfare Act 2006 makes provision for an inspector to carry out an inspection in order to check compliance with regulations under section 12 of the Act (regulations to promote welfare) which implement an EU obligation. The amendments make corrections so that the law is operable after exit date by substituting the words “are retained EU law” for the current words, “implement an EU obligation”.
6. The changes identified above relate to functions that are within the legislative competence of the National Assembly for Wales, which could be the subject of a National Assembly Bill.
7. Section 108A of the Government of Wales Act 2006 enables the Assembly to legislate on any subject except those specifically reserved to the UK Parliament in Schedule 7A to the Act. The Assembly has legislative competence in relation to the environment.

## **Why it is appropriate for the SI to make this provision**

8. There is no divergence between the Welsh Government and the UK Government on the policy of the correction. Therefore, making separate SIs in Wales and England to correct the reference in question would lead to duplication, and unnecessary complication of the statute book. Consenting to this SI ensures that there is a single legislative framework across England and Wales, which promotes clarity and accessibility during this period of change. In these exceptional circumstances, the Welsh Government considers it appropriate that the UK Government legislates on our behalf in this instance.

**Lesley Griffiths AM**  
**Minister for Environment, Energy and Rural Affairs**

19 December 2018